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Conscience as One of the “Aesthetical Preliminary Concepts”

Introduction

In his late writing on ethics, Kant develops a theory of conscience, which is intended to be a part of his critical philosophy. Some scholars have challenged the view that Kant has a critical theory of conscience at all (Paton, 1979; Rocca, 2016), whereas others have claimed that Kant holds several internally incompatible notions of conscience (Esser, 2013). In this paper, I contribute to recent scholarship that challenges these interpretations by claiming that Kant, at least in his late philosophy, understands conscience as a cognitive, self-evaluative capacity, compatible with his critical moral philosophy (Kazim, 2017; Knappik & Mayr, 2019; Moyar, 2008; Vujošević, 2014). A general account of this interpretation is that conscience is the capacity of reason for self-reflective judgements about ourselves as moral deliberators and our process of moral reasoning in establishing what our duty amounts to. Kant’s discussion of conscience in Section XII of the Introduction to the Doctrine of Virtue is often seen as a challenge to this view, as the section concerns a set of aesthetical preliminary concepts. The specific aim of this paper is not to defend the overall account of a Kantian theory of conscience as a capacity for self-reflective judgements, but to argue that the discussion of conscience in Section XII is compatible with such a theory. By strengthening the claim of the judgement view of conscience, I also argue against interpretations of Kantian conscience as a feeling, as an instinct, and as a conflicted notion incompatible with his critical philosophy. I will first introduce Section XII more generally, before presenting an interpretation of the four key concepts that is used to describe conscience: “aesthetical preliminary concepts”, “subjective condition”, “natural predisposition of the mind”, and “moral endowment”. The aim is to show that describing conscience with these terms is compatible with the judgement view of conscience.

Conscience in Section XII of the Introduction to the Doctrine of Virtue

Most of us know the pangs of conscience that follow actions that we regret as morally objectionable. While conscience is a common point of reference in moral experience and discourse, there is little agreement in moral theory on what the role of conscience is. This lack of agreement is reflected in Kant scholarship. The main discussions of conscience in *The Metaphysics of Morals* are found in Section XII of the Introduction to the Doctrine of Virtue, and in §13 of the Doctrine of Virtue. The inclusion of conscience under Section XII has led several scholars to claim that conscience should be understood as a feeling, such as the pangs of conscience. This interpretation is implied by Mary J. Gregor's translation of the title for Section XII, which in German is: "*Ästhetische Vorbegriffe der Empfänglichkeit des Gemüths für Pflichtbegriffe überhaupt*" (MS, AA 6: 399). Gregor translates "*ästhetisch*" as "on the part of feeling", where the whole title is translated as "Concepts of what is presupposed on the part of feeling by the mind's receptivity to concepts of duty as such". In Section XII, Kant discusses moral feeling, conscience, love of human beings and respect for oneself. As Guyer has argued, Gregor's circumlocution is unsatisfying because, whereas moral feeling, love of human beings, and respect for oneself are feelings, conscience does not seem to be (Guyer, 2010, p. 137). It should also be noted that of those four aesthetic preliminary concepts, conscience is the only one that is not actually described as a *Gefühl* or *Empfindung*. But more importantly, such a view stands in conflict with Kant's description of conscience elsewhere as "practical reason" (MS, AA 6: 400) as "*the moral faculty of judgment, passing judgment upon itself*" (RGV, AA 6: 186), and as the capacity where "reason judges itself" (RGV, AA 6: 186). A closer look at the paragraph that introduces these concepts gives us some clues to why they are grouped together.

In Section XII Kant examines the conditions that – given the kind of beings we are – are necessary for the implementation of the moral law. Conscience is here introduced as one of the necessary conditions for the "receptiveness to the concept of duty" (MS, AA 6: 399) for finite rational human beings. Conscience is among those moral endowments, by virtue of which we can be put under internal obligation concerning the incentives of our actions:

There are certain moral endowments [*moralische Beschaffenheiten*] such that anyone lacking them could have no duty to acquire them. – They are *moral feeling, conscience, love of one's neighbour, and respect for oneself (self-esteem)*. There is no obligation to have these

because they lie at the basis of morality, as *subjective* conditions [*subjective Bedingungen*] of receptiveness to the concept of duty, not as objective conditions of morality. All of them are natural predispositions of the mind [*natürliche Gemüthsanlagen*] for being affected by concepts of duty, antecedent predisposition on the side of *feeling* (MS, AA 6: 399).

I will argue that an adequate understanding of the concepts of “*ästhetischer Vorbegriff*”, “*subjective Bedingung*”, “*natürliche Gemüthsanlage*,” and “*moralische Beschaffenheit*” will help us understand why conscience should not be taken to be a feeling or an instinct, and that Section XII is compatible with Kant’s discussion of conscience in other passages.

Ästhetische Vorbegriffe

In this section, I will discuss how we should interpret “aesthetical”, since this term has led to the common interpretation that conscience is a feeling. One proponent for such an interpretation is Andrea M. Esser who claims that

by treating conscience as one of the ‘aesthetic preliminary concepts [[*ästhetische Vorbegriffe*]]’ (TL 6:399.2, trans. A.E.) and defining it as a feeling that arises involuntarily, Kant assigns to conscience a role that is subordinate to moral reflection (Esser, 2013, p. 272).

Esser’s interpretation of conscience as an involuntary feeling understood as an affective response or felt awareness, separates conscience from practical reason and an interpretation of conscience as self-reflection with cognitive content.¹ The first textual reason to challenge Esser’s account follows by how Kant goes on to discuss conscience in Section XII. Here he describes conscience as practical reason judging not the action itself, but whether the subject upheld the authority of the moral law:

conscience is practical reason holding the human being’s duty before him for his acquittal and condemnation in every case that comes under a law. Thus it is not directed to an object but merely to the subject (to affect moral feeling by its act) (MS, AA 6: 400).

¹ Ina Goy presents another interesting argument, claiming that the four preliminary concepts shouldn’t be understood merely as feelings, but more generally as a priori sensible principles, interpreting the meaning of aesthetic in Section XII analogously to the Transcendental Aesthetic of the *Critique of Pure Reason*. But by separating such a priori *sensible* principles from what she calls the a priori *conceptual* preconditions of virtue (Goy, 2013), her interpretation comes at odds with several of the other passages where Kant describes conscience as practical reason or as a capacity for judgements.

Grouping conscience with the other predispositions might seem puzzling, but to solve this puzzle we should understand how conscience can “affect moral feeling by its act” through its self-reflective judgements. In explaining this, I will draw on the discussion of conscience in §13 and in the *Religion within the Boundaries of Mere Reason*.

Kant’s account of conscience as practical reason judging the agent is elaborated in §13 of the Doctrine of Virtue. Here he describe conscience as “the inner judge of all free actions” (MS, AA 6: 439) and he also describes conscience as the consciousness of the whole process of an internal court where we do not judge external objects, but rather the subject itself (MS, AA 6: 438). In relation to the morality of actions, what we judge is not external necessitation, but internal necessitation, that is, the effect the moral law has on us. Similarly, in the *Religion*, Kant argues that conscience issues second-order judgements about our first-order moral judgements about what our duty amounts to. The judgements of conscience scrutinize whether or not the moral law was the ground for our moral deliberation and action:

Conscience could also be defined as *the moral faculty of judgment, passing judgment upon itself*, [...] here reason judges itself, whether it has actually undertaken, with all diligence, the examination of actions (whether they are right or wrong), and it calls upon the human being himself to witness *for* or *against* himself whether this has taken place or not (RGV, AA 6: 186).

Conscience evaluates our moral deliberation and examines whether we have done our utmost in establishing what our duty amounts to. Such an evaluation is needed due to the particular constitution of the human being, principally with regards to the determination of the will. In contrast to a holy will, there is no necessary causality involved in the moral law being the actual determining ground of the will of finite rational beings. While the moral law is represented as the objective determining ground for the will of all rational beings – that which *ought* to determine the will –, it must also be made the subjective determining ground of the will of human beings – that which *actually* determines the will. Conscience therefore evaluates whether we have kept clear from being pathologically determined and to see if we have made the moral law the subjective determining ground of our will. As a constitutive part of the *morality* of moral judgements, conscience has the functioning of turning every stone of our reasoning in order to settle the authority of the moral law.

This allows us to answer the question of why conscience is placed among the “*ästhetische Vorbegriffe*” and how conscience is to “affect moral feeling by its act”. For through this evaluation, conscience brings the moral law into effect on the will, and this results in two separable feelings. First, conscience must rule

out all non-moral incentives as determining for the will in favour of the moral law which “by thwarting all our inclinations produce a feeling that can be called pain” (KpV, AA 5: 73). This is the feeling that Kant calls pangs of conscience: “Although the *pain* one feels from the pangs of conscience [*Gewissensbissen*] has a moral source it is still a natural effect, like grief, fear, or any other state of suffering” (MS, AA 6: 394). This pain, occasioned by the verdict of conscience, has a moral source, namely the bearing of the moral law on our reasoning. Conscience is the ground for this feeling and should not be conflated with it. Second, by this negation, conscience bring about the positive effect the moral law has on the will, namely the moral feeling of respect:

this feeling, on account of its origin [in pure practical reason], cannot be called pathologically effected but must be called *practically effected*, and is effected as follows: the representation of the moral law deprives self-love of its influence and self-conceit of its illusion, and thereby the hindrance to pure practical reason is lessened and the representation of the superiority of its objective law to the impulses of sensibility is produced” (KpV, AA 5: 75–76).

Through the self-reflective judgements of conscience, reason evaluates the authority of the moral law on our actual moral deliberation, negating pathological incentives and strengthening our feeling of respect for the moral law. It is therefore not because conscience *is a feeling*, but rather because of this *effect on moral feeling*, that conscience is discussed in Section XII as one of the aesthetical preliminary concepts.

Subjective Bedingung

Our discussion of “aesthetical” also allows us to understand why conscience is understood as a subjective condition. For while the objective condition of morality is the moral law, the subjective conditions of *the receptiveness to the concept of duty*, are those that are necessary for a finite moral being to be receptive and responsive to the representation of the moral law. In order for pure ethics to be applicable to a *human being*, conscience – along with moral feeling, love of one’s neighbour, and self-esteem – are necessary preconditions on the side of the subject. As beings that are both pathologically and rationally affected, we cannot assume that our moral judgements answer to what morality demands. Morality requires that the moral law is the supreme principle for our determination of what our duty amounts to, but due to our finite nature we need an evaluative capacity to discern the incentives that affect our moral reasoning. Furthermore, morality requires that we act, not simply in conformity with the law, but also out of re-

spect for the law, and conscience keeps an evaluative view on the incentives that motivate our actions. Conscience is the self-reflection of reason that is necessary for finite rational beings such as us.

Natürliche Gemüthsanlage

In Section XII, Kant also describes conscience as a natural predisposition of the mind, which has led some scholars to claim that conscience “works more like an instinct than a capacity for reasoned moral judgment” (Hill, 2002, p. 302). Such a reading can be supported by Kant’s lectures, where conscience is described as “an instinct [*Instinkt*], an involuntary and irresistible drive in our nature, which compels us to judge with the force of law concerning our actions” (V-MO/Collins, AA 27: 296–7). Similar descriptions can be found later in the Collins-lectures (V-Mo/Collins, AA 27: 351) and in the Kaehler-lectures (V-MO/Kaehler(Stark), 129–130, 236).

While it is not my ambition to explain all of Kant’s claims about conscience, it is worth discussing these passages, since they also form the basis for Esser’s claim that conscience is a felt awareness (Esser, 2013, p. 277). The main reason for not prioritizing these lecture notes as a source for Kant’s theory of conscience, is that they are difficult to reconcile with his published writings. While the lecture transcripts can at times be of help, they must be read with caution. Emre Kazim correctly makes the point that Kant does not characterise conscience as an instinct in his later published writings and concludes that the “notion of conscience is clarified, and in part amended, by a clearer notion of conscience as higher-order judgement in the *Metaphysics of Morals* and *Religion*” (Kazim, 2017, p. 32 fn. 57). A second reason for caution, is that they do not fit with Kant’s definition of instinct from the *Religion*: “Between propensity and inclination (the latter presupposes acquaintance with the object of desire) there is yet instinct. It is a felt need to do or enjoy something of which we still do not have a concept” (RGV, AA 6: 29, fn.). An examination of what kind of predisposition conscience is will help us understand why it is not an instinct.

In addition to describing conscience as a natural predisposition of the mind, Kant also characterizes it as an “intellectual and (since it is the thought of duty) moral predisposition” (MS, AA 6: 438). Kant writes about predispositions throughout his works, but they are most distinctly described in the *Religion*, as a set of characteristics that make up a distinct being: “the constituent parts required for it as well as the forms of their combination that make for such a being (RGV, AA 6: 28). The predispositions that make up a human being can be classified into three categories: those pertaining to it (1) as a living being, *the predis-*

position to animality; (2) as a rational being, *the predisposition to humanity*; and (3) as a morally responsible being, *the predisposition to personality*. The first two falls under the heading of self-love: the former as mechanical self-love comprising physical drives such as that of self-preservation, propagation of the species and community; the latter as rational self-love presupposing sociability and including comparative and competitive predispositions such as the inclination to gain recognition. Only the third category is directly conductive to morality and Kant describes it as “the susceptibility to respect the moral law *as of itself a sufficient incentive to the power of choice*” (RGV, AA 6: 26–28). The three categories of predispositions belong to different determinate elements of the human being, and all of them relate to duties we have to ourselves. This latter point is also attested by Kant’s discussion of the natural predispositions or gifts of nature in the *Groundwork*:

there are in humanity predispositions to greater perfection, which belong to the end of nature with respect to humanity in our subject; to neglect these might admittedly be consistent with the *preservation* of humanity as an end in itself but not with the *furtherance* of this end” (GMS, AA 4: 430).

The duty to develop our predispositions is a comprehensive indirect duty: “For, as a rational being he necessarily wills that all the capacities in him be developed, since they serve him and are given to him for all sorts of possible purposes” (GMS, AA 4: 423). This duty is also repeated in the *Metaphysics of Morals* shortly after Kant’s discussion of conscience and the duty to self-knowledge (MS, AA 6: 444). These are not subordinate topics but relate to Kant’s discussion of ends that are also duties, of which there are only two: one’s own perfection and the happiness of others. Belonging to our predisposition to personality, our duty to develop our evaluative capacity of conscience belongs to the former (MS, AA 6: 385–387). While instincts might be part of the predisposition of a being, the examples Kant provides seem to belong to the predisposition to animality. Furthermore, in contrast to instincts, conscience does have a concept: the highest good (KpV, AA 5: 510–515).

While conscience should not be understood as an instinct, conscience is similar to instincts in that we do not exercise it at will. While the reflection of conscience, as belonging to practical reason, must be free, whether or not this activity is exercised is not of our choosing. This is because our reasoning is necessarily self-reflective. As such, these lectures should be read in accordance with similar descriptions of how conscience “speaks involuntarily and unavoidably” (MS, AA 6: 401). While we therefore cannot have a duty to acquire conscience (MS, AA 6: 399), we still have a duty to develop it as our self-reflective capacity.

Finally, the qualifier “natural” might seem to introduce a tension between conscience as belonging to us as natural beings and as moral beings. But “natural” should here not be understood as that which is contrary to the exercise of freedom, but rather as the “subjective ground – wherever it may lie – of the exercise of the human being’s freedom” (RGV, AA 6: 20–21). Kant also uses “natural” to describe something that “belongs to the human being universally (and hence to the character of the species)” (RGV, AA 6: 29). Conscience is a natural predisposition of the mind in two senses. First, because it is part of the subjective ground of human freedom, in so far this is understood as acting in accordance with and out of respect for the moral law. Second, because it is universally found in all human beings as a constitutive characteristic of the species. Conscience is the capacity for self-reflection that is universally found in human beings, a self-reflection that is crucial for our ability to act out of respect for the moral law. This is supported by Kant’s descriptions of conscience in §13 as an intellectual and moral predisposition (MS, AA 6: 438), and as the inner judge of all free actions (MS, AA 6: 439) and a scrutiniser of hearts (MS, AA 6: 439).

Moralische Beschaffenheiten

The final term to be discussed from Section XII, is that of a “moral endowment”. We have already seen how Kant argues that conscience is a necessary condition for us being able to respond to the demands of morality. Describing conscience as a moral endowment supports this. “*Beschaffenheit*” is not one of Kant’s technical terms, but it often describes a property that can be either necessary or conditional for an object or a being, or to describe the relation between different properties of an object or a being. That Kant is here referring to the first sense of the term is implied by him discussing several such endowments. In this sense of the term, such properties are often taken to be innate and not possessed at will. The innateness of conscience underlines the claim that we cannot have a duty to acquire it: “it is not something incumbent on one, a duty, but rather an unavoidable fact” (MS, AA 6: 400).

The claim that we do not have a duty to acquire conscience can be interpreted in two ways, depending on how we interpret conscience as a moral endowment. If we take it as a factual account, we describe the moral endowments we have, making such a duty redundant, since “every human being, as a moral being, has a conscience with him originally” (MS, AA 6: 400). If we take it as a regressive account, we look at the endowments *we must have* given our constitution as human beings, *if* we want to account ourselves as beings within the realm of morality that can act on the basis of a priori principles of

duty. *As a moral being* such a duty would be question-begging: “To be under obligation to have a conscience would be tantamount to having a duty to recognize duties” (MS, AA 6: 400). As a condition enabling us to be receptive to the concept of duty, it cannot itself be a duty to acquire conscience.

Conclusions

In this paper, I have argued that the inclusion of conscience in Section XII should not lead us to understand conscience as a feeling or an instinct, or as incompatible with Kant’s other writings on conscience, such as in §13 and in the *Religion*. I have argued that Kant takes conscience to have an evaluative function, turning practical reason upon itself by scrutinizing how we came to form our moral judgements. This function is required in Kant’s critical moral philosophy due to the double command of the moral law, which demands that we act not both in accordance with and out of respect for the moral law. The imperative form of the moral law stems from our nature as finite rational beings with a dual source for the determination of our will. This finite nature is also the reason for why we cannot simply assume that we have in fact avoided the subordination of the moral law to the principle of self-love. Importantly, just as the principle of self-love can influence our acting, it can also influence our thinking. The scrutiny of conscience provides us with a relentless self-examination of our moral deliberation, demanded by the double command of the moral law and our duty to our own moral perfection. While conscience is not a feeling, its reflection might give rise to the positive feeling of moral respect and the negative feeling of pangs of conscience. Furthermore, conscience is not an instinct, but rather a predisposition coexistent with our reason. Such a theory of conscience is in continuation with Kant’s critical philosophy, in that it shows what is presupposed on the side of the subject when applying pure ethics to the human being.

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