

# CONSCIENCE AS AN ALTERNATIVE TO HOBBSIAN SOCIAL CONTRACT: AN ANTHEM FROM KANT

## Abstract

*This paper aims at appraising Kant's idea of conscience with the goal of determining the extent to which Kant's presentation can boost the use of conscience as a subjective norm for better compliance to objective morality, duty and law as a better alternative to Hobbes' Social Contract. Using the methods of Historical Analysis and Hermeneutics, this paper examines Hobbesian Social Contract noting that the supposed transition from the State of Nature to a state ruled by law has not brought the needed change as unbridled disregard to law and impunity still reigns supreme from both sides of leadership and followership. Hence, Social Contract is defective prompting a search for an alternative. It is the desire to provide a workable system of bringing order to the society that this paper analysis Kant's concept of conscience as an alternative to Hobbes' social Contract. This paper explores Kant's concept of conscience in relation to morality and feeling, Conscience as Internal Moral Court of Judgment, Conscience as a duty to oneself and the binding force of Conscience e. t. c. Appraisal of Kant's concept of conscience reveals how the rule of conscience works better for cohesion in the society and respect to human rights much more than social contract does. The implication is that if the rule of conscience is promoted, it can help to achieve the needed change in the society. In essence, it holds that Kant's idea contributes more meaningfully towards abating the State of Nature, promoting compliance to rule of law and morality without external cohesion and making life worth living than the social contract as proposed by Hobbes.*

## 1. Introduction

Conscience is categorically a subjective norm and as such it is a pluralistic concept. It does not bear any connection with any particular substantial moral view<sup>1</sup>. The word conscience etymologically breaks down into two Latin words “*con*” and “*scientia*” which means “with” and “knowledge” respectively<sup>2</sup>. The two words when combined together form “*consceintia*,” which literally means “knowledge with” (ourselves)<sup>3</sup> or “privy of knowledge” or “with-knowledge” (ourselves). The English translation as conscience implies internal awareness of a moral standard in the mind concerning the quality of one's motives, as well as a consciousness of our own actions.<sup>4</sup> It could also mean a knowledge that is furnished by our inner feelings. The type of knowledge referred here is reflexive, knowing that is accountable to my deepest self.

The explanation of conscience as “knowledge with” denotes consciousness, for knowledge itself presupposes consciousness. Thus, J. Omoregbe asserts that “all thinking, all acquisition of knowledge and even skepticism itself presupposes consciousness.”<sup>5</sup> Little wonder conscience and consciousness are brother terms such that one’s conscience is formed on the basis of internal awareness.<sup>6</sup> It is not that which takes place simply on our ideas or concepts and constitutes reflective knowledge properly so-called; it is reflection turned upon ourselves, making us know what we do or what is done in us.<sup>7</sup> Thus conscience is the most secret core and sanctuary of man”<sup>8</sup>.

Conscience can be referred as the moral faculty which makes known to man his moral obligations and urges him to fulfill them. It is not primarily theoretical knowledge of moral values of good and evil. It rather shows man his personal obligation and leads him to appreciate the binding force of these requirements. Conscience is an aptitude, moral faculty, intuition or judgement that assists in distinguishing right from wrong. Moral judgment may derive from values or norms (principles and rules). In psychological terms conscience is often described as leading to feelings of remorse when a human commits actions that go against his/her moral values and to feelings of rectitude or integrity when actions conform to such norms<sup>9</sup>.

Thus human conduct is good or bad depending on its relation to the norm of morality. This norm is the “standard at which a human act is compared and which enables us to determine if it is good or bad.”<sup>10</sup> In any case, conscience is judged right or wrong on the ground of its conformity or

lack of conformity to the objective norm of morality. However, this objective norm of morality cannot reach its purpose and guide human actions towards man's ultimate end, unless it is known by man and recognized in its obligatory character. So, it is conscience that does the function of "telling one subjectively what is good and evil, and manifests his moral obligation to him."<sup>11</sup> It applies the objective norm to particular cases and judges the relation of human acts already posited or about to be posited, to the norm of morality. In the light of this, William Wallace observes that:

'Conscience is an act of judgment; it is the knowledge that accompanies an act and notifies the agent of its rightness or wrongness. Because of this accompanying role, conscience is referred to as the subjective norm of morality, since it provides a personal evaluation of the goodness or badness of each individual action.'<sup>12</sup>

In terms of logic, conscience can be viewed as the practical conclusion of a moral syllogism whose major premise is an objective norm and whose minor premise is a particular case or situation to which the norm is applied. Commonly used metaphors for conscience include the "inner voice", "inner light,"<sup>13</sup> or moral consciousness. Conscience is said to be moral consciousness; that is, consciousness as exercised on moral subjects. Consciousness in general is the mind's notice of its own existence and of its own states. In its particular reference to moral states of mind, it might be considered as moral consciousness.<sup>14</sup>

The original conception of Conscience in the Greek world, at least from the 5<sup>th</sup> century BCE was that of an inner judge<sup>15</sup>. When we talk about conscience, we often refer to reflection about ourselves as moral persons and about our moral conduct. Through conscience we examine ourselves, as if we were our own inner judge. The image of an individual split into two persons, one who acts and the other who observes the former's conduct, reflects the early Greek concept of conscience.<sup>16</sup>.

In the different world Religious views, conscience is usually seen as linked to a morality inherent in all humans<sup>17</sup>. For St. Ambrose, in his *De officiis*, conscience is the interior judge, infallible and majestic, whose sanction none can escape. A man's fortune should be measured, he says, "...according to the state of his conscience within him. That is an accurate and incorruptible judge of innocence and guilt".<sup>18</sup> John Damascene defines conscience as the "law of our

intellect”<sup>19</sup>. In his commentary, Origen described Conscience as a correcting and guiding spirit accompanying the soul, by which it is led away from evil and made to cling to good<sup>20</sup>. Damascene’s definition holds conscience as the “law of our intellect.”<sup>21</sup> For Augustine, conscience is the place of the innermost encounter between God and man, and as such, the voice of God. It is for him, “a divine center of the person where he is addressed by God”.<sup>22</sup> In the 13th century, Thomas Aquinas regarded *conscience* as the application of moral knowledge to a particular case<sup>23</sup>. Hence for him, conscience is the “natural power of judgment”.<sup>24</sup> According to Singer, Aquinas held that conscience, or *conscientia* was an imperfect process of judgment applied to activity because knowledge of the natural law (and all acts of natural virtue implicit therein) was obscured in most people by education and custom that promoted selfishness rather than fellow-feeling<sup>25</sup>.

In the same vein, Conscience may be defined as the practical reason employed when applying moral convictions to a situation and conscience herein can be referred as "critical conscience".<sup>26</sup> This can be developed through daily contemplation or meditation combined with selfless service to others<sup>27</sup>, parental, peer group, religious, state or corporate indoctrination<sup>28</sup>. In this sense, conscience can be aided by a "spark" of intuitive insight or revelation called *marifa* in Islamic philosophy and *Synderesis* in medieval Christian Scholastic Moral Philosophy<sup>29</sup>. *Synderesis* herein refers to the elementary ground and nucleus of conscience. It refers to the natural innate habit of the mind to know the first principles of the practical or moral order without recourse to a process of discursive reasoning. It expresses the general consciousness of right and wrong. Through it, the elementary moral principles and practical reason are easily known. Such principles include; ‘good is to be done and evil avoided’, render to each his own/due’, do not do to others what you don’t wish to have them do to you’, ‘act such that the social co-existence is possible’, ‘parents ought to be respected’, contracts must be honored’,

Though *Synderesis* refers to the innate habit of the mind to know the first principles of the practical moral order, further growth and acquisition of practical moral knowledge takes place as occasioned by experience, education, instruction, study e.t.c. By this means, the objective moral law becomes more personally appropriated. It is the innate remnant awareness of absolute good<sup>30</sup>.

Deep within his conscience man discovers a law which he has not laid upon himself, but which he must obey. Its voice ever calling him to love and to do what is good and to avoid evil, tells him inwardly at the right moment: do this, shun that.<sup>31</sup> It is the fundamental moral equipment of a human being, which is achieved as a person emerges from infancy to an age of responsible conduct<sup>32</sup>.

## **2.0 Kinds of Conscience**

Why do people act the way they do has been a historical question of great interest down the ages. It is genuinely known by experience that a group of persons may break the same moral law with the same intention and conditions but react differently. While some may feel that they have committed a grave offence, some take it very light, and yet others may be in doubt as to whether they have committed any offence at all. Two persons in the same circumstance can take different and even contradictory moral decisions. What could be the reason for this? Simply put, the reason is that people have different kinds of conscience. It is an undeniable fact that every person's conscience is not the same. Some have tender and active conscience than others. This brings to bare the uniqueness of individual's moral decision such that conscience is a subjective moral norm and not objective moral norm.

Thus, conscience can be classified into two main groups:

- (i) Conscience in relation to objective morality, and
- (ii) Conscience in relation to Judgment of action.

### **2.1 Conscience in Relation to Objective Morality.**

Here, conscience is considered in view of its conformity or none conformity with objective moral order. Scholars have identified conscience in relation to objective morality as either

true/correct or false/erroneous, certain or doubtful depending on its degree of conformity or non-conformity with objective moral order<sup>33</sup>.

### **2.1.1. Correct or True conscience**

Conscience is true or correct when “it judges as good what is really good and as evil what is really evil” and considers allowable that which is allowable<sup>34</sup>. In other words, it implies that its judgment is in consonance with objective moral norm. Hence true or correct conscience draws a correspondence between subjective and objective morality. It is always unlawful to act against a true conscience when it declares an act sinful<sup>35</sup>.

### **2.1.2. Erroneous Conscience**

This is a direct opposite of a correct conscience. The judgment of conscience here does not conformity with objective moral order. Judgment here disagrees with the objective norm of morality. Hence conscience judges as good what is really evil, or as evil what is actually good. As such, its judgment does not follow the objective norm of morality, instead takes decision that is contrary to objective morality.

Since the judgment of conscience is an intellectual judgment and the intellect can err, either by adopting false premises or by drawing an illogical conclusion. Error here involves ignorance<sup>36</sup>. The ignorance can either be vincible or invincible. The ignorance involved in the error is vincible if the error can be overcome and judgment corrected. That is to say one is culpable of one's actions. Ignorance is invincible if the error cannot be overcome and the judgment cannot be corrected, at least by means any normal prudent person would be expected to use<sup>37</sup>. That is to say, if one is ignorant of the error in judgment of one's conscience, one is excused of one's actions because one is unaware of the error.

Erroneous conscience can be further classified as follows:

### **2.1.2. 1. Scrupulous Conscience.**

This type of erroneous conscience is always conscious of moral evil even where none exists. One with this type of erroneous conscience, is often hesitant and doubt-ridden, uncertain, easily swayed and finds it extremely difficult to come to a moral decision. He engages in ceaseless self-examination, and fears that “he has offended God or is about to do so”<sup>38</sup>.

This is the form of erroneous conscience that for frivolous reasons is troubled with dread lest what is really good or only indifferent be wrong. It torments its owner by rehearsing over and over again doubts that were once settled, finding new sources of guilt in old deeds that were best forgotten. An example of a scrupulous conscience is a house keeper who comes back five or ten times to her kitchen to be sure that she turned off the gas and locked her kitchen. This is a kind of erroneous conscience that sees moral evil where none actually exists. He engages in ceaseless self-introspection and worries over groundless fears. Scrupulous conscience is surely a sick conscience.

### **2.1.2. 2. Perplexed Conscience**

This is a type of erroneous conscience which when confronted with two alternative precepts, fears he will sin if he complies with either of them and leaving the other. Here, the person remains in a state of indecisiveness especially if he thinks that whatever alternative action he chooses is evil or wrong. Such a person sees no apparent choice free from evil. This form of conscience leads to indecisive anguish since he has already judged himself wrong whichever alternative taken from the two available options. This crystallizes the dilemma of conscience and makes moral decision very difficult and in some cases impossible.

A typical example of a perplexed conscience is a nurse who considers himself/herself equally bound to take care of his/her patient and to assist on Sunday worship.

### **2.1.2. 3 Lax Conscience.**

This is another form of erroneous conscience also referred as easy conscience. This form of erroneous conscience for trivial reasons deems allowable that which is not allowable or trivializes grave faults as mere trifles and in most cases offers flimsy reasons for committing grave faults. Thus grave moral faults are dismissed by a simple wave of hand. This is a habitual condition, where one judges wrong as right, evil as no evil and serious offence as light one. Such a person fails to face up to the gravity of his moral obligation, for trifling or insufficient reasons.

The principal causes of lax conscience include; sensual life, parental upbringing by excessively tolerable parents who do not care of whatever offence their children commit and are ready to defend them and make them happy even when they commit grave and blamable offences. One with a lax conscience frivolously avoids moral obligation. It is a habitual condition that distorts on insufficient grounds the seriousness of an offence as a light one, evil as no evil and rectitude as turpitude. He is sensitive only to his gross deviation from the moral law but merely excuses himself.

### **2.1.3. Certain Conscience**

Another type of conscience from the point of view of objective morality is the certain conscience. This is the point of view of the degree of subjective certitude of one who judges an act. It is that conscience which without any reasonable fear of being deceived, judges that an action is obligatory, forbidden, or allowable. It is worth noting that a certain conscience can be false.



Conscience is said to be certain, when it passes judgment in a particular action, without fear that the opposite may be true. That is to say, that it judges an action either as morally good or evil with certainty. The certainty here is subjective to the person making the judgment.

#### **2.1.4. Doubtful Conscience.**

This is the type of conscience in a state of uncertainty as to the lawfulness or obligation of an action, whether conscience suspends its judgement or whether it inclines to one side, it fears that the contrary might equally be true. This is also the point of view of the degree of subjective doubt of one who judges an act. It is that conscience which hesitates or remains in a state of suspense with respect to the goodness or the malice of the action.

Conscience is doubtful when it hesitates to make any judgment at all or make a judgment but with misgivings that the opposite may be true. It sees either equal reasons or no reason for affirming either of the two contrary courses of action. It is characterized by reasonable fear of error and in most cases it suspends judgment. For Adimonye, it is “when the judgment of the practical intellect is not sure; it hesitates or remains in a state of suspense, with respect to the goodness or malice of the action”<sup>39</sup>.

## **2.2. Conscience in Relation to the Judgment of Action**

Here conscience can be grouped into three: antecedent, concomitant and consequent conscience.

### **2.2.1 Antecedent conscience.**

Conscience is said to be antecedent “if the judgment of the morality of an action and the obligation to perform or omit it, is passed before the action is translated into reality.”<sup>40</sup> The antecedent conscience does this by commanding, exhorting, permitting or forbidding.

### **2.2.2. Concomitant Conscience.**

As a person acts, his conscience passes a judgment. Hence, it continues the moral judgment while the action is going on, animates the good action and disturbs the one, who does evil. His conscience at this stage is his immediate awareness, not simply of the reality of his action, but of its moral value. Conscience at this stage is called concomitant conscience.

### **2.2.3. Consequent Conscience.**

After one must have finished acting, his conscience testifies that he has acted morally or immorally. Thus, a consequent conscience is “the peace or disquiet of mind following the act.”<sup>41</sup> If the action is good, the conscience gives peace and joy to the soul; but if it is a bad action, the conscience makes one ill at ease and embitters the soul, so that it torments the person until he/she repents of the evil done.

In other words, it is accompanied by the sentiment of tranquility or remorse. Cicero used the metaphor *remorsus* from which the English remorse is derived. This is translated as a bite, to describe the feeling aroused by a troubled conscience. No wonder, he asserts: “the gods punish wrong doing... by remorse of conscience.”<sup>42</sup> Hence the consequent conscience approves, excuses, reproves or accuses

### **3. Binding Force of Conscience**

The word ‘to bind’ herein as used means the act of putting somebody under a moral obligation. Hence, conscience here is not just a moral faculty that judges human actions but compels/commands one to his moral obligation<sup>43</sup>. Since conscience is the dictate of reason, it obliges the will and binds not by hypothetical demand but absolutely.<sup>44</sup> Thus conscience is absolutely binding and ought to be obeyed without reference to the agents’ apparent interest.”<sup>45</sup> The judgment of conscience should always be obeyed<sup>46</sup>. In other words, “conscience whether true or erroneous binds.” Aquinas asserts in his *Quodlibetum*, as quoted by J.Omoregbe, that:

Every conscience, whether right or wrong, whether it concerns things evil in themselves or things morally wrong, whether it concerns things evil in themselves or things morally indifferent, obliges us to act in such a way that he who acts against his conscience sins.<sup>47</sup>

#### **3.1 Binding Force of Conscience in Relation to Certain Conscience**

A certain conscience must always be obeyed when it commands or forbids and must be followed when it permits<sup>48</sup>. Conscience is the dictate of reason; it incites the will and binds it. This implies that the act of the will must stem from conscience and that conscience obliges in all things<sup>49</sup>. It is worthy to note here that a true conscience binds because its dictates are good in itself, and is presented as such.

In other words, this means that both certain and erroneous conscience bind though differently.

#### **3.2 Binding Force of Conscience in Relation to Erroneous Consciences**

It has been established that acting against the dictates of one’s conscience is wrong. One may ask: if this is the case, does it also mean that erroneous conscience binds granted that in its nature, it judges as good what is evil, and as evil what is actually good? Hence, it is contrary to the

objective norm of morality. Erroneous conscience can be scrupulous, perplexed or lax. Though erroneous conscience binds, one who follows an erroneous conscience is not exempt from evil. Judgment here disagrees with the objective norm of morality. Since the judgment of conscience is an intellectual judgment and the intellect can err, either by adopting false premises or by drawing an illogical conclusion, it means then that all error involves ignorance as already noted above<sup>50</sup>. The ignorance can either be vincible or invincible. The ignorance involved in the error is vincible if the error can be overcome and judgment corrected. That is to say one is culpable of one's actions. Here, ignorance is itself voluntary. When ignorance is itself voluntary in anyway, it does not render an action involuntary. Hence, Invincible ignorance destroys the voluntariness of an act and its turpitude while vincible ignorance diminishes the voluntariness of an act and its sinfulness.

This can be further explained in two ways. First, a man may wish to be in ignorance, either in order to be excused for his wrongdoing or so as not to be deterred from it. Secondly, ignorance is also voluntary when it concerns things that one is both able and obliged to know. When conscience is erroneous in any of the ways mentioned above the person who follows his conscience is culpable and guilty. For instance, a hunter who doubts whether what he is aiming is an animal or a human being is guilty of murder if he kills even if it turns out that he slew an animal.

Ignorance is invincible if the error cannot be overcome and the judgment cannot be corrected, at least by means any normal prudent person would be expected to use<sup>51</sup>. This is a factual circumstance of which the agent is ignorant and there is no question of culpable negligence. Hence the error made by conscience may be completely blameless. That is to say, if one is ignorant of the error in judgment of one's conscience, one is excused of one's actions because

one is unaware of the error involved in the judgment. Though erring conscience binds, the will that tends to it is excused from being evil, only if the ignorance of the error is involuntary. Therefore, there is nothing to prevent a man from shedding a voluntarily erroneous conscience. For instance, a hunter unknown to him was a man behind a tree upon where he targeted an animal, if he kills the two; he is not guilty of murder but man slaughter.

As regards doubtful conscience, in a practical doubt about the lawfulness of an action, one may never act. One ought to remove the state of doubt by searching for the truth. The reason is that by acting on doubtful conscience, one exposes oneself to the danger of injustice. For example, a driver who doubts whether he may still drink another glass of wine, the safer line of action is to abstain from another glass.

#### **4.0 Kant's Perspective to Conscience**

For Immanuel Kant, "Conscience is practical reason holding the human being's duty before him for his acquittal or condemnation in every case that comes under a law"<sup>52</sup>. Conscience is popularly described as "an inner voice" or as the "voice of God"<sup>53</sup> that tells us what to do or avoid. In the traditional sense, conscience could be said to be the intellect's practical judgement about an individual act as good and to be done, or as evil and to be avoided<sup>54</sup>. It is conscience that informs one subjectively about what is good and evil and makes him see his moral obligation. Conscience brings to mind the objective moral norm in its relation to the concrete decision to be made in the present circumstance. No wonder Butler agrees that we are endowed with "a principle of reflection or conscience through which we intrinsically disapprove of such actions as fraud and injustice"<sup>55</sup>. And C. Ekwutosi defines conscience as: "The proximate subjective and intrinsic norm of morality that exists in the mind of each individual which applies the objective norm to particular individual or concrete cases and judges the relationship of human acts already posited or about to be posited to the norm of morality"<sup>56</sup>. Therefore through its functions conscience brings to the consciousness of man the moral implications of his actions.

These perspectives and definitions of conscience as described can be summarized as highlighting the four major functions of conscience as following: Counseling, Commanding, Permitting and forbidding.

From Kant's perspective, Conscience can also be understood as following;

#### **4.1 Conscience as an Inner Moral Court of Judgement**

In the title of the *Critique of Pure Reason*, the word 'critique' is based on the Greek word for 'judge', and in the Preface to the first edition, Kant describes the 'Critique of Pure Reason' itself metaphorically as a 'court of justice' before which "reason may secure its rightful claims while dismissing all its groundless pretensions, and this not by mere decrees but according to its own eternal and unchangeable laws"<sup>57</sup>. One of the most prominent models of Kant's perception of conscience includes conscience as an inner court of judgement<sup>58</sup>. This implies a moral self-awareness that allows us to apply the moral law suggested by practical reason to our moral conduct, and to judge whether we have complied with the moral law. It is the consciousness of an internal court in man<sup>59</sup> before which his thoughts accuse or excuse him.<sup>60</sup>

The inner judicial proceeding of conscience may be aptly compared with an external court of law. Thus we find within us an accuser and an advocate, namely self-love<sup>61</sup>, who excuses him and makes many an objection to the accusation, whereupon the accuser seeks in turn to rebut the objections. Lastly we find in ourselves a judge, who either acquits or condemns us<sup>62</sup>.

#### **4.2 Conscience, Morality and Feeling**

In Kantian notion; "conscience is seen as a feeling of pleasure or displeasure associated with myself" that arises when I comply or don't comply with moral principles and that motivates me

to act in one sense rather than the other when the feeling accompanies the contemplation of a certain course of action<sup>63</sup>.

For Kant, the “bites of conscience”, or just the tendency of bites of conscience, acts as motivational force towards aligning our behavior to moral standard. It can be negative sometimes. In the same vein, positive feelings associated with conscience also has a motivational force towards making the agent seek moral principles or apply right practical reason in moral judgement. Rousseau, alongside this epistemic account of conscience confirmed a motivational account of conscience based on positive feelings: while reason gives us knowledge of the good, conscience elicits sentiments of love for the good, which motivates us to behave morally<sup>64</sup>. Little wonder John Plamenatz in his critical examination of Rousseau’s work considered conscience as the feeling that urges us, in spite of contrary passions<sup>65</sup>.

Kant in the *Groundwork*, emphasized that this kind of feeling is a sense of respect especially respect for the moral law<sup>66</sup>. The first distinction on the kinds of feelings as Moral feeling consists in a feeling of pleasure or displeasure; approval or disapproval attached to actions, either performed or contemplated, and whether performed by another or by ourselves. Most importantly, when the feeling is of actions being contemplated then the feeling becomes motivational either to perform or refrain from the said action. Also when the feeling is of action already performed then the feeling is either of self-contentment or of moral remorse.

#### **4.3 Conscience as a duty to oneself.**

For Kant, Conscience is also the source of our sense of duty in that it takes the judgments of the inner court as motivation to act morally.<sup>67</sup> The basic division among ethical duties for Kant is between duties to oneself and duties to others. This division is best understood in terms of the

Formula of Humanity as End in itself. A duty is to oneself when it is one's own dignity and worth as an end in itself that grounds the demand. Kant does not understand duties to oneself as duties to promote one's own welfare, but rather as duties to act in such a way as to be worthy of one's humanity<sup>68</sup>. All such duties are founded on a certain love of honor consisting in the fact that a human being values himself, and in his own eyes is worthy that his actions should be in keeping with humanity<sup>69</sup>.

Also, Kant divides duties to oneself into duties to oneself as an animal being and as a moral being. Under the former heading, he places duties forbidding suicide, gluttony and drunkenness, and sexual self-defilement<sup>70</sup>; under the later heading he places duties forbidding lying, miserly, avarice, and servility<sup>71</sup>. "The human being has a general duty of so disposing himself that he may be capable of observing all moral duties. This, then, is the primary duty to oneself<sup>72</sup>. It is in virtue of this fact that Kant regards duties to oneself as taking "first place" and as "the most important of all"<sup>73</sup>.

Kant argues that unless we have conscience, we are not moral beings at all and cannot be held responsible for our actions<sup>74</sup>. The duties involving conscience is an obligatory duty. It is not morally optional when we exercise them, and there is nothing meritorious about exercising them.

## **5.0 Kant's Idea on Conscience as an Alternative To Social Contract**

This paper has forthwith bemoaned the chaotic State of Nature which Hobbes described as hellish such that life was brutish, nasty and short. This was the condition of humanity before the emergence of civil society or state. In this state of nature, all human beings have equal right and equally have the right to whatever they consider necessary for their survival. Equality here simply means that people were capable of hurting their neighbor <sup>75</sup>. The chaotic experience and



hopeless condition of man in the state of nature, called the need for social contract wherein sovereignty of power and laws rule as guide<sup>76</sup>. Unfortunately, a supposed transition from the state of nature to a state ruled by law has not brought the needed change as unbridled disregard to law and impunity still reign supreme from both sides of leadership and followership. Hence, Social Contract is defective prompting a search for an alternative. Worried by the need for a workable system of bringing order to the society, this research sees a better society emerging through the application of Kant's view on conscience.

Human conduct is good or bad depending on its relation to the norm of morality. This norm is the "standard at which a human act is compared and which enables us to determine if it is good or bad."<sup>77</sup> Conscience is judged right or wrong on the ground of its conformity or non conformity to objective norm of morality. Thus conscience is a veritable instrument for shaping morality and social justice for the common good especially in Nigeria where human existence has become as hellish as Hobbes' State of Nature in spite of the proffered social contract.

The contemporary Nigerian society is bedeviled by a myriad of challenges that threaten its social, political and economic well being. One of these is the unprecedented downhill rush on the ladder of morality. Thus we have refused to struggle to climb the moral ladder because of its slippery surface but rather sink into the easy and quicksand of immorality. This is characterized by a steady and systematic decline in the social fabrics of the society such as politics without morality, economic corruption, social maladies, and individual ethical disorientation. Most unfortunate is that the supposed constituted authorities in whose hands the populace have handed over their rights for protection and rulership have become the citadels of institutionalized corruption. A recent survey has shown that the Nigeria Police Force, NPF, Economic and Financial Crimes Commission, EFCC, and the Independent Corrupt Practices and Other Related Offences Commission, ICPC, are the most corrupt of federal government agencies in the country<sup>78</sup>. Some of the federal government agencies listed and their rate of propensity to bribery and corruption include the Police – 33%, Nigerian Immigration Service – 26%, ICPC – 25%, Nigerian Customs Service – 24%, Power Holding Company of Nigeria (PHCN) – 23%, EFCC – 23%, Federal Roads Safety Commission – 20%, and Nigeria Security and Civil Defence Corps – 19%<sup>79</sup>.

The question becomes if all these agencies who should supervise the survival of Social Contract become as corrupt as already stated then there is need for an alternative to social contract. This paper has struggled to set conscience as an alternative to the deficiencies of social contract. Conscience for Kant is therefore not only an inner court where one's actions are assessed, but also the source of our sense of duty in that it takes the judgments of the inner court as motivation to act morally.<sup>80</sup> The basic division among ethical duties for Kant is between duties to oneself and duties to others. Kant does not understand duties to oneself as duties to promote one's own welfare, but rather as duties to act in such a way as to be worthy of one's humanity<sup>81</sup>. All such duties are founded on a certain love of honor consisting in the fact that a human being values himself, and in his own eyes is worthy that his actions should be in keeping with humanity"<sup>82</sup>. Hence it is only when the human person begins to act in this form even in the absence of policing authorities that a better society will emergence.

## **6.0 Conclusion**

A story was told of a man with a family of ten who lived in abject poverty and wretchedness. The children were so religious and demanded for a radio cassette from their father to help them play Christian songs even in their wretched state. Desirous of fulfilling this request and minding his financial condition, the father opted to steal a radio set from a distant neighbor; James. Each time the children played their favorite track, 'Jesus is knocking at your door... oh sinner why don't you return', their father was always put on edge and restlessly ran to the different doors in the house because what he heard each time was his name mentioned as the sinner in whose house Jesus (James) stood and knocked so that he would return the radio. Feeling so worried in the end he often requested the volume of the radio to be tuned down even to the discomfort of the children. Nevertheless, he continued hearing the same song even when the volume was not loud to be heard outside the children's room. The experience became so traumatizing that he sent back the radio to James. Unfortunately, on his way back home some persons discussed the program they had listened on radio, he retorted, 'do you mean you saw me stealing the radio and bringing it back'?

The above story already gives us an insight on the concept of conscience and its operations. Is it not quite amazing that the man was not caught by any law enforcement agency but by the rule of conscience?

The prevailing lawlessness and institutionalization of immorality today on both sides of leaders and followers prove the inefficiency of Social contract to abate the challenge of the State of Nature. Hence there is need for an alternative towards resolving the challenge of the state nature. This work has been a dogged effort to establish an alternative to Social Contract so much so that should good conscience be the guide of all human actions; morality, justice and order will prevail in the whole world. Hence by the application of good conscience, the rule of law will reign supreme.

Kant has done justice to the discussion on conscience. Following Kant's understanding on conscience, it is quite clear that a good conscience is indispensable for human relationship and social order. Similarly, a good conscience is indispensable to self-respect and integrity. No man can really respect himself who does not keep a good conscience. It is highly essential to peace of mind or equanimity. Unfortunately, one who does not keep good conscience must become odious to God, to one's neighbor, and to oneself and to any good society at large. Such men are never respected even among his fellow people of erroneous/bad conscience.

Following Kant's trend of thought, it is an imperative for all to form a good conscience. The first command of duty regarding conscience, Kant says, is to "know and scrutinize yourself" regarding your own maxims and the incentives on which you act. When ignorance causes an act to be involuntary, it takes away the character of moral good and evil. If then reason errs with an error that is voluntary, either directly or through negligence, so that one errs about what one ought to know; then such an error of reason or conscience does not excuse the will that abides by that erring reason from being evil. But if the error arises from ignorance of some circumstances, and without any negligence such that the act becomes involuntary, then that error of reason excuses the will that abides by that erring reason from being evil.

In as much as ignorant excuses actions, one ought not to act in ignorance both vincible and invincible ignorance. Hence the maxim becomes, in doubt do not act. Even for the invincible ignorance, one is advised to access readily available information capable of clearing one's doubt at every stage of one's existence and environment. By proper information equipment of oneself, the degree of error in conscience is minimized. For instance, a graduate who claims he does not know that exam malpractice is intolerable is just being unfair to himself because this is already a presumed knowledge following his state/class in the society. Secondly, a married man or woman in Nigeria who claims he/she is ignorant of the fact that adultery is not tolerated is only quoting vincible ignorance which cannot excuse his/her action.

There is a dire need to reorientate the entire populace on conscience and morality. Parents as well as their children all need to have a new focus towards the rule of conscience. Religious groups, school system, institutions, must not only inculcate discipline in the students and teachers through verbal counseling, a course on conscience must be built into the curriculum for maximum impact. In all, it is obvious that conscience is a surer means of realizing a just social order than the promises of social contract as proposed by Hobbes.

**End Notes.**

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<sup>1</sup>Charles, Broad. *Conscience and conscientious action*, (London: Oxford University Press, 1940). 115–130.

<sup>2</sup> W.C., Spohn. *Conscience, Readings in Moral Theology*, (New Jersey: Paulist Press, 2004), 130

<sup>3</sup> A., Rosmini. *Conscience*, (London: Courier International Ltd., 1989), 8.

<sup>4</sup> Little, W, Fowler HW, Coulson J, Onions CT. *The Shorter Oxford English Dictionary On Historical Principles*. 3rd ed. Vol 1. (Oxford: Clarendon Pres. 1992), 402–403

<sup>5</sup> J., Omoregbe. *Epistemology*. (Lagos: Joja Educational Research and Publishers Ltd., 1998), 1.

<sup>6</sup> M., Adimonye. *My Conscience: My Guiding Light*. (Enugu: Snaap Press Ltd, 2003), viii.

<sup>7</sup> A., Rosmini. *Conscience*, (London: Courier International Ltd., 1989), p.10.

<sup>8</sup> A., Flannery. ed. ‘The Constitution on the Church in the Modern World’, *Gaudium et Spes*, (7<sup>th</sup> Dec, 1965), Vol.1, No. 16, (Dublin: Dominican Publishers, 1988), 916

<sup>9</sup> L., May, "On Conscience". *American Philosophical Quarterly* **20**: 57–67.

<sup>10</sup> C., Ekwutosi. ‘Lecture note on conscience’ (unpublished) (Awka: Bigard Campus, 2000), p.1.

<sup>11</sup> H., Peschke. *Christian Ethics*, vol.1 (Dublin: V.ery Good Life, 1979), 158.

<sup>12</sup> W., Wallace. *The Element of Philosophy*. (New York: Alba House Publishers, 1979), 169.

<sup>13</sup> Rosemary, Moore. *The Light in Their Consciences: The Early Quakers in Britain 1646–1666*. (Pennsylvania: State University Press, 2000). 221

<sup>14</sup> [http://www.gospeltruth.net/1845OE/450924\\_good\\_conscience.htm](http://www.gospeltruth.net/1845OE/450924_good_conscience.htm)

<sup>15</sup> Richard, Sorabji. *Moral Conscience Through the Ages*, (Oxford: University Press. 1994). 12

<sup>16</sup> Marcus, Aurelius. *Meditations*. (London: Weidenfeld press. 2003). 70 & 75

<sup>17</sup> Smart, Ninian. *The World's Religions: Old Traditions and Modern Transformations*. (Cambridge: University Press. 19890). 10–21

<sup>18</sup> De Officiis, 1, 12. (Patrologia Latina), p. 16, 40.

- 
- <sup>19</sup> J., Damascene. cited by, T. Aquinas in *Summa Theologia*, tr. Fathers of the English Dominican Province, (New York: Christian classics, 1981}, Ia, q. 79, a. 13.
- <sup>20</sup> T., Aquinas, *Summa Theologia*, Ia, q. 79, a. 13.
- <sup>21</sup> T., Aquinas, *Summa Theologia*, Ia, q. 79, a. 13.
- <sup>22</sup> H., Peschke, *Christian Ethics*, vol..1 (Dublin: V.Good Life, 1979), 163.
- <sup>23</sup> T., Aquinas. *Summa Theologica* Ia, q. 79, a. 13.
- <sup>24</sup> T., Aquinas, *Summa Theologia*, Ia, q. 79, a. 13.,
- <sup>25</sup> Thomas, Aquinas. "Of the Natural Law" in P Singer (ed). *Ethics*. (New York: Oxford University Press.1994), 247–249
- <sup>26</sup> Peter, Singer. *Democracy and Disobedience*. (Oxford: Clarendon Press.1973). 94.
- <sup>27</sup> Douglas, Langston. *Conscience and Other Virtues: From Bonaventure to MacIntyre*. (Pennsylvania: State University Press, University Park, 2001). 34.
- <sup>28</sup> Peter, Singer. *Practical Ethics*. 2nd ed. (Cambridge: Cambridge University Press,1993), 292–295.
- <sup>29</sup> Ninian, Smart. *The Religious Experience of Mankind*. (New York: Collins press. 1969), 511–512.
- <sup>30</sup> Henry, Sidgwick. *Outlines of the History of Ethics*. (London: Macmillan. 1960), 145 & 150
- <sup>31</sup> A., Flannery. (ed), A., Flannery. ed. ‘The Constitution on the Church in the Modern World’, *Gaudium et Spes*, (7<sup>th</sup> Dec, 1965), Vol.1, No. 16, (Dublin: Dominican Publishers, 1988), 916.
- <sup>32</sup> P. J., Glenn. *A Tour of The Summa of St. Thomas Aquinas*, (India: Tan Books and Publishers, 1978), 66.
- <sup>33</sup> M., Adimonye. *My Conscience, My Guiding Light*, (Enugu: Snaap Press, 2002), 75.
- <sup>34</sup> M., Gonsalves *Fagothey’s Right and Reason; Ethics in Theory and Practice*, (Ohio; Merrill Pub. Co., 1989), p.54.
- <sup>35</sup> A., Rosmini. *Conscience*, (London: Courier International Limited, 1989), 114.
- <sup>36</sup> H., Jone. *Moral Theology*, tr. U. Adelman, (Ireland: Mercier press Limited, 1962), 7.
- <sup>37</sup> C. Ekwutosi, Unpublished Lecture Note, 2000, p.3.
- <sup>38</sup> M., Gonsalves. *Fagothey’s Right and Reason; Ethics in Theory and Practice*, (Ohio; Merrill Pub. Co., 1989), p.175

- 
- <sup>39</sup> M., Adimonye. *My Conscience, My Guiding Light*, (Enugu: Snaap Press, 2002), 75.
- <sup>40</sup> H., Peschke. 1979. p.174.
- <sup>41</sup> M., Harrison. *The Everyday Catholic*. (Oxford: Black Friars Publication, 1947), p.125.
- <sup>42</sup> P., Mackendrick. *The Philosophical Books of Cicero*. (London: Gerald Dock worth and Company Ltd, 1989), 71.
- <sup>43</sup> J., Smith. *Conscience and Catholicism* . (New York: University Press of America, 1998), 13.
- <sup>44</sup> F., Copleston. *A History of Philosophy vol.II* (London: Continuum Publishers,2003), 408.
- <sup>45</sup> H., Sidwick. *Outlines of the History of Ethics*. (Boston: Beacon Press, 1964), 9.
- <sup>46</sup> B., Mondin. “St Thomas Aquinas’ Philosophy” in *Commentary on the Sentences*. (Netherlands: Martinus Nijhoff Publications,1975),..32.
- <sup>47</sup> J., Omoregbe. *A Simplified History of Western Philosophy, vol. I* (Lagos: Joja Educational Research and Publishers Ltd,1991),153.
- <sup>48</sup> T., Aquinas. *Summa Theologia*, Ia, q. 79, a. 3.
- <sup>49</sup> R., Gil., *A Textbook of Christian Ethics*, (Scotland: T and T Clark Limited, 1999), 122.
- <sup>50</sup> H., Jone. *Moral Theology*, tr. U. Adelman, (Ireland: Mercier press Limited, 1962), 7.
- <sup>51</sup> C., Ekwutosi, Unpublished Lecture Note, 2000, p.3.
- <sup>52</sup> Immanuel, Kant. *The Metaphysics of Morals*, (Cambridge: Cambridge University Press, 1791), p. 400
- <sup>53</sup> M.A., Gonsalves. *Fagothey’s Right and Reason; Ethics in Theory and Practice*, (Ohio; Merrill Pub. Co., 1989), 56.
- <sup>54</sup> M.A., Gonsalves. 1989. p. 57.
- <sup>55</sup> S.L., Darwall. ‘Butler’, in *The Cambridge Dictionary of Philosophy*, (Cambridge: University Press, 1995), 95.
- <sup>56</sup> C., Ekwutosi. ‘Lecture note on conscience’ (unpublished note for Bigard Memorial Seminary Awka Campus, 2000), p 1.
- <sup>57</sup> Immanuel, Kant. *The Metaphysics of Morals*, 1797. P. 12.
- <sup>58</sup> Allen, Wood. *Kantian Ethics*, (New York: Cambridge University Press, 2008).84

- 
- <sup>59</sup> Immanuel, Kant. *The Metaphysics of Morals*, 1797. P. 189
- <sup>60</sup> Immanuel, Kant. *The Metaphysics of Morals*, 1797. pp. 437-438.
- <sup>61</sup> Immanuel, Kant. *The Metaphysic of Morals*, 1797. P. 160
- <sup>62</sup> Immanuel, Kant. *Practical Philosophy*. Translated and edited by Mary J. Gregor. General Introduction by Allen W. Wood. (Cambridge: Cambridge University Press. 1796). 354.
- <sup>63</sup> Allen, Wood. 2008. P.184
- <sup>64</sup> Jean Jacques, Rousseau. 1762, *Emile: Or On Education*, Barbara Foxley (trans.), London & Toronto: J.M. Dent and Sons, 1921; New York: E.P. Dutton, 1921.
- <sup>65</sup> John Plamenatz. *Man and Society*. Vol 1. (London: Longmans. 1963). 383
- <sup>66</sup> Immanuel, Kant. *Ground Works on Ethics*, 1792. p.401.
- <sup>67</sup> Immanuel, Kant. *The Metaphysics of Morals*, 1797. p. 161
- <sup>68</sup> Immanuel, Kant. *He Metaphysics of Morals*, 1797, p. 161
- <sup>69</sup> Immanuel, Kant. *He Metaphysics of Morals*, 1797, p. 161
- <sup>70</sup> Immanuel, Kant. *The Metaphysics of Morals*, 1797.p. p. 421-428.
- <sup>71</sup> Immanuel, Kant. *The Metaphysic of Morals*, 1797.p. 429-437.
- <sup>72</sup> Immanuel, Kant. *The Metaphysics of Morals*, 1797.p. 437-442
- <sup>73</sup> Immanuel, Kant. *The Metaphysics of Morals*, 1797.p. 437-442
- <sup>74</sup> Immanuel, Kant. *The Metaphysics of Morals*, 1797.p. 437-442
- <sup>75</sup> Samuel Enoch Stumpf, *Philosophy History and Problems*, (New York: Mc Grew-Hill). 2003, 217
- <sup>76</sup> Samuel Enoch Stumpf. *Philosophy History and Problems*, 2003, 219
- <sup>77</sup> C., Ekwutosi. Unpublished Lecture note on conscience, 2004, p.1.
- <sup>78</sup> <http://www.informationng.com/2013/10/police-efcc-icpc-most-corrupt-government-agencies-in-nigeria-survey.html>
- <sup>79</sup> <http://www.informationng.com/2013/10/police-efcc-icpc-most-corrupt-government-agencies-in-nigeria-survey.html>
- <sup>80</sup> Immanuel, Kant. *The Metaphysics of Morals*, 1797. p. 161
- <sup>81</sup> Immanuel, Kant. *Practical Philosophy*. 1796, p.:343.



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<sup>82</sup> Immanuel, Kant *Practical Philosophy*. 1796, p. 347.