

## Kant's Conception of Conscience

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### Abstract

In this paper I provide a detailed account of Kant's conception of conscience in order to answer a significant question that has recently arisen in the secondary literature: How should we understand Kant's insistence on the infallibility of conscience? Some commentators have tried to make sense of the claim by suggesting that conscience is a special kind of moral judgment, while others have argued that it is a kind of feeling. My contention is that neither option is helpful in comprehending why and how Kant develops his ideas about conscience in this specific and peculiar way. I argue that the appropriate way to understand this conception is to establish its broader significance for Kant's moral philosophy, together with his understanding of human moral agency.

### Keywords

*Immanuel Kant, moral judgment, conscience, moral anthropology, practical philosophy*

There has been a recent interest in Kant's conception of conscience, especially with regards to his claim that "an erring conscience is an absurdity" (MS 6:401). Some Kant scholars attempted to make sense of this claim by arguing that conscience is a special kind

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of moral judgment (Knappik & Mayr 2013, Kazim 2017 and Vujosevic 2014). Others have suggested that conscience is a kind of feeling (Wood 2008). I shall argue that both options are unsatisfactory and that the correct way of understanding and assessing Kant's conception of conscience is by examining how it arises from what he calls a "moral anthropology". Kant's account of conscience needs to be pursued as a constitutive feature of our form of moral agency, which can be reduced neither to a kind of feeling nor to an intellectual power.

Let me begin by underlining the significance of this concept for Kant. We find discussions of the concept of conscience in many of Kant's texts especially from the 1790s. In contrast, there are only a few mentions of this concept in his earlier texts. I believe that the reason for this is conscience is part of a moral anthropology and it is not associated with the justification of moral principles (which Kant elaborates in the Groundwork and the second Critique).

Andrea Esser argues that, in Kant's moral philosophy, "conscience is assigned neither a causal role nor a leading role in terms of content, nor a generally or systematically important role, but only a marginal one" (Esser 2008, p. 281). From her point of view, Kant developed a more restricted account of conscience so that it does not compete with the dictates of practical reason. This is certainly correct; since conscience belongs properly to moral anthropology. This anthropology is required for the application and use of moral principles and not their content or justification (G 4:388).

Contrary to Esser, however, I shall insist that the concept of conscience does play a systematically important role in Kant's moral philosophy. Conscience is explicated many times in Kant's lectures on ethics, and it is discussed extensively in two major works from the 1790's (*Religion Within the Boundaries of Reason Alone* and the *Metaphysics of Morals*), as well as in the essay on Theodicy. What is characteristic of these later works is their concern, not with the grounding of morality per se, but with the necessary features of our agency through which pure moral principles can be learned and acted upon. Since the book on Religion and the Theodicy essay deal mostly with the religious aspect of conscience, I shall focus on the lecture notes and the *Metaphysics of Morals*, leaving the former investigation for another paper.

Taken collectively, these later texts can be construed as parts of a moral anthropology, which is of utmost importance if we are to make use of the moral principles presented in Kant's earlier works such as the Critique of Practical Judgment or the Groundwork. That Kant was aware of the systematic importance of a moral anthropology is evident from the fact that almost all his major writings from the 1790s are somehow

related to it or can be used to expand upon it.<sup>2</sup> We also see that conscience is discussed in detail in these texts.

Let us first look at the lecture notes on ethics in order to see the basic aspects of Kant's conception of conscience.

### **1. Conscience in the Vigilantius Lecture Notes (1793-94)**

Before getting into the discussion on conscience, a short comment on the reliability of the lecture notes itself might help us along the way. The lecture notes taken by Kant's students and colleagues are usually not taken to be authoritative by themselves. The main reason for this is that Kant did not have his own manuscript for these lectures, and the notes seem to have been written after class. Hence it is likely that there have been some omissions or distortions with regard to what Kant actually taught in class.<sup>3</sup> That being said, what we read from the lecture notes on the concept of conscience is exactly in line with what we can find in Kant's published works. For this reason, I believe the lecture notes can be used to ascertain some interesting features of Kant's conception of conscience by providing some key concepts and distinctions.

Kant's first attempt to elucidate the concept of conscience can be found in the lecture notes taken by Georg Ludwig Collins in 1784. In these notes we find that Kant had already begun thinking about conscience as an internal court (CL 27:355)-a metaphor that can be found also in the *Metaphysics of Morals* of 1797. However, his mature view of conscience is not to be found in these earlier notes, since he then thought that there could be errors involved in conscience. In his expositions of conscience during the 1790s, Kant consistently defends the highly unorthodox view that conscience is infallible. For this reason, I begin my discussion with the Vigilantius lecture notes.

These lecture notes taken by Johann Friedrich Vigilantius begin nine years after the Collins notes, on October 1793, and consist of Kant's presentation of the metaphysics of morals. However, taken as a whole, there are significant differences between the lecture notes and the eventual work that Kant published in 1797.<sup>4</sup> One reason for this is that Kant taught a separate course on the doctrine of right, and hence the Vigilantius notes do not have an extended discussion of issues related to justice. With regards to Kant's conception of conscience, however, we do not come across many significant changes, although there are differences in emphasis and the method of explication.

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<sup>2</sup>For an excellent investigation of the significance of anthropology for Kant's philosophy in general, I refer the reader to Robert Louden's work, especially his book entitled "Kant's Human Being" (2011).

<sup>3</sup>See Denis & Sensen 2015, p.1-12 for further details on the reliability of the lecture notes.

<sup>4</sup> See the introduction to the Lectures on Ethics by J.B. Schneewind from the Cambridge edition in 1997.

In these lecture notes we also find the famous court metaphor of conscience, however, since it is discussed more in detail in the *Metaphysics of Morals*, I shall take up that metaphor in the next section. The main role of conscience that can be gathered from these notes is that it is concerned with the examination of “inner actions” of a moral agent, since they cannot be “known to an external judge” (VL 27:572). These inner actions include our disposition toward the requirements of morality. The phenomenon of conscience involves a reflexive judgment on the “morality” of our actions, rather than their “legality”. This is a key feature of Kant’s conception of conscience and it explains in part why Kant discusses this concept within the purview of the *Doctrine of Virtue* (instead of the *Doctrine of Right*) in 1797.

The lecture notes indicate that Kant thought this internal court can also be regarded as an external one, if a person believes in God and “accepts [him] as a judge” (VL 27:574). This is a peculiar way of putting the issue, but I shall clarify it when I return to the court metaphor in the next section, where the presentation of this metaphor is more comprehensive. There is an important point to be noted in this part of the notes as it is relevant for Kant’s account of conscience in general: the internal forum of conscience cannot settle issues about human justice, since this is in the purview of the faculty of understanding and its determining aspect (VL 27:574). One central feature of Kant’s account of conscience is that it is closely related, yet distinct from, the power of judgment. I shall explicate the significance of this point in the last section of this article where I discuss Kant’s insistence on the infallibility of conscience.

In the same part of the lecture notes we also find a crucial insight that is of utmost importance for Kant: even if a person does not believe in God, s/he can still have a conscience “in case s/he possesses moral principles as such” (VL 27:574). This view of conscience can be called a “cosmopolitan view”, since it disregards differences in religious convictions and instead places conscience primarily into the domain of morals. The relation between conscience and religion remains relevant, but it is now endowed with a particularly moral import.<sup>5</sup>

Here Kant seems to talk about conscience as “the ability to impute one’s own deed to oneself” and conscientiousness as the “readiness to do this [imputation]” (VL 27:575). Conscience, in this regard, is understood as presupposing an objective obligation and is relegated to the role of strengthening the disposition to fulfill that obligation. In this part of the lecture notes, the violation of conscience is connected to the “loss of one’s entire moral worth” (VL 27:575).

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<sup>5</sup> I believe this is one of the reasons why Kant eventually argues that conscience is infallible; to make room for a cosmopolitan understanding of moral and religious convictions. If each conscience is unique and infallible, we cannot prosecute people for having unorthodox religious beliefs (a practice which had been popular throughout Europe, especially during the Middle Ages). This political justification of the idea that conscience is infallible is certainly interesting, and it warrants another work. I will be focusing on the relation between conscience and moral anthropology in this paper.

Given a moral dilemma, any choice that goes against our conscience would result in a kind of “self-denial” or a threat to personal integrity. This idea is closely related to the infallibility of conscience. One cannot be mistaken that the call of conscience is sincerely one’s response as a moral agent thus constituted. It is a moral response, in the sense that it is a response that one may regard as morally appropriate and necessary. However, the response of conscience is not a response that we give voluntarily, and it is not sufficient for initiating action. This requires forming a maxim to act and hence, volition.

How the imputation of a deed is connected to conscience can be understood from some remarks in later parts of the lecture notes. One important point related to this issue is that conscience is like apperception, involving the “consciousness of my will, my disposition to do right . . . consciousness of what duty is” (VL 27:614).<sup>6</sup> What is characteristic of conscience, then, is that it contains an awareness of the content of my volitions (and hence maxims). In order to impute an action to myself I need to be able to regard myself as responsible for the action that I have done. This is a significant part of the lecture notes from which we can understand the relation between conscience and reflexive judgment, since it is only by using reflexive judgments that I can conceive of myself as having acted intentionally.

Intentional action is the kind of action for which I am morally responsible. We also see the same point made in the *Metaphysics of Morals*. There, Kant implies that conscience is the condition of all duties as such (MS 6:407), since without it no one “would neither impute anything to himself as conforming with duty nor reproach himself with anything as contrary to duty” (MS 6:401). Imputation results from our own awareness that the action that springs from us is intentional, and hence we are morally responsible for its consequences.

The close connection that Kant draws between conscience and judgment should not lead us to the view that they are identical.<sup>7</sup> In the next page of the lecture notes, Kant seems to criticize Baumgarten for equating conscience with judgment as “subsumption of our doings under the law” (VL 27:616). Throughout his moral writings, Kant is usually very careful in distinguishing clearly between that which falls under the purview of the understanding (which concerns the determination of what our duty is in a given situation) and our subjective awareness of whether we have in fact done what is our duty or not, including whether we have done it for the right reasons or not.

A related issue is the kind of temporality involved in the different roles that conscience can play with regards to action. In this connection, Kant talks about a distinction between an examining and a judging conscience (VL 27:615). The former

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<sup>6</sup> In the notes we find the word apperception, however as the discussion moves forward, I shall argue that Kant describes conscience in a manner which is more like perception, which suggests a closer relation to sensibility. I thank the referee for pointing this issue out.

<sup>7</sup> This is a view commonly found in secondary literature. I shall discuss this point in the last section.

relates to present and future action while the latter relates to our past actions. Examining conscience is related to a deed: we reflexively examine ourselves to appraise whether we have considered all the relevant information that pertains the situation at hand. In that respect it is necessary “to ensure that no object is present in the *factum*, and known to us, that has not been examined and taken into account” (VL 27:614). During this part of the lectures, Kant lists three dicta about examining conscience: self-examination, reaching subjective certainty that the examination is thorough, and being sincere in our judgment of ourselves and the situation at hand. This role of conscience is also clearly tied to the notion of reflexive judgment (VL 27:618). In its examining aspect, conscience relates to a situation in which we are about to act, that is, to present or future situations of moral action and this aspect of conscience has to be cultivated so that we can orient ourselves better in moral situations (VL 27:617). The reason for this is that conscience “reinforces our awareness” that we are in a “situation governed by laws of duty” (VL 27:619).

What follows from this is that conscience, in its examining aspect, is inherently reflexive, but we must keep in mind that its influence on our will is not automatic. This consciousness by itself does not ensure that we shall act on that verdict. In other words, conscience is the cursor by which reason influences our deliberation in a moral situation, but it never determines it completely, as it is up to us whether to incorporate the verdict of conscience into our maxim.

Judging conscience, by contrast, pertains to our past actions and this is where feelings of remorse or a “nagging conscience” come into play. According to the lecture notes, this nagging conscience can only be soothed by amending the wrong we have committed, rather than wallowing in self-anguish (VL 27:618). This is crucial even at the hour of death. We are obligated to do what we can to ameliorate any situation in which we may have done wrong. As we can read from Vigilantius’ notes: “even in death we must be meticulous in preventing evil consequences of our actions from arising after our demise, and so must not disdain even the seeking for forgiveness” (VL 27:619).

At this point we can read Kant’s contention that conscience is infallible is easier to grasp via a distinction between an error of judgment and an “awareness of the wrongness of reasons” (VL 27:614). What is unconscientious is to “regard something as a right while knowingly holding it to be wrong”. This means that we can be mistaken about the rightness or wrongness of the action, but we cannot be mistaken about whether we believe that the action in question is right or wrong. Here, the role of conscience is relegated to our subjective disposition toward the deed in question, which includes consciousness of the fact that the appropriate kind of self-examination has taken place. We cannot be in error with regards to whether we have examined ourselves or not and it is primarily in this sense that Kant thinks conscience is infallible.

In this section I have presented some of the central aspects of Kant’s conception of conscience that we can gather from the Vigilantius lecture notes. Conscience is involved in

the imputation of a deed to ourselves; it is distinct but closely related to the power of judgment, it is infallible and it ought to be cultivated, especially in its examining aspect. I now turn to Kant's discussion of conscience in the *Metaphysics of Morals*.

## 2. Conscience in the *Metaphysics of Morals* (1797)

Kant's conception of conscience is formulated and discussed most extensively in the *Doctrine of Virtue*, which is the second part of the *Metaphysics of Morals*. In the introduction of the *Doctrine of Virtue*, conscience is counted among the four "concepts of what is presupposed on the part of feeling by the mind's receptivity to concepts of duty as such" (MS 6:399). It is crucial to grasp what this formulation means to see what place Kant accords to conscience within our moral lives. The other three preconditions are moral feeling, love of one's neighbor and respect for oneself (self-esteem).

What is significant about these preconditions is that our consciousness of them "only follow from consciousness of a moral law, as the effect this has on the mind" (MS 6:399). We do not have a duty to acquire these preconditions, as they are constitutive of our form of moral agency. We do have a duty to cultivate and strengthen these preconditions so that they aid us in acting in accordance with duty.<sup>8</sup>

In his paper entitled "Moral Feelings in the *Metaphysics of Morals*" Paul Guyer translates the phrase "concepts of what is presupposed on the part of feeling" as "aesthetic preconditions" (Guyer 2010, p. 130fn). According to Guyer, there is a hierarchical relation between these four preconditions in terms of generality. Moral feeling is the most general as it is "what makes us susceptible to the general idea of acting in accordance with duty" (ibid., p. 141). The other three preconditions relate to increasingly specific aspects of our moral practice. Conscience is concerned with particular maxims (ibid., p. 144), love of one's neighbor and self-esteem "impel us to strengthen our natural disposition to sympathy" and can play a role "as proximate causes of particular actions" (ibid., p.150).

According to Guyer's account, the cultivation of the most general precondition (moral feeling), leads to the cultivation of the other three preconditions in order of specificity. It is unfortunate that Guyer uses causal locutions to explain the relation

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<sup>8</sup> This point seems to create a tension for Kant's distinction between acting from inclination (aus Neigung) and acting from duty (aus Pflicht). The worry seems to be that, if any inclinations are involved in performing the right action, we cannot have acted solely from duty. Paul Guyer resolves this tension by offering a different interpretation. According to him, the requirement of moral merit (which is acting solely from duty) has to be interpreted as the requirement that the agent ought "to do what is necessary in order to fulfil his duty" which may involve cultivating certain moral feelings that facilitate acting in accordance with duty. Acting from duty is then construed as a second-order intention to do what one can so that the requirements of morality are responded to. I believe this is a very plausible reading which can be reconciled with Kant's texts. See Guyer 1997, pp. 380-1 for more details on this interpretation.

between these preconditions and action.<sup>9</sup> When the initiation of action based on a maxim is considered, a causal account cannot provide the proper normative grounds of guidance, since they can only present us with what is the case.

The main concern for the aesthetic preconditions, therefore, cannot be their causal efficacy (or lack thereof), but rather their appropriate cultivation and strengthening with respect to our moral agency in general, that is, the proper attunement of these preconditions in accordance with the requirements of morality. In this endeavor we are to employ the reflexive aspect of judgment (as it relates to features of intentionality), rather than the determining aspect (generally related to causal or substantial theoretical judgments). The reason for this is that morally significant actions can only be recognized to be such on the assumption of freedom of action, which requires not a determining judgment about causal processes but a reflexive judgment about intentionality: that is, unless freedom is central to our self-understanding, we cannot make sense of morality at all.<sup>10</sup>

Kant asserts that there cannot be a duty to acquire these aesthetic preconditions, rather, all human beings possess them, simply in virtue of being semi-rational agents (MS 6:399). These preconditions can be regarded as constitutive of moral agency (as they have their source in our consciousness of the moral law) but it is not enough to possess them, one needs to be attentive towards them and cultivate them. This is what Henry Allison calls the incorporation thesis; no matter which feelings or preconditions are present in an agent, only through their incorporation into maxims can they play a role in moral action (Allison 1990, p.54). What needs to be cultivated, then, are not only these preconditions, but also our responsiveness to them as free agents. The attunement of these preconditions can only be accomplished through moral education.

What is significant is that the effect of the moral law on our minds does not only have intellectual import, but also an emotional aspect. All four predispositions involve both the thought of duty and some kind of feeling. One reason for this is that the human will is “pathologically affected” but not determined (A534/B562). Another reason is that all our volitions (or indeed, all our experiences) involve some sort of inclination (G 4:398). Moral feelings can be said to increase our awareness of the morally salient features in our everyday experience. This is the way in which Kant construes the aesthetic predispositions, and hence conscience.

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<sup>9</sup> See for instance (Guyer 2010, pp. 140): “moral feeling plays a causal role in the etiology of particular actions” or p136 “in the second Critique he recognizes only one causally efficacious moral feeling, the feeling of respect”. Given Kant’s Incorporation Thesis (aptly named by Henry Allison), no feeling or incentive by itself can be efficacious in any sense, unless and until we incorporate them into our maxims (or take them as reasons for action).

<sup>10</sup> See the footnote in MS 6:379: “For we can explain what happens [in an action violating the moral law] only by deriving it from a cause in accordance with laws of nature, and in so doing we would not be thinking of choice as free. But it is this self-constraint in opposite directions and its unavoidability that makes known the inexplicable property of freedom itself”.



I claim that the voice of conscience yields a specific affective tone through which it emulates a certain kind of moral experience. This is the way in which conscience can be understood as distinct from other mental phenomena. In order for us to attribute this experience to conscience, we need to be able to discern what distinguishes conscience from other moral feelings. Kant associates the feeling of awe (respect coupled with fear) with the functioning of conscience (MS 6:438) and I claim that this is the key property which distinguishes conscience from other mental phenomena.

Conscience provides an affective link between the moral law and our minds-I recognize this law as authoritative, and therefore I recognize myself as obligated to act in accordance with it. This imputation has both an intellectual and an affective character. If conscience were purely intellectual, a further question would arise as to that which gives rise to the painful feelings of guilt and remorse. These feelings must be understood as part of the operation of conscience, or we would need a further capacity to translate the verdict of reason into such feelings apart from conscience. The talk of “pangs” of conscience also relates to this point (see VL 27:43). Otherwise, we face the danger of conscience being swallowed up by our intellectual capacity-reason.

What makes conscience distinctive, then, is that it incorporates both feeling and intellect. However, the same is true of what Kant described as the feeling of respect in the 1780s, and what he calls the four aesthetic preconditions in the *Metaphysics of Morals*. After the passage in which Kant discusses the court metaphor of conscience (a topic to be discussed shortly), we get a clue as to what distinguishes conscience from the other aesthetic preconditions: “Every human being has a conscience and finds himself observed, threatened, and, in general, kept in awe (respect coupled with fear) by an internal judge” (MS 6:438).

Kant usually correlates the general feeling of respect with our consciousness of the moral law. Conscience, then, adds an element of fear, which can be attributed to a fear of punishment. This fear of punishment can only arise in a situation where there is danger of deviating from the requirements of morality and hence it can be felt prior to the deed, perhaps via a representation of the deed in question. What we fear in this situation is to be found guilty of a violation of duty (MS 6:440). In this context, what distinguishes conscience from the moral feeling is that it is more specific, and it incorporates an element of fear.

Kant’s remarks on the feeling of awe (*Ehrfurcht*) will be helpful to understand the kind of feeling that is associated with conscience. In his essay on the relation between theory and practice (dated 1793), Kant relates the feeling of awe with our recognition of the greatness and sublimity of our true vocation. This awe accompanies an inner experience in which “the mind is elevated and animated toward a pure moral disposition” (TP 8:287). Here Kant also suggests that, in private and public instruction, we must draw

attention to the fact that we are able to do as duty requires with appropriate respect toward the moral law.

In the *Metaphysics of Morals*, the feeling of awe is associated with the respect that is owed to the “principle of God’s right” which is “justice” (MS 6:489). Here, justice must not be construed as something that we owe to God, since, ultimately, we can only comprehend the moral relations of human beings to human beings (MS 6:491). Nevertheless, the pursuit of justice in this world has an affective aspect to it, which includes feelings of awe and reverence.

The feeling of awe, however, is not necessarily connected to a religious doctrine or denomination. This point is made clear by Kant in his book on *Religion*. As he puts it “[...] awe is not a particular act of religion, but the religious disposition which universally accompanies all our actions done in conformity to duty” (R 6:154fn). In this work, Kant also describes the feeling of awe as being instilled by the majesty of law. This feeling rouses “the respect toward a master . . . that lies in us” and hence it is ultimately a feeling directed at the “sublimity of our own vocation” (R 6:23fn).

The feeling of awe can also be shown to be associated with what Kant calls reflexive judgments on the sublime in the third *Critique*. While Kant does not spell out a direct connection between conscience and the sublime, I believe his remarks allow for an interpretation which ties them together. That being said, one crucial difference has to be noted: reflexive judgments on the sublime constitute an aesthetic judgment, which Kant categorizes as disinterested and hence not directly related to the faculty of desire: it is instead related to the enlargement of the faculty of imagination and its harmony with the faculty of reason (KU 5:250, 5:256). Conscience, on the other hand, is always involved with the practical aspect of reason and hence is “interested” (VL 27:620).

Nevertheless, the affective aspect of these operations of the mind seem to carry some similarity, as they both give rise to the feeling of awe and they are both related to the effects of the moral law upon our minds. The judgment of the sublime “awakens the feeling of a super-sensible faculty in us” (KU 5:250). The super-sensible here must be understood as an authority that rules over our sensible nature, since Kant associates the feeling of sublime as related with the “dominion that reason exercises over sensibility only in order to enlarge it in a way suitable for its own proper domain (the practical) [. . .]” (KU 5:265). Recognizing the authority of the moral law that arises from reason, then, gives rise to the feeling of awe. From an interested, that is, practical perspective this feeling is associated with conscience. From a disinterested, aesthetic point of view, this feeling is associated with reflexive judgments on the sublime.

In the Vigilantius lecture notes, we saw the suggestion that Kant also relates the feeling of awe (which he also calls supreme respect) with piety (*pietas*), which is “the disposition to perform virtuous actions in a god fearing frame of mind, representing the highest stage and a pendant to duty, since human duties are here construed as commands of

God” (VL 27:715). The feeling of awe is ultimately connected with what we take to be sacred. Kant’s conception of conscience is intimately related with holiness but construed not from the perspective of a revealed religion, but rather from the perspective of a more cosmopolitan, moral religion.

An issue related with holiness can be found in the *Metaphysics of Morals* as well. Conscience, according to Kant, appears peculiar because its dictates seem to be those of another person, although one and the same person is both judge and s/he who is judged in the internal court of conscience (MS 6: 438). This passage implies a duality of persons residing in one and the same subject.

Kant grounds this distinction in his Transcendental Idealism, claiming that the “judging” aspect is done by the “homo noumenon” while that one who is being judged is the “homo phenomenon” (MS 6:335, 6:418). However, he does not require transcendental idealism to provide a basis for this distinction, he only needs a conception of moral agency that can act from duty (autonomous), but that is also prone to deviating from the moral law (heteronomy). This involves incorporating an awareness of our moral worth and comparing it with a moral ideal within the phenomenon of conscience. Ideals arise from our reflexive judgments pertaining to a systematic unity of our concepts, ends or principles. Kant already draws attention to this ideal in connection with conscience in the *Metaphysics of Morals* (MS 6:438). In order to see how this moral ideal functions, let us take a closer look at the court metaphor that Kant puts forward in the *Doctrine of Virtue*:

Every concept of duty involves objective constraint through a law (a moral imperative limiting our freedom) and belongs to practical understanding, which provides a rule. But the internal imputation of a deed, as a case falling under a law (in meritum aut demeritum), belongs to the power of judgment (iudicium), which, as the subjective principle of imputing an action, judges with rightful force whether the action as a deed (an action coming under a law) has occurred or not. Upon it follows the conclusion of reason (the verdict), that is, the connecting of the rightful result with the action (condemnation or acquittal). All of this takes place before a tribunal (coram iudicio), which, as a moral person giving effect to the law, is called a court (forum). Consciousness of an internal court in man ("before which his thoughts accuse or excuse one another") is conscience. (MS 6:438)

This passage reinforces Kant’s distinction between the process of judging and our consciousness of it. During moral deliberation, there are various thoughts at play, representing different points of view on the matter at hand. At the end of this inner discussion, reason reaches a verdict and this verdict is made known to us through a verdict, which either carries with it an affective probing or “nagging” or relieves us from our anxiety of being found guilty in our own regard. That conscience is intimately connected with sensibility is apparent. As Kant puts it: “although the pain one feels from the pangs of conscience has a moral source it is still a natural effect, like grief, fear, or any other state of suffering” (MS 6:394).

Now, in our eventual action we may choose to listen to our conscience, or we may choose to do something else: this would result in following one of the thoughts that “made its case” in the court of reason. In case this happens, we are not acting sincerely; that is, we are not acting according to our best judgment. As we have seen in the Vigilantius lecture notes, this is “regarding an action as right while knowing that it is wrong” and hence it is blatant insincerity (VL 27:614).

In his discussion of court metaphor, Kant appeals to God, or a subjective representation of God as the inner peer mentioned earlier (MS 6:439). This inner peer is the representative of what we take to be a moral ideal. We ought to compare our actions and maxims with what we think would be the actions and maxims of a morally perfect being, imagined as acting always from duty (*aus Pflicht*) and never from inclination (*aus Neigung*). Kant insists that we must not compare ourselves with other people in terms of moral perfection, but we must rather compare ourselves with the requirements of morality and to what extent we have been successful in meeting them (see KpV 5:37, 5:69, 5:74; MS 6:435, 6:437).

In his explication of Kant’s account of conscience, Owen Ware suggests that what the agent takes to be the moral ideal in conscience is “who s/he ought to be” (Ware 2009, p.691). This sounds plausible, but I believe Kant is searching for a stronger ideal. What judges us in conscience is not only our best version, but also a “scrutinizer of hearts” (MS 6:439). Kant is pessimistic with regards to self-knowledge (MS 6:382, 6:447). This means that we need to imagine an agent who has better access to our inner dispositions than we do. This could only be conceived as an ideal spectator, or God.

Even though we cannot know our deepest dispositions with certainty, we can strive to make them accessible and try to model our behavior on what an ideal agent would do in each situation. We cannot know our own maxims, since we are prone to self-deception (R 6:68, T 8:268fn), but we can know what an appropriate and moral maxim would be, since we are aware of the requirements of morality. This moral ideal can be used as one precisely because it cannot be compared with anything else, since it is of supreme significance and hence is incomparable and inviolable (G 4:435). In this sense, the moral law is the sole principle we can use for a precise measurement of legitimate action and moral disposition.

In conscience, we imagine this being also as judging us, as it knows all our dispositions (MS 6:439). Here, conscience can be understood as affective feedback through which we assess our own judgments—we imagine a morally superior person (a judge) who has full access to our motives and maxims, and we submit our purported (or past) decisions to its scrutiny. This judge is a figure which we ought to respect and fear. This is why Kant characterizes conscience as “being accountable to God for all of one’s deeds” (MS 6:439).

In this section we have examined the key features of Kant’s account of conscience. It is one of four “aesthetic predispositions”, it is distinct from our other cognitive and conative processes by its’ ability to combine intellect and affection, it gives rise to the

feeling of awe and it involves an experience of being judged by an ideal spectator. We have also introduced the crucial distinction between judging and being conscious of that judgment. In the next section I shall discuss one of the most central issues in the interpretation of Kant's account of conscience, namely his insistence that "an erring conscience is an absurdity" (MS 6:401).

### **3. Infallibility of Conscience**

Kant makes two significant claims about conscience which warrant our attention, as these claims have given rise to several discussions in secondary literature. Conscience "speaks involuntarily" and it "cannot err" (MS 6:401). As we have already established, conscience is something that can be cultivated. While an involuntary and un-erring response can hardly be said to be related to anything intellectual or spontaneous, the ability to cultivate seems to imply a middle ground between receptivity and spontaneity. I shall attempt to show that it is in this middle ground where the infallibility of conscience lies.

In Kant's view, spontaneity is the common property of reason, understanding and judgment and these faculties are clearly distinguished from sensibility, which is generally construed as receptive (B68, A51/B75, B93, A97). In this respect, our judgments are fallible, but feeling is infallible (A293/B350). As a corollary, the spontaneous aspect of cognition is always open to mistakes. Hence, one reason for the infallibility of conscience could be that we do not have spontaneous control over it.

Some commentators have suggested that, since Kant construes conscience as infallible, it cannot play a central role in his moral philosophy. Andrea Esser stresses that "[i]nsofar as this characterization of conscience introduces an element of subjective immediacy into Kant's critical ethics, the conception of conscience remains problematic." (Esser 2008, p. 277). Given Kant's synthetic view of cognition and his insistence on the fallibility of judgment, it must be admitted that the prospect for an immediacy involved in conscience does not seem to fit well with Kant's understanding of the spontaneity that has to be involved in moral thought and action. I believe this problem can be remedied if one can show in what sense conscience is infallible, thereby properly placing this special kind of immediacy within Kant's framework.

Infallibility is perhaps the most extensively discussed problem about Kant's conception of conscience. Asserting that conscience is infallible contradicts many views on conscience that came before (and after) Kant. What is more, we also come across the view, in the *Metaphysics of Morals*, that a person who acts according to his/her conscience, cannot be guilty. As Kant writes:

But if someone is aware that he has acted in accordance with his conscience, then as far as guilt or innocence is concerned nothing more can be required of him. It is incumbent upon

him only to enlighten his understanding in the matter of what is or is not duty; but when it comes, or has come, to a deed, conscience speaks involuntarily and unavoidably. (MS 6:401)

Conscience is the “consciousness” of the inner court and hence cannot be equated with judgement itself (MS 6:438). The function of conscience is to raise in us the awareness of a) the imputation of a deed to ourselves (which presupposes) b) relaying to us the verdict of reason in a specific situation. Since we have cognized the requirements of morality, presented as verdicts of reason in conscience, we are morally responsible for complying with them in our intentional actions. Taken in this sense, it seems plausible that conscience, as a faculty of awareness akin to perception, cannot be in error. In other words, conscience is related to an awareness of our moral beliefs and standards that bear upon the specific situation at hand.

This does not mean we are not responsible for our “honest mistakes”, it merely means that acting conscientiously is acting according to our best judgment. Our best judgment may still be mistaken, due to a variety of contingencies, but we can hardly be mistaken that it was indeed our best judgment. Our best judgments, in turn, must incorporate reflexive judgments as to the adequacy and extent of our moral self-examination. In the Theodicy essay we find the distinction between the judgment of understanding presented in contrast with the “voice” of conscience. Kant states that we could be mistaken with respect to the former but not the latter. As he puts it:

For in the first instance (the truth or falsity of a statement) we compare what we say with the object in a logical judgment (through the understanding), whereas in the second instance, where we declare what we hold as true, we compare what we say with the subject (before conscience). (T 8:267)

What comes to mind is something similar to the basic features of perception: I can be mistaken in whether or not the object I see before me is actually there (due to some optical illusion or a malfunction of the senses), but I can hardly be mistaken in whether it seems that the object is there.

I cannot be mistaken in what I hear as the voice of conscience itself. Whatever may be the pronunciation of the inner court, I cannot be mistaken that it is in fact the verdict of that court. As stated in the previous section, I believe it is in this sense that Kant claims an “erring conscience is an absurdity” (MS 6:401). This can only be explained if the voice of conscience is “distinctive” and “unique”, its call must be distinguishable from any other thoughts that we may happen to entertain. As I have shown, this uniqueness can be attributed to the feeling of awe defined as “respect coupled with fear”, specifically functioning alongside the operations of conscience. We especially become aware of this affective aspect in the acquittal or condemnation of conscience.

If I listen to my conscience, I cannot be held guilty of dishonesty, in other words, acting according to conscience is acting with the best intention I have and the best

judgment I have reached. I think this is what Kant has in mind when he says that no more can be required of a person who has listened to her conscience. This does not imply that the verdicts we have reached through rational self-deliberation cannot be mistaken at all. In fact, Kant always warns us about the possibility of self-deceit, as well as the opaqueness regarding ourselves (TP 8:284 and MS 6:446-7).

Our best judgments will be the ones which take all the relevant factors of a given situation into consideration. It will involve thinking without relying on an external authority, but also thinking from the standpoint of others and doing so consistently. Finally, our conscience will relay to us the final verdict of reason and we will have acted to the best of our abilities if we take heed of its declarations. This process never guarantees success but only sincerity, which Kant thinks is the best we can hope for.

Throughout his writings on conscience, Kant insists that we are immediately aware of what we hold to be true.<sup>11</sup> We owe this immediate awareness to conscience, since conscience “reports” to us that the judicial process of reason has reached a verdict through a sufficiently comprehensive examination. Through the operation of conscience, reason reaches a verdict about itself; what is at stake here is not primarily the truth or falsity, but rather the sincerity of our judgment. In other words, our conscience resonates with what we sincerely hold to be true. In case we say anything different than what our conscience repeats back to us, we are in effect lying, since we must be saying something which we do not hold to be true. As we have seen in the *Vigilantius* lecture notes, this amounts to unconscientiousness. This results in a disharmony between how we think and how we act (or speak). Kant presents the same point in the *Theodicy* essay:

One cannot always stand by the truth of what one says to oneself or to another (for one can be mistaken); however, one can and must stand by the truthfulness of one's declaration or confession, because one has immediate consciousness of this. (T 8:267)

This is one of the instances in which our conscience may reproach us. We can read an interesting discussion about the nature of the reproach of conscience here. Kant contends that “every crime already carries with it its due punishment, inasmuch as the conscience of the perpetrator torments...even more harshly than the Furies” (T 8:261). We have seen this aspect of conscience also in the *Vigilantius* lecture notes where Kant spoke of a “nagging conscience”. This idea is reminiscent of Socrates’ argument in the *Crito* about how “wrongdoing and injustice is in every way harmful and shameful to the wrongdoer” (*Crito*, 49b). When we do something morally wrong, we are in effect harming ourselves as well-if our conscience is functioning properly.

This point, however, cannot be pursued too far, since the person committing the crime might be so depraved as to have completely shut off the voice of his/her conscience.

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<sup>11</sup> How this awareness is possible and to what extent it is reliable is an issue that requires further discussion, which I leave for a different paper. I thank the referee for the suggestion.

Kant thinks that conscience is so pervasive that we can never silence it. As he puts it: “it follows him like his shadow when he plans to escape[...] He can at most, in extreme depravity, bring himself to heed it no longer, but he still cannot help hearing it.” (MS 6:438)

Kant also warns us against imputing the disposition of a virtuous person upon someone who has become excessively evil. This shows that conscience is not some a priori capacity which functions somewhat adequately in all human beings; rather, the effectiveness of conscience is contingent upon the moral character of the person in question, and upon whether she incorporates the dictates of her conscience into her maxims. This requires that one cultivates one’s conscience in order to “sharpen one’s attentiveness to the voice of the inner judge and to use every means to obtain a hearing for it” (MS 6:401).

Kant’s warnings about listening to the dictates of conscience emphasizes the necessity of this precondition for anyone to become a moral being who can act resolutely and effectively. As we have seen, conscience has the function of imputing a deed to ourselves and hence holding ourselves morally responsible for our actions. However, as the aforementioned passage makes it clear, acting in accordance with the voice of conscience is a further issue. Again, after we hear the voice of conscience, it is up to us to incorporate our best judgement into our maxims, which then leads to intentional action.

In order to elaborate this point further, and to tie the discussion of maxims with the discussion of infallibility, we may think of a distinction between the voice of conscience and its content. Since the content carried with the voice of conscience consists in the outcome of the proceedings of the inner court, it necessarily involves a judgement of the understanding and hence is fallible. However, the voice of conscience, since it is a direct cognitive and emotive response of our particular moral constitution, speaks directly and infallibly.

Our moral character involves our core convictions about morality, or what we take to be true in the moral realm. In his paper on Kant and conscience, Claudio La Rocca explains the kind of conviction that is at stake in conscience by referring to a passage in the first *Critique* (La Rocca 2016, p. 73). In this passage, Kant is making a distinction between two senses of holding something to be true; if it is valid for everyone, the belief is called conviction, but if it “has its ground only in the particular constitution of the subject, then it is called persuasion” (A820/B848).

It is my contention that the voice of conscience is a voice of persuasion that “sounds like” a conviction and this is the sense in which we cannot be mistaken. This point might be confusing, since according to Kant, we cannot subjectively distinguish between conviction and persuasion. Furthermore, this idea can come into conflict with Kant’s insistence that conscience cannot err, since we are capable of a kind of self-deception in which we can “feign conviction” even in our “inner professions” (T 8:268fn).



A persuasion that sounds like a conviction seems puzzling. However, we could draw an analogy to the effect that this kind of persuasion is akin to a judgment of taste; it has a universal import, even though its ground is in the specific constitution of the subject. The distinguishing mark of a judgment of beauty is that it relays a specific kind of pleasure that arises from the harmonious free play of our imagination and understanding (KU 5:218). The analogy here would be a judgment that is relayed to us by conscience involving another kind of feeling: the feeling of awe. Without some distinguishing feature, Kant would have difficulties in asserting that conscience is infallible, since we cannot differentiate between conviction and persuasion subjectively.

What we can know with certainty is what we regard to be right and wrong. Since conscience concerns sincerity, the cultivation of conscience must in part consist in the cultivation of sincerity. Sincerity requires that we are always disposed to asserting what we hold to be true. Now, I shall consider and criticize some secondary literature that pertains specifically to the infallibility of conscience. In this way, I shall demonstrate the merits of my own interpretation of Kant's conception of conscience.

#### **4. Secondary Literature on the Infallibility of Conscience**

Let me now consider some arguments found in the secondary literature in order to ascertain whether my interpretation of the infallibility of conscience is plausible. Contrary to many commentators, I believe this infallibility is rooted in conscience being intertwined with sensibility. In the secondary literature, the main strategy has been to interpret this infallibility as being due to a special kind of judgment, a reflexive judgment in which the agent makes sure that she has been diligent in her judging.

As I have shown, while it is true that conscience is intimately related with reflexive judgment, they must be kept separate. Kant argues that the diligence involved in making any kind of judgment has to be present in any and all kinds of "rational" judgment. Therefore, defining conscience as a special kind of moral judgment (as Knappik & Mayr, Kazim and Vujosevic suggest) cannot account for the infallibility of conscience.

We have seen that the infallibility of conscience has to be accounted for not in purely intellectual terms but with terms that also appeal to sensibility. The faculty of judgment is always fallible and, as we have seen, Kant is careful in distinguishing conscience from it. We hear the voice of conscience unavoidably and involuntarily (MS 6:401). Furthermore, we have an affective experience with regard to conscience—its pangs, its threats of punishment, the feeling of awe etc., but we need not have any affective aspect in our usual cognitive functioning. Let us now see how this interpretation of Kant's conception of conscience fares in the face of some interpretations of the concept in the secondary literature.

Dean Moyar argues that Kant's conception of conscience creates a tension for his moral theory in general. This tension concerns the primacy of conscience in Kant's account. In the first instance, conscience is a prerequisite for being a morally responsible agent in the first place. On the other hand, since conscience presupposes moral judgment (among other features of practical reason), it cannot function without it (Moyar 2008, p. 341).

As we have seen, Kant claims that conscience is an integral part of our constitution, it is a natural part of human agency, it enables us to hear the decisions of the inner court (which is practical reason). However, Kant does not say that conscience is the only thing constitutive of our moral agency, nor does he say that it has priority over everything else that pertains to moral agency.

Moral judgment itself presupposes some knowledge of morally relevant features in specific situations what Barbara Herman calls rules of moral salience (Herman 1993, p. 77). What this means is that making any moral judgment, and, in turn, having a well-functioning conscience depends on our previous moral education, our awareness of a world with moral features. Moral judgments, imperatives, duties and conscience; all of them come into view after we have received some sort of moral upbringing. We do not start engaging in morality from scratch.

Another reply to this point can be given with the distinction I made earlier about the *ratio cognoscendi* and *ratio essendi*. One of the ways in which we experience the effects of the moral law upon our minds is conscience, since it is one of the four aesthetic preconditions of the mind's receptivity to moral law. This means that conscience has no role in assessing the legitimacy of the moral law (or that which morality requires), but rather it "prepares" the person to be responsive to the demands of morality. This preparation also involves prior education and maturation, not only of our intellectual capacities but also of our sensible nature. When we put the picture in this way there is no circularity about the systematic role that conscience plays—it is essential for becoming a fully-functioning moral agent.

Broadly speaking, there are two main lines of interpretation in the secondary literature on Kant's conception of conscience. Some commentators take conscience to be "intellectual" and as "having an effect on feeling". In her paper on Kant's account of conscience, Marijana Vujosevic argues that conscience is a specific manifestation of practical reason. As such, it is a "kind of moral self-assessment that involves cognizing and judging our own character" (Vujosevic 2014, p. 450). Ultimately, she claims that conscience is only intellectual as it cannot be mere feeling.

There is some textual evidence for this point; in the *Religion* Kant says that "should anyone fear that his reason, through conscience, will judge him too leniently, he errs, I believe, seriously" (R 6:70fn). Also, in the *Metaphysics of Morals*, conscience is characterized as "an original intellectual and moral predisposition" (MS 6:438). It is

obvious that conscience cannot merely consist of feelings. If that were the case, we would not intelligibly talk about cultivating conscience, just as we cannot make sense of cultivating pain.

As I have demonstrated, Kant consistently distinguishes between the operations of reason, understanding and judgment from the functioning of conscience. Arguing that conscience is purely intellectual is also inconsistent with Kant's repeated claim that it is infallible. Even in the passage above from the *Religion*, it seems that the judging is done by reason alone, and conscience is a kind of "tool" of reason to exact a kind of "torment or reproach" to the person. In order for conscience to fulfill this function, I believe that it should incorporate elements of both an intellectual and an affective nature. Indeed, this is the mark of all aesthetic predispositions discussed in the *Metaphysics of Morals*, since they consist of a receptivity to concepts of morality.

Vujosevic points to a passage in the *Lectures on Ethics* in which Kant says that conscience 'conveys an inner pain at evil actions, and an inner joy at good ones' (CL 27: 297). Conscience, according to her, operates by "linking a particular feeling with the action" (Vujosevic 2014, p. 457). There are two problems with this view. The first problem is that this quotation is taken from the Collins lecture notes, in which Kant had not yet developed his mature view of conscience (as I have shown in the first section). The second problem is to explain how conscience could "link a feeling with the action", if it had no relation to the affective side of our constitution. The second camp in the interpretation of Kant's account of conscience can answer this problem, since they generally argue that conscience is a kind of feeling. According to Allen Wood, "conscience is a feeling of pleasure or displeasure associated with myself, in view of some action I am either contemplating or that I have already performed" (Wood 2008, p. 183). This line of thought, I believe, is also mistaken, as it would be difficult to reconcile the mere feelings of pleasure and displeasure with requirements of sincerity and imputation.

Knappik and Mayr's discussion of conscience also seems to put them alongside Vujosevic's interpretation, as they rely heavily on an account of proper moral judgment, which they argue requires diligence and certainty. These are traits that conscience is supposed to inspect. They claim that certainty should be regarded in a "non-factive" way, not requiring truth. This much is certainly correct, since conscience involves subjective certainty. They also provide a detailed and plausible account of moral judgment, but they fail to show how judgment is connected to conscience. This is quite striking, as they begin their paper by showing how Kant himself distinguishes between conscience and judgment. To disregard this claim and assert that conscience "issues an infallible second-order judgment whose object is the first order moral judgment of understanding" is to miss the point about infallibility (Knappik&Mayr 2013, p. 15).

In his book on Kant's account of conscience Emre Kazim also defends the view the conscience is primarily intellectual. Kazim (2017) cites the definition of thinking from the

first *Critique* (A69/B94) and claims that conscience is also a type of thinking. The definition reads: "Thinking is cognition through concepts". He then distinguishes between two aspects of conscience: intellectual conscience, defined as "the judgment of the internal court", and its effect on moral feeling as the "consciousness of this judgment which motivates the agent". This interpretation also faces the difficulty of explaining how, on Kant's understanding of our cognitive faculties, there could be involuntary or "unerring thinking".

## 5. Conclusion

As I have shown, the correct way to account for the infallibility of conscience is not to endow it with a special kind of judgment. Any and all judgments issue from the same faculty of judgment. Conscience is infallible not because it engages in a second order judgment; it is infallible because we cannot use it spontaneously as we do the faculty of judgment. Conscience is best understood as the affective way in which we register the normative force of moral considerations by comparing our inner dispositions with that of an ideal moral agent. The feelings associated specifically with conscience, such as awe, reverence and fear of doing wrong, can be cultivated or ignored altogether but we cannot give rise to them by sheer force of will.

For these reasons, any account which identifies conscience with judgment cannot make sense of Kant's assertions that conscience speaks "involuntarily" and "unavoidably" (MS 6:401). An involuntary and unavoidable judgment would be a chimera, at odds with Kant's claims about spontaneity and freedom regarding the faculties of the mind. An account which takes conscience to be merely a kind of feeling, on the other hand, would have problems in explaining its relation to imputation and sincerity.

In this article I have focused on two texts in order to ascertain Kant's general conception of conscience as it relates to our moral and cognitive capacities. I began with a discussion of the lecture notes taken by Vigilantius, where some of the key aspects of Kant's conception of conscience could be found: we have seen that conscience is a) concerned with imputation and our inner dispositions, b) that it is infallible and c) that it is distinct from yet related to judgment.

In the next section I examined Kant's conception of conscience in the *Metaphysics of Morals*. I began this discussion with what Kant calls aesthetic predispositions. Crucially, these are moral feelings which incorporate both the thought of duty and some form of feeling. I argued that what distinguished conscience from the other predispositions was its unique connection with reflexive judgment and its ability to give rise to a feeling of awe. I have also discussed what Kant means by the infallibility of conscience against the background of some discussions in the secondary literature and have shown how my interpretation has significant advantages over other attempts of exegesis.

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All references to Kant's works are from The Cambridge Edition of the Works of Immanuel Kant which follow the Akademie pagination.

### List of Abbreviations

A/B: The Critique of Pure Reason (1998)

CL: Collins Lecture Notes on Ethics (1997)

G: Groundwork for the Metaphysics of Morals (1996)

KpV: The Critique of Practical Reason (1996)

KU: The Critique of the Power of Judgment (1998)

MS: The Metaphysics of Morals (1996)

O: What does it mean to orient oneself in thinking? (1996)b

R.: Religion within the Boundaries of Reason Alone (1996)b

T: On The miscarriage of all philosophical trials in theodicy (1996)b

TP: On the Common Saying 'This May Be True in Theory But It Does Not Apply In Practice (1996)b

VL: Vigilantius Lecture Notes on Ethics (1997)

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