

noying little voice is Pinocchio's cricket. Different accounts might claim that the

ample, Aquinas distinguished between *synderesis* and *conscientia*, in which *synderesis* does the epistemological heavy-lifting, while *conscientia* delivers the goods of practical deliberation as the conclusion of a practical syllogism in which the major premise is given by *synderesis* and the minor premise is the assessment of the circumstances in a given case. Of course, accounts of conscience can just as well combine practical reasoning with motivation: ideally, conscience would engage our rational deliberation and lead us naturally into action based on the best rational solution.

But action based on rational deliberation is in most people a rare occurrence. We also know that the most difficult cases of conscientious objection will come from those who claim to have knowledge of the dictates of conscience or from those who have deliberated and concluded that their conscience is at odds with some public policies. Those who have motivational issues of conscience are somehow less problematic. Let us turn to the conflict between conscience and the law.

For the moment, I have deliberately left open the definition of conscience. Its ambiguity is reflected in the way we address instances of conflict between law and conscience. Indeed, the way we frame the conflict depends on the way we conceive of conscience. I will begin with the case of conscience posing a motivational problem. There are people who object to going to war for conscientious reasons. They might have pondered the question long and hard, or they might have a strong intuition that taking up arms is always wrong. In both cases, those who object to war feel strongly that to be coerced to take part in a war is contrary to their moral convictions; thus, they would ultimately be highly unmotivated. It is not so hard to see why a state would want to recognize a limited number of exemptions from being drafted: it is not in the interest of the state, the army, or the soldiers to be burdened by a number of people who are likely to dampen the morale of the troops. Moreover, offensive war has very weak legitimacy to begin with, so to coerce objectors could be fatal for the legitimacy of the state.

For similar reasons, it is very hard to coerce medical doctors to perform actions that they consider incompatible with their conscience, such as abortion. An unmotivated doctor who is coerced to perform such an action is more prone to errors that could have devastating consequences on the patient. The comparison between war and abortion, however, ends there. In virtually all liberal democracies, legislation entrenches a right to abort. The state has a positive obligation to secure the efficacy of that legal right, which requires that women be assisted in the exercise of their right at no extra cost or burden. In some cases of scarcity of resources, that might even overrule a request for exemption or justify the woman's request for extra costs incurred.

When conscience is chiefly a matter of motivation to engage in certain acts, it is hard to justify state coercion that can compromise the autonomy underlying

But conscience-as-moral-knowledge also claims to be informed by right reasons. In fact, according to some accounts, conscience works analogously to authority.¹¹ It does not create any new reasons but it alerts us to the reasons that apply to the action we have taken.¹² Thus, conscience mediates between reasons and actions, and it performs a cognitive role in giving agents cause to act in a way that tracks all the right reasons.

If we were to accept an understanding of conscience-as-moral-knowledge, then we would have to conclude that both legal authority and conscience offer us what philosopher Joseph Raz has called exclusionary reasons. These are second-order reasons that exclude other reasons from deliberation; second-order reasons tell us to refrain from further deliberation.¹³ It follows that the conflict between conscience and law is a conflict between two exclusionary reasons. The consequences could not be starker: there is no room for compromise or accommodation between two exclusionary reasons. One or the other must give way.

Conscience-as-moral-knowledge works here on the assumption that if its claim is successful then the legitimacy of legal authority would be undermined. Blow by blow, a number of liberal policies could be questioned and ultimately revised. Those who define conscience as moral knowledge have an interest in presenting the conflict as total, rather than partial. A partial conflict implies that neither of the two reasons of conflict is nonnegotiable. In fact, it would just point out that on each side, there are defeasible reasons. But when there are two exclusionary reasons that conflict, accommodation is not possible because it would require reopening the balance of the first-order reasons that have been captured by the formulation of exclusionary second-order reasons.

Bakers and registrars claim that their conscience offers them cause not to act on the reason offered by legislation that requires them not to discriminate. This conflict between conscience and law is set up to question the rationale of some liberal policies. It is a total conflict, the point of which is to introduce a strong tension between competing worldviews and restore traditional values in matters of morality. But there seems to be a disruptive agenda, too: the intent is to dismantle the moral and political order so as to conquer it again.¹⁴ Just like the case of Greek city-states, the political institutions of liberal democracies are losing their grip on the ethical fabric of the society.

The third category of conflict between law and conscience is when a conscientious objector makes a claim based upon rational reflection. The thought process is more hypothetical here: what would we do if faced with such a situation? If the conscientious case is compelling, then it is likely to influence a policy or a le-

undermine the regime from within and so it must be the result of a mature reflection about the demands of conscience.

The conscientious case might in this case be so cogent that conscientious objection will slowly but surely become the voice of the majority and transform itself into civil disobedience. In this third scenario, conflict is never total: that is to say, it does not create a deadlock between the law and conscience, where one claim must give way to the other as a conclusive matter. Conscientious claims based upon reflection invite political authority to reflect on the moral basis of the law or of the policy. And if this type of dialogue can be established, then it is likely that the law will ultimately be open to change and to correct mistakes.

If a genuine conflict between law and conscience arises as described above, its treatment depends on the comparison between the authority of the law and that of conscience: it boils down to the strength of the reasons on each side, even if the inescapable problem is that both sides claim to have conclusive authority.

Sometimes a conflict can be avoided by restricting the scope of conscience. Conscience has been described as being necessary to avoid evil, but not sufficient to do the right thing. This was Paul's view.¹⁵ He thought that conscience was negative and backward-looking; conscience pricked those who had already committed a wrongful action. At most, conscience begs us to refrain from repeating that wrongful action, lest we be subject to the same pain that cannot be shaken away. In Paul's account, both the knowledge and the motivation tend to be negative: we have a reason not to act against the law, and we are also motivated to do so by the desire to avoid pain.

This understanding of conscience is modest and limited in scope: Conscience is not a guiding light of human action. It is rather a brake to what can be done. Another account that constrains the scope of conscience attributes to it a very specific role in practical reasoning, as Aquinas claimed. One thing is to ascertain the reasons that guide us, another is to apply those reasons to individual situations. Aquinas is careful to distinguish between the general principles of conscience and the specific applications of those principles to individual situations. The former are the principles of conscience, the latter are the applications of those principles to individual situations.

us and we would do something wrong if we acted against our conscience: when we experience it, we want to refrain from action and we provide conscience as a reason for not acting. But because conscience is fallible (if you follow Aquinas), then it cannot always excuse. It depends on the nature of the mistake: when the agent has no means to ascertain his mistake and the mistake is involuntary, then conscience binds and excuses. But if the mistake can be avoided or corrected, then conscience will not excuse the agent.

While the authority of *synderesis* is not questionable, the authority of conscience is by nature fallible. It follows that a conscience in this account does not necessarily lead to a deadlock with the law. There is space for the external authority to probe the reason of the conscientious objector and to assist with the reasoning if there is a mistake.

Another strategy to acknowledge legitimate authority to both the law and the claims of conscience while avoiding their conflict is by distinguishing their domains: law makes claims in the public sphere, while conscience makes claims in the private sphere. By doing so, one preserves the integrity of both, but might miss out on the dialogue between law and conscience.

Those who prefer to separate the domains tend to look at conscience as the outcome of an inner judicial process.¹⁶ The process is entirely played out within one's mind and the agent is at the same time the accuser, the accused, and the judge. The sentence reached through the inner judicial process can be one of action or inaction. The process is entirely played out within one's mind and the agent is at the same time the accuser, the accused, and the judge. The sentence reached through the inner judicial process can be one of action or inaction. The process is entirely played out within one's mind and the agent is at the same time the accuser, the accused, and the judge. The sentence reached through the inner judicial process can be one of action or inaction.

An deliberative model of conscience is one in which the agent is at the same time the accuser, the accused, and the judge. The sentence reached through the inner judicial process can be one of action or inaction.

Can we accommodate conscience? It is easier to accommodate reflection-based conscience than it is to accommodate knowledge-based conscience. The latter presents itself as a conclusive reason that bears no compromise. It does not recognize the authority in front of itself, while insisting on its own infallibility. Conscience-as-knowledge is bent on depriving the external authority of its own legitimacy and replacing it with the authority of individual conscience.

On the other hand, conscience-as-reflection is more modest while still authoritative. The individual recognizes her own practical reasoning as binding, but there is openness to the possibility of being mistaken. In such a case, the external political authority must also display a certain degree of humility and modesty. It must start by acknowledging the negative feeling of the individual and must attempt to engage in a dialogue in order to let claims of conscience be considered in the open. In this way, the most obvious mistakes with regard to right reason or to the examination of the facts of the case can be dismissed more easily.

Genuine claims of conscience must be the object of public and open scrutiny. This is the first step toward accommodation, and it is true in both cases of correct or incorrect conscience. If conscience is regarded as correct after public deliberation, then the political authority would have a strong reason to conform to it. An interesting test case was provided by Prime Minister Tony Blair's decision to go to war in Iraq. Blair presented his decision as dictated by his own conscience, and in this discussion, let us take him at his word. A mass protest, perhaps the biggest in recent British history, followed this decision, creating a stand-off between the prime minister's conscience and the public's conscientious objection to it. The public wanted the prime minister to avoid a major mistake: going to war without having sufficient evidence. Tony Blair resisted public pressure and brushed it off by claiming the authority of his inner conscience. History, and Sir Brian Leveson's public inquiry, showed us that Tony Blair should have listened and accepted that his conscience was mistaken. A public deliberation would have shown that there was no final evidence to support military action.

The prime minister's conscience was not merely accommodated, since he was leading the conversation on what to do. His voice needed to be heard and debated, but that does not mean that the legitimacy of his action cannot be contested. On the contrary, had he been open to contestation, he would still enjoy a reasonable degree of legitimacy, which he jettisoned the day of his decision. The legitimacy of political authority comes partly from its openness to being mistaken; and so it is for the moral authority of conscience: it should always be respected, and it is because it is respected that it should be scrutinized when it aims to guide action.

That is where accommodation stops: conscience can and should be heard. But it does not have the privilege of legal or political protection every time it makes a claim. Conscience can claim to be heard but does not systematically excuse who-

ever claims it: there is no general or special right to conscientious objection; rather, conscience is covered by a right to be heard.¹⁷

Conscience is at its best when it preserves a healthy distance from religious and political authorities. History shows us that conscience can become dangerously unhinged from its surroundings to the point of bringing about unrest and conflict. Liberal democracies suffer from a structural inability to give conscience its proper place. Because liberal democracies fail to grasp the structure of the claims of conscientious objection, they are liable to be undermined by Antigone's claim.

Liberal democracies display opposite attitudes toward conscience: either it is repressed in the name of right reasons or it is fetishized and undermines the legitimacy of the authority that protects it.¹⁸

There are two types of conscience fetishism: knowledge fetishism and reason fetishism. If a liberal democracy defines conscience as the ability to access one's own deepest convictions and beliefs, and if that polity provides special protection to those beliefs and convictions, then we can speak of knowledge fetishism. No political regime can survive the rise of conscientious claims of this kind: it only takes an organized group to use this weapon against the very fabric of the liberal democracy. I do not think that it makes sense to protect conscience as a preferential pathway to moral knowledge.

Reason fetishism is equally problematic. In its ideal form, it presents conscience as an inner tribunal in which the agent weighs reasons for or against a certain action. In these accounts, conscience is the centerpiece of private morality and public authority must respect the findings of the court of inner reason. The inner tribunal of conscience works in parallel with the public tribunal of law. That gives liberal thinkers the false impression that conscience and law have two separate domains in which reason plays the role of king. Reason fetishism amounts to the false belief that conscience can regulate itself from within.

I resist both knowledge fetishism and reason fetishism and will conclude by sketching an account of conscience as a potential assistant of public deliberation. Most philosophical theories of conscience present a mixed account that is rooted either in a knowledge-based or reflection-based idea of conscience. I favor an account that begins with emotional reactions to wrongdoing as a starting point for public deliberation on the merits of an action. Political authorities have an obligation to hear the claims of conscience. They also have a strong interest in understanding and evaluating the motivational force of conscience.

A well-balanced individual, unlike Hamlet, is engaged in the right amount of action and introspection. There is no solution of continuity between the two, nor is there priority of one over the other. In fact, someone who is thriving will engage in action and reflection in a spontaneous and seamless way. Conscience as a feel-

ing of guilt, as a pang, will only appear if there is a glitch in one's life: there might have been a mistake or an accident. At that point, conscience requests a review of one's action and can intimate a change in behavior. Other times, it is possible that one's action is perfectly fine, and the problem is with the external barrier to one's own action. In this case, conscience assists with the task of changing the external world so as to remove barriers of rightful action. Thus, conscientious claims can hold political authorities to account.

In this picture, conscience is in constant exchange with the external world: it is prepared to be corrected by, and to correct, norms of behavior that shape the normative landscape. The spark of conscience is a feeling that something is not quite right. To take seriously that spark of conscience is fundamental, but it cannot stop there: the feeling of something wrong can be an occasion to deliberate on what needs to be changed and adapted. In the case of Hamlet, once again, what is wrong is his psychological state that is afflicted by overwhelming emotions. His conscience, as a result, is incapable of breaking the vicious circle that forces him into a vortex of endless introspection.

The second step of my account of conscience is deliberative. Pangs of conscience make a legitimate claim on us and on external authorities to review the reasons that back certain norms of behavior. The best contribution of conscience

consciencel woh the a103 mlet, oncaihealthtivent o.5 (shappe)3blem isJ Os
is to ask ucomtind22s exetimes, itlloloo3blem isneoces hilloon. I(choll (. Hisxternoutorlam-)Tj

The image displays a complex musical score consisting of approximately 12 staves. The notation is dense and includes a variety of symbols such as notes, rests, and dynamic markings. The first staff begins with a treble clef and a key signature of one flat (B-flat). The score is filled with intricate rhythmic patterns and melodic lines, with some notes marked with accents or slurs. The overall appearance is that of a highly detailed and technically demanding musical composition.