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Augustine between Cicero and Kant: Some Cornerstones of the Historical Development of the Doctrine of an Internal Conscience

Abstract: In Cicero, contrary to modern views, one's conscience is described as purely public in nature. If someone behaves in a manner indicating no signs of a guilty conscience, we may infer that this individual feels no remorse. However, in Augustine's theories, conscience is no longer described as being publicly accessible. It is depicted as the inner realm of a human being observable only by God. Nevertheless, this perspective remains considerably distant from Kant's, where conscience can possess a binding, divine force even within an ethical framework independent of a sovereign, law-giving God.

1 Conscience as a distinguishing mark of Christian thought

'Conscience' seems a peculiar concept for the Western tradition both in its philosophical content and its historical origin. Systematically, conscience describes the self-cognition and self-evaluation by which the individual human being not only looks upon his own behaviour but also envisages his inner state of mind, evaluating them both. By conscience, everybody defines and creates his own personality, taking into account his relationship to others and their claims. In short, a person's conscience is crucial for leading a free and responsible life. Thus, conscience is a key element of the idea of human freedom, itself one of the core interests of European culture and philosophy, to which the works of Christoph Horn have contributed so many new insights. Given the crucial role of the theory of conscience in Western thought, it is not surprising that Immanuel Kant, who deals extensively with the question of human freedom and autonomy, discusses conscience in several passages, especially in his *Religion within the Boundaries of Mere Reason* and in the *Doctrine of Virtue* of his late *Metaphysics of Morals.*[1]

1 On Kant's theory of conscience cf. e.g. Esser 2013; Schmidt and Schönecker 2014.

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The importance of the idea of conscience for Western culture both in general and more specifically for Kant can partly be explained by its long history, which goes back to antiquity.[2] During this history, the notion of conscience developed gradually and, like other concepts pertaining to human personality (e. g., freedom or personhood), it only slowly acquired the meaning which it usually bears in modern European languages. It should be stressed in this regard that conscience is, first, a concept, the growing importance of which in late antiquity is closely connected with Christianity. In particular, the prominent place conscience has in the letters of Saint Paul[3] gave rise to an intense discussion about its nature and function, which has no parallel in pre-Christian philosophical literature. Kant especially reflects this fact by discussing conscience against the background of his own Pietist education, which in turn indicates the difference between his ethics of autonomy and the anxiousness induced by Pietist ideas of sinfulness and humility;[4] however, his emphasis on the nature of conscience as an inner court itself has early predecessors in certain texts by Philo and Saint Paul concerning those thoughts by which humans accuse or else defend themselves.[5] This line of thought is particularly influential in the Pauline discussions of conscience (συνείδησις).[6] Yet conscience is primarily a Latin word. Whereas Plato and Aristotle do not use the term συνείδησις, the Stoics do so only rarely, at least in their extant texts. Despite the important contribution of the Epicureans in this respect,[7] in the 1st century B.C. the Latin *conscientia* is much more widely used than its Greek counterpart *syneidesis*.[8] Furthermore, the Greek term is in many cases better rendered by 'consciousness' than by 'conscience'.[9]

The historical setting in which the concept of conscience emerges leads to the question of how much its use by Kant has been shaped by Christian convictions, interests and theories. In what follows, I would like to discuss the role of certain ideas of Augustine in this respect. For, in the first book of *De civitate dei*, the Church Father developed a peculiar account of conscience, which fundamentally differs in at least one respect from the pre-Christian meaning of the term: While in

2 For this history, cf. especially the overview of Reiner 1974.

3 Cf. *Romans* 2:12–16; 1 *Corinthians* 10:23–31.

4 Cf. Irrlitz [2]2015, 479.

5 *Romans* 2:15 (cf. Dunn 1988, 100–102); Philo of Alexandria, *De decalogo* 87–88. (vol. IV, 288–289. Cohn and Wendland).

6 *Romans* 2:15; 1 *Corinthians* 10:23–31.

7 Cf. on this point Reiner 1974, 575; Enke 2020, 194–198.

8 Cf., however, the passages collected by Dunn 1988, 100–102, which suggest that the use of the word could have been more widespread than is testified in the extant texts of the epoch.

9 Cf. on the history of those terms Maurer 1966, esp. 900–902.

Cicero's speeches conscience is regarded as being semi-private, so as to be recognizable from outside, Augustine stresses its strictly interior character in such a way as to preclude, at least in certain cases, any public evaluation of one's conscience. In this way, he paves the way for the ongoing debate about the interiority of conscience and its connection with punishment, which was also taken up by Kant, whose relationship with this tradition will be discussed at the end of this paper.

2 The publicity of conscience in Cicero's speeches

The speeches of Marcus Tullius Cicero are the first major source we have for the use of the Latin *conscientia*. This may be due to the fact that Cicero is the only orator of the Roman republic whose speeches have come down to us. In any case, the term *conscientia* is much more frequent in them than in Cicero's philosophical works. This scarcity of discussions of conscience by Cicero in strictly philosophical contexts probably reflects the conspicuous lack of interest in the concept in Greek philosophy even in the 1st cent. B.C., a time in which the corresponding Latin and Greek terms were already widely used by historians and orators.[10]

Cicero's speeches, however, display a wide range of meanings of and implications for the concept of conscience, which may furnish us with a suitable background for our later examination of the use of the term in some Augustinian passages. The most important points are brought together in the following passage:

> But if you still fail to see, when the actual facts are illuminated by proofs and evidences so lucid, that Milo returned to Rome with mind stainless and untarnished, with no taint of crime, confounded by no guilty terrors, stunned by no [act of] conscience, recall, I pray you, how prompt was his return, how impressive his entry into the forum, when the Senate-house was in flames; how superb was his magnanimity, his mien and his tone! [...] Great is the power of conscience, Gentlemen, great for bliss or for bane; it makes the innocent fearless, while it haunts the sinner with the ever-present vision of retribution.[11]

10 Cf. Maurer 1966.

11 Quod si nondum satis cernitis, cum res ipsa tot tam claris argumentis signisque luceat, pura mente atque integra Milonem, nullo scelere imbutum, nullo metu perterritum, nulla conscientia exanimatum, Romam revertisse, recordamini (per deos immortalis!) quae fuerit celeritas reditus eius, qui ingressus in forum ardente curia, quae magnitudo animi, qui voltus, quae oratio. [...] Magna vis est conscientiae, iudices, et magna in utramque partem, ut neque timeant qui nihil commiserint, et poenam semper ante oculos versari putent qui peccarint. (*Pro Milone* 61). Translation by N.H. Watts, with a minor change.

Cicero is here defending Milo against the charge of having murdered his rival Clodius (we may note that there is every reason to suspect that Milo had little justification for good conscience in this case).[12] His argument in the present passage consists in interpreting Milo's behaviour during his return to Rome within the context of a certain account of conscience and its effects. First of all, we note that Cicero already distinguishes between the bad, torturing conscience of a criminal and the good conscience of somebody not conscious of having committed any crime whatsoever. Furthermore, Cicero affects the conviction that one can determine another's state of mind (or *conscientia*) from their behaviour with a sufficient degree of certainty. He opines that one's good or bad conscience is profoundly felt and thereby influences his appearance; Cicero's view of this purported effect of conscience is likely due, at least in part, to his assumption that a criminal lives in fear of the revenge of the Furies, as he mentions in his philosophical treatise *De legibus*.[13]

Apart from what led Cicero to adopt such a view, we should note that the conscience he describes is of a purely public character: According to the text, if one is behaving in such a way as to show no signs of bad conscience, we may conclude that this person feels no guilt. This argument can even be used in the context of a juridical process, as the citation clearly demonstrates. A good or bad conscience is consequently not a strictly private, interior affair; rather, the inward state and manifest behaviour of human individuals are so closely linked that others may adduce their state of mind by certain objective, external criteria: Can we perceive when someone behaves in the manner of a guilty person?

This view in the context of ancient ethics may be less surprising than it appears at first sight. Arguably, it reflects the conviction of the philosophers of antiquity that virtue is not only a state of character, but that it also makes one *act* in a way fitting for a certain social role, for example as *paterfamilias* or husband.[14] If true, at least a certain class of virtuous actions would be somehow connected to the public sphere. The assumption that such a virtuous action would be observable does not seem absurd in this context. Indeed, according to Aristotle, even unvirtuous people may perform acts which appear good. However, they still do not do so in the way that a virtuous person would.[15] Since Aristotle explains in certain passages the differences between the actions of virtuous and unvirtuous people,[16]

12 Cf. MacKendrick 1995, 362–363.

13 Cic. leg. I 40. Here also, Cicero is drawing upon a rhetorical, not a philosophical, tradition; cf. de Plinval 1968, 115.

14 Cf. for example Aristotle, EN V 10, 1134a 30–b 18. Cf. Frede 2020, 850–851.

15 Aristotle, EN V 10, 1135a 7–1136a 9.

16 E.g., Aristotle, EN II 2, 1104b 3–13; II 3, 1105a 26–33.

it is conceivable in the context of his theoretical framework that the differences of their states of mind may also be distinguished, for example by observing their actions over a long period of time or attending to utterances pertaining to their motivations or feelings when acting in a certain way. Criteria of this kind could also have practical relevance, for example in identifying the right people for certain important positions, such as judges or other leaders, for example. If we consider Cicero's description of Milo's conscience in this context, it seems understandable that he assumes it to be observable: Since concepts such as conscience or virtue refer to a state of mind which brings about certain actions, and not merely as a purely interior state only known to the acting person.

3 An Augustinian discussion about the conscience of other persons

Let me now come to Augustine or, rather, to *De civitate dei* I. Regarding this text, I intend to do two things. First, I want to present a passage in which Augustine analyses the conscience of another person, thus adopting the Ciceronian use of the word, but with a recognizable change of accent: As we will see, Augustine does not ask whether somebody has committed a crime, but rather investigates the inner state of such a person, something he regards in itself as morally relevant. Second, I shall demonstrate how Augustine, at least in certain cases, practically excludes the possibility of analysing the consciences of others.

Let us first bring to mind the essential problem of the middle section of *De civitate dei* I: Augustine attempts to refute his imagined pagan adversary by demonstrating that all pagan virtue has been surpassed by Christian examples.[17] In order to achieve this, he alludes especially to the superiority of Christian virgins in comparison with pagan ones.[18]

The most important pagan example Augustine has to offer (or wishes to offer) is Lucretia, a noble Roman woman who killed herself after having been raped by the Roman royal prince Tarquinius – despite being innocent, according to the Latin tradition.[19] Augustine, who has previously argued fiercely against suicide, questions precisely this point: If Lucretia was indeed innocent, why should she have killed herself? Is it not more probable that her suicide testifies that she

17 On the structure of the book, see Tornau 2006, 156–158.

18 Of course, this description simplifies the complicated argumentative structure of those chapters, but for our purposes it should be sufficient.

19 Esp. Livius, *Historia Romana* 1, 57–59. Cf. Ogilvie 1965, 218–219.

did not have a good conscience? Here, Augustine indeed attempts to infer inner conditions from outward deeds ; however, he does so by way of a psychological analysis of the suicide's general state of mind, which is directly opposed to the influential Stoic position of Seneca.[20] Against him, Augustine stresses that suicide is usually not the deed of a free person, but shows inability "to bear hardships of some kind".[21] In the case of Lucretia, he considers firstly a moral hardship: Lucretia, he says, may have killed herself because she felt guilty for having tacitly consented to the sexual act, despite having outwardly opposed it.[22] According to the moral ideas of Augustine, which link the Stoic notion of consent with the Christian account of sin, such consent would in itself be a sin in the strictest sense, such that Lucretia would have indeed been guilty. We already see here a greater emphasis on interior states than we find in Cicero's use of conscience as a mere indication of an external act.

However, Augustine explicitly refuses to follow this line of thought (although we encounter it again later on), but pursues another: "she slew herself [...] not from love of purity, but because of a weakness arising from shame".[23] More concretely, Augustine reproaches Lucretia for attaching too much weight to other peoples' opinions – a trait he takes to be typical of a noble Roman woman. "Hence, she judged that she must use self-punishment to exhibit the state of her mind to the eyes of men to whom she could not show her conscience".[24] Augustine goes on to compare Lucretia to Christian women who did not kill themselves after being raped in captivity. They, he says, had no need to do so, because their good conscience, known to God, was enough for their justification.[25] This implies they had no need to justify themselves before anyone.

By this statement, Augustine criticises exactly that understanding of conscience we have observed in Cicero's view, that one is supposed to be innocent if he behaves as an innocent person would. This is precisely the logic Augustine applies to Lucretia: If she were indeed innocent, as ancient tradition has it, her suicide could only be explained by the intention to demonstrate her own innocence by this outward act. In Augustine's eyes, however, her suicide does not exhibit Lucretia's innocence, but only the absurd consequences of her normative convictions: Not only did they lead Lucretia to give herself a punishment more se-

20 On Seneca's position on suicide and its Stoic background cf. Hofmann 2007, 28–35.

21 Augustine, *De civitate dei* 1, 22 (Dombart and Kalb 1981, 36, l. 17). All English translations from *De civitate dei* are taken from Dyson 1998.

22 Augustinus, *De civitate dei* 1, 19 (Dombart and Kalb 1981, 32, l. 21–p. 33, l. 7).

23 Augustinus, *De civitate dei* 1, 19 (Dombart and Kalb 1981, 33, l. 15–16).

24 Augustinus, *De civitate dei* 1, 19 (Dombart and Kalb 1981, 33, l. 20–22).

25 Augustinus, *De civitate dei* 1, 19 (Dombart and Kalb 1981, 33, l. 24–33).

vere than that administered to the rapist himself, but they also put her in the absurd situation of feeling obliged to kill herself in order to display good conscience. In other words, her inward innocence was less valuable to her than her outward moral appearance. Her traditional moral convictions led her into an act which was at best superfluous, but which was in Augustine's eyes sinful in itself.

A further aspect, which has been highlighted by Christian Tornau, is that this interpretation of Lucretia's suicide ascribes to her the most fundamental sin Augustine has to offer: *superbia* – according to which even one's greatest good, a good character testified by a pure conscience, can become the cause of one's greatest sin, if given excessive weight.[26] This is exactly what one is led to suspect in the case of Lucretia, if one interprets her case in the best possible light, by assuming that she did not consent to the sexual intercourse and was conscious of not having consented. The results of this analysis are, firstly, that it is practically impossible to see a good conscience from the outside and, secondly, that the contrary assumption makes even honest people incline to the sin of *superbia.*

4 The hiddenness of the conscience of certain Christian virgins

While these points concern the formal aspects of conscience, its content plays a greater role when Augustine comes to inquire into the situation of certain Christian virgins, who had preferred to kill themselves rather than be deprived of their virginity – transgressing the strict prohibition on suicide Augustine takes to be the Christian position. Worse, in his view, the Church admires their deeds and honours them as saints, seeming to imply that certain people who kill themselves may be admired for exactly this act.

Understandably, Augustine approaches this complicated problem at a relatively late stage of his argument, after having demonstrated that suicide is always forbidden and that a rape to which the victim did not consent is no sin at all. His answer deserves to be quoted extensively, because it shows the role he ascribes to conscience in a very clear way:

> Of these women I do not venture any casual judgment. [...] For what if they did this thing not because they were deceived by human frailty, but by divine command, and so were not in error, but obedient? [...] He, therefore, who knows that it is not lawful to kill himself, may nonetheless do so if commanded by Him Whose commands it is not lawful to despise. Let

26 Cf. Tornau 2006, 192–193.

> him be sure, however, that the divine command is not made uncertain by any doubt. It is through the ear, then, that we become aware of the conscience of others: we do not presume to judge those things which are hidden from us. No one 'knoweth the things of a man, save the spirit of man which is in him'.[27]

Here, Augustine treats the problematic case of the Christian virgins on the basis of points already established: He gives an explanation in line with his strict prohibition of suicide, but without criticizing the ecclesial veneration of the virgins. The way he reaches his conclusion has, however, the potential of shaking the fundaments of ethics in general: one can conclude from his solution that there is no ethical norm which cannot be broken in a specific case by a direct command of God to individuals. Furthermore – and this is crucial for our question – divine commands are in an important regard very different from human ones: The only person who is competent to know, if she has received such a command, is the individual human being herself. She has herself, as Augustine underlines, the duty to examine carefully whether the command at question really comes from God, but she also has the duty to obey to it if the command is confirmed by this examination. Thus, the individual alone is responsible for determining her own conduct, even if it deviates from public norms. Regarding God's commands, everyone must judge their acts for themselves, and no one else is able to undertake such a judgment.

If this is true, it obviously becomes completely impossible to decide from the outside whether or not somebody has a good conscience. It is not only difficult to discern whether she has indeed consented to the potentially immoral aspects of the act, but one cannot say at all from the outside whether she has followed an ethical principle or not. In this sense, conscience is, according to Rom 2:16, "hidden from us" (*occulta*) and open only to God's judgment.

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27 De his nihil temere audeo iudicare. […] Quid si enim hoc fecerunt, non humanitus deceptae, sed divinitus iussae, nec errantes, sed oboedientes? […] Nam et miles cum oboediens potestati, sub qualibet legitime constitutus est, hominem occidit, nulla civitatis suae lege reus est homicidii, immo, nisi fecerit, reus est imperii deserti atque contempti. […] Quod si ita est iubente imperatore, quanto magis iubente Creatore! Qui ergo audit non licere se occidere, faciat, si iussit cuius non licet iussa contemnere; tantummodo videat utrum divina iussio nullo nutet incerto. Nos per aurem conscientiam convenimus, occultorum nobis iudicium non usurpamus. *Nemo scit quid agatur in homine nisi spiritus hominis, qui in ipso est.* Civ. *D.* 1, 26 (41, l. 17–18, 21–22, 28–p. 42, l. 9).

5 The limits of Augustine's description of decision of conscience and the position of Kant

From this point, we can summarise the new perspective that comes into view in *De civitate dei* I and also put forward some thoughts on the relationship between this perspective and Kant's ideas about conscience.

In the texts of Augustine that we have discussed, conscience has ceased to be the publicly accessible state of mind which it was in Cicero. Instead, it is described as the inner sphere of a human being which is observable only by God. This concerns both the relationship one has to one's acts with regard to whether one consents to evil, and to the moral quality of the act itself, which is ultimately constituted within the human being, according to one's own evaluation of the divine commands one may have received. In this regard, the crucial ethical dimensions of conscience are no longer accessible to evaluation by others.

Now, Augustine only treats exceptional cases here;[28] he does not intend to question in a general way the foundations of human social life within church and state. But his claims may imply general consequences: the difficulty in correctly assessing one's own motives without self-deception seems at first sight convincing from a psychological point of view. And the idea that God sometimes commands certain things of individuals, even to break the usual principles of morality, seems plausible when considered against the background of Christian thought, and this can be confirmed by biblical examples. However, both points taken together appear to imply that human judgements upon ethical matters are generally unreliable and will be in many cases unjust. This also holds true for the rewards and punishments following from them. Thus, Augustine's conclusions about exceptional cases indeed contain the force to shake the very foundations of human law and punishment.

This danger becomes even greater when we consider the fact that Augustine does not address in these texts the way in which human reason can dictate the decisions one takes. This is of course a core point which distinguishes Augustine's position sharply from that of Kant: Not only does Kant firmly reject theonomous ethical convictions and, consequently, the possibility of divine commands as a legitimate basis for human acts, but he also emphasises the human power of self-determination and of carrying out the judgements of one's conscience in a rational way. This is implied in Kant's famous rejection of the idea of an "erroneous

28 Tornau 2006, 199 – 200.

conscience", because something of this kind could only concern an *error facti*, but not the question, crucial from Kant's point of view, of whether somebody has followed the judgment of her conscience.[29] Thus, in Kant's point of view, the two cases described by Augustine would have to explained very differently: Lucretia's fault could only consist in her not having followed the judgment of her conscience – whatever she felt during the rape is not pertinent in this regard and could not be the reason for her personal guilt. As for the Christian nuns, Kant could acknowledge a divine command as justification for their behaviour only insofar as they themselves issue a quasi-divine judgment, namely by way of a general universal law by which their consciences are able to judge in their own right and justify human actions before God.[30] Thus we may say only in a very general way that Kant's ethics follow the Augustinian view of the interiority of conscience. He reconstrues the whole topic from a strictly rationalistic point of view. Whereas Augustine has contributed much to the idea of the strict interiority of conscience, Kant's contribution to the history of this concept is in explaining how conscience can have a binding, divine force even within an ethics independent of a sovereign, law-giving God.

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29 TL, AA 06: 411.

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