

CONSCIENCE AND LAW

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Abstract

Conscience's status in modern times is related with the new-genuine situation which emerges as a result of externalization of the relationship with the authority in general, i.e. as a result of separation between what is moral and what is lawful. In this new situation, expectations and concerns about one's doings and behaviors are not moral but are limited in juridical, statutory level. In other words, the fear of being judged over moral reasons are superseded by the fear of being accused and getting punishment juristically. This situation means, not only that a big gap is being opened between morality and law, but also an acceptance for the relationship with conscience's being broken off altogether.

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INTRODUCTION

The enlightened approach which constitutes the core of modern era's understanding of moral is an understanding of, where there is no need for church authority or god-given intuition/divine inspiration, which a human can solve these problems with his/her Mind.² But, are human mind and knowledge independent and reliable? There is a lack of confidence in the field of morality. Because in the Age of Enlightenment all grounds but mind were destroyed and now the mind itself is destroying itself, there is an environment of insecurity all over. However, what is happening is that a certain conception of mind and an understanding of mind as a way of solving problem are being dysfunctional and abandoned. This situation brought along repositioning of what is moral as something belong to the personal, private space That is to say, what is moral is now in a non-groundable position just like how emotions and desires are in. Does this situation damage what is moral? Because, if by existing, being groundable is meant,(which in here, it is considered as same and if this means presenting the subject in a way that it will be valid for everyone from every angle), this is not possible. And what about, to live; doesn't anyone speak of morality and values as a culture and living?

One of the explicit examples of the dualism which arises from the understanding of morality of Enlightenment and which we like to discuss is stated by J. J. Rousseau. Rousseau (1712 – 1778) says that the thing that can be called conscience in some ways and that we have the whole civilization owing to it, is 'compassion' which is a feeling. For Rousseau, compassion is a virtue that humankind has by nature. The compassion that human has in his/her natural state is the possibility for identification in a certain way with the people whom something bad had happened and so who suffers. When a situation isn't fulfilled as its due, the feeling of compassion which a human has by his/her nature, for Rousseau, disturbs by creating inner uneasiness. The compassion which he says humankind has by nature, comes before human's thinking and knowing, i.e. before his/her mind.³

Compassion is 'the one which comes first'. By saying that compassion is 'which comes first', two things are meant. First, this means that just like compassion doesn't emerge in the processes of mind and thinking and it also can't be grounded with the processes of mind and thinking. Secondly this means that, since it made the constituting and building of civilizations possible, human's this feature precedes the civilizations. In this sense, the main function

² See: Fromm, Erich, *Man for Himself: An Inquiry Into the Psychology of Ethics*, New York, Rinehart and co,1990, p. 5

³ Jean-Jacques Rousseau: *The Basic Political Writings: Discourse on the Sciences and the Arts, Discourse on the Origin of Inequality, Discourse on Political Economy, ... Contract, The State of War*, Trans. Donald A. Cress, (Hackett Classics) June 15, 2012, p. 63.

of compassion is, by preceding human mind and thinking, preventing human from acting ‘like savages’, i.e. hosting the mind and thinking.⁴

So, what happened now to this virtue which is accepted come before thinking and that is said humankind has it by nature? According to Rousseau, this virtue that human has by his/her nature still remains. But, in the era that philosophy and so rationalist justifications and groundings rule over everything, compassion can’t find a shelter for itself. In the ‘process of civilization’ where everything is being tried to be explained with mind and which shows itself as a forcing that knowing will mean only explaining with mind, compassion has lost its natural being, its competence and its being-guiding. This situation is the duality of compassion.⁵ In one hand, being the possibility of human’s constructing civilization, i.e. possibility of human’s being human, on the other hand, this possibility that it presented to human now is threatening its ground of being, by ‘being a civilized human’.

According to Rousseau, the mind which has positioned against conscience in this sense, unavoidably detains human from heading towards acting with feeling of conscience. In here, before the human who suffers, the meaning of thinking emerges. Now, the meaning of thinking is, not feeling the compassion for the human who suffers -the compassion which directs the action to ease his/her pain- but is the situation of becoming introverted by avoiding from any relationship with the human who suffers.⁶

He takes the subject matter not in terms of a person who hears sounds of suffering from just outside of his/her house and who leads towards searching for the source of the sounds and tries to end the situation in hand, but in terms of this person leading towards calming himself/herself with the given political and social justifications. This process of being-blinded which drags the human into a painless life, ends with saving the human from the weight and responsibility of compassion, by moral obligation being handed over to various reasoning which were constitutionalized and systematized by rules with certain ways in the civilization process of humankind.⁷

⁴ Even though ‘savage’ was being used for the members of the communities which are not Western in times of J. J. Rousseau, today this using turned into a figure of speech which has a real sense.

⁵ For further explanation about ‘compassion’ in J. J. Rousseau’s philosophy, see: Orwin, Clifford & Tarcov, Nathan (ed.), *The Legacy of Rousseau*, The University of Chicago Press, 1997.

⁶ See: J. J. Rousseau, *ibid*, p. 62-65.

⁷ Our consideration over J. J. Rousseau, reminds some of the considerations that Nietzsche had about conscience. According to Nietzsche, conscience, just in the sense that J.J. Rousseau means, is being able to produce excuses quickly to escape from the situation’s responsibility. Nietzsche, right across this understanding, says these to ridicule conscience: *The Conscientious*.—It is more convenient to follow one’s conscience than one’s intelligence, for at every failure conscience finds an excuse and an encouragement in itself. That is why there are so many conscientious and so few intelligent people.” See: Friedrich Nietzsche, *Human All Too Human*, Part 2, Trans. Paul V. Cohn, 2011, *The Project Gutenberg E-Book*, p. 33.

Human, by thinking and justification, moves away from other human and withdraws into himself/herself. Human's this withdrawing into oneself means him/her looking at the world from within and behaving befittingly to the mind which positioned as 'inside', i.e. to the authority which is objectified as 'a particular identity'. Thereby, in the sense that he/she will destroy the other inside his/her thinking, in the sense that he/she will destroy the compassion which keeps alive, in individual, the feeling of being responsible to the other and so he/she will stay in a position that he/she is alienated to himself/herself as being an/the other.

E. Fromm, who discusses the subject matter of conscience after the world wars which are the most concrete example for modern times ending, says this: "There's no prouder statement man can make than to say: 'I shall act according to my conscience'".⁸ According to Fromm, just like we see something similar in Rousseau, the progress of humankind depends on this. But just after this, he says that, even though he/she acted according to his/her conscience, some people harmed other people, harmed even humanity. Then what is conscience? Does it emerge with just one appearance? In here, every single appearance of conscience can be considered as having no fixed and certain essence and on the contrary, in accordance with Freud's view of contingency, as a certain evaluation and feeling responsible structure which occurred after person's life incidents.⁹ Besides, Fromm says that the subject matter can be reviewed in terms of the urges that steer human, and in this sense, claiming that in fact conscience doesn't exist is also possible.¹⁰

The second subject that Fromm mentions is authoritarian conscience. According to Fromm, the authoritarian conscience is the voice of an internalized external authority, the parents, the state, or whoever the authorities in a culture happen to be.¹¹ By this definition, we understand that for Fromm the authoritarian conscience is equal to what Freud meant by super-ego. But still, Fromm also states that there's a certain distinction between authoritarian conscience and super-ego. This distinction lies in seeing that the rules, orders and prohibitions of the authoritarian conscience are good, not because these rules are good but because they are set up by the authority.¹² The main orientation of this kind of understanding of conscience which is related with identification with authority and with the worry of security is related with not being able to dare to lose both of these. In this understanding, punishment is chosen over being-abandoned. The biggest prohibition is disobedience and the thought of himself/herself can also be authority.¹³

⁸ See: Fromm, Erich, *ibid*, p. 141

⁹ See: Sigmund Freud, *On Metapsychology - The Theory of Psychoanalysis: "Beyond the Pleasure Principle", "Ego and the Id" and Other Works (Penguin Freud library)*, 27 Jun 1991.

¹⁰ See: E. Fromm, *ibid*, p. 142.

¹¹ See: E. Fromm, *ibid*, p. 143.

¹² See: E. Fromm, *ibid*, p. 143-145.

¹³ See: E. Fromm, *ibid*, p. 146-147.

With ending the Second World War which is considered as the ending of modern times, especially the relationship between human, morality and conscience became one of the main topics for discussion.¹⁴ The question here is this: Western Europe which has been seen as the source of humanity and civilization was also the source of two world wars. In here, beside the question of how did Western Europe end up being the source of two world wars, “how could the governments -which participated wars- torture each other’s public and their own public which they marginalized” is the main question. Magnitude of the problem emerged in the judgement of victors towards vanquished after the war. One of the most well-known judgements is the Jerusalem trials of O. A. Eichmann who was seen as one of the executors of final solution.¹⁵ The observations and evaluations of philosopher H. Arendt -who was tasked with spectating the Jerusalem trials as a journalist- have been being discussed both in her lifetime and also today.

The matter that Arendt pointed out was that all of the things which Eichmann did wasn’t something personal but that these doings stemmed from an inextricable handicap of modern world. According to Arendt’s presentation, Eichmann didn’t behave cruelly or inhumanly more than the political, social and formal relationship he was living into asked for, on the contrary, he even shows some ‘humane’ approaches.¹⁶ In a way, Eichmann seems like an ordinary officer who had followed both the orders and the rules.¹⁷

Another thing that should be emphasized is Eichmann stating the fact that him or someone else working in the aforementioned position and rank or not doesn’t affect the committed crimes occurring or not. The characteristic of Eichmann’s plea emphasized the fact that his doings had no personal bearings and he had done nothing but just following the orders.¹⁸ Even though this statement of plea is given in the aim of showing that his doings were

¹⁴ *For a study from a different point of view, see: Maclure, Jocelyn & Taylor, Charles, Secularism and Freedom of Conscience, Trans. Jane Marie Todd, President and Fellows of Harvard College, 2011.*

¹⁵ *After the war, Eichmann had escaped to Argentina, and in 1960, he stood in trial in Israel to where he was kidnapped and brought secretly and in 1962 he was executed.*

¹⁶ *For further information about Eichmann’s story, see: Bascomb, Neal, Hunting Eichmann: How a Band of Survivors and a Young Spy Agency Chased Down the World’s Most Notorious Nazi, Mariner Books, 2010.*

¹⁷ *See: Hannah Arendt, Eichmann in Jerusalem: A Report on the Banality of Evil (Penguin Classics) September 22, 2006, p.135. Without a doubt, if Eichmann could’ve officially registered as a mentally ill person or as a public enemy, including even the parties who make the judgement, the whole civilized world would’ve heaved a sigh of relief. But the situation was in a way that frightens the ones who were making the judgement. Because, Eichmann didn’t seem different from ordinary officers. In respect to this, the guilty one and the one on the bench seem in same position. This situation gave rises to criticisms against Arendt who took the situation in hand from this point of view.*

¹⁸ *See: Hannah Arendt, ibid, p. 135.*

nothing personal so that he could change the characteristic of crime, when these statements are reread, they show that in case of Eichmann would be in the same position again, he is defending that he would act and do the same. Because for him, an officer on duty, by definition, should act upon what the orders tell to do. This approach stems from a conception of morality and conscience which are hypnotized by a logical and mathematical form.

When Eichmann says ‘anyone would do the same if they were in my place’, he clearly displays how widespread this situation -the situation which emerges from the experiments that have been carried out to examine this subject matter- is. Thus, about this subject, there is a famous experiment called Milgram Experiment which was published in 1963, just after Eichmann’s being executed. According to this study, through unconditional obedience to authority as a learned behavior, it is possible to prevent people’s compassionate behavior and to make them exceedingly torment each other.¹⁹

Stanley Milgram (1933 – 1984) -who was a social psychologist- conducted a social obedience experiment which has got famous by his name. The thought that was aimed to be tested involved to see, no matter how crucial it is, if the potentiality of destroying other people did lie in all of the humans or not, just because it is asked by an authority. In this experiment, Milgram also tested the assertions of some historians like W. L. Shirer (1904 – 1993) who says that some of the executions, like ‘final solution’, which was executed towards Jewish people in World War II, were peculiar to Germans.²⁰ This characteristic of the test is important in the sense it shows that, just like one of the conclusions that Arendt reached, this situation is the crisis of the modern world.

The outlines of Milgram’s experiment was designed like this: The aim of the experiment was to understand the influence of authority in building and maintaining the relationships between people who are same level. Before beginning the experiment, study group would put together through an ordinary newspaper announcement and attendants would be convinced that they are contributing to a learning experiment. Main component as the negative reinforcement, electric shock was chosen. But deciding who is going to be in the learning process and who is going to be the shock giver was determined via a draw which seems running random. So that attendants were convinced that whether they were the ones who gives or the ones who receive shock is by chance. To amplify this supposition, fake attendants would act like they would sound and scream like they were suffering more and more in each shock. The most important thing that should be kept in mind here is that attendants also

¹⁹ For further information about links between “obedience” and “orders”, see: Dinstein, Yoram, *The Defence of ‘Obedience to Superior Orders’ in International Law, Reprinted Edition, Oxford University Press, 2012.*

²⁰ See: Philip Meyer, *If Hitler Asked You to Electrocute a Strranger, Would You? Probably, ESQUIRE, Vol. 74 (1970), p. 71.*

know they could not hold responsible for the possible aftermath. In each one of these fake experiments, if the attendants were to hesitate about giving the shock, the one who was conducting the experiment would step in to preach the attendants into continuing giving shock by saying that he/she (the conducting one) takes all the responsibility of the authority over himself/herself.²¹ We understand by the considerations over the results of the experiment, that most of the attendants were able to continue the experiment, just to finish what they have started with the preach of the given authority, even though they were sure they were tormenting some people that they didn't know and had no social relationship between.²²

The situation that Milgram experiment has shown, brings up to discuss salient feature of Eichmann's character. Eichmann emphasized that he has done what he has done by his 'official soul' but in his 'private soul' he never approved what he was doing.²³ The distinction between official soul and private soul reminds the work ethic and private-public space which are always given countenance to and seen as the characteristic of modern understanding.²⁴ Whereas it seems impossible for a morality-legal system which enables conscience. The problem gets tangled up when it comes to punishment part. In morality, punishment should already be disappeared. Besides, there is no punishment for lots of immorality and lots of punishment doesn't be given because of immorality. In this sense, it also can't be said that someone is moral after he/she served his/her sentence. This approach seems contradictory with the understanding of morality which is related to conscience. According to Kant, it is enough and necessary for morality for a human to have a conscience and let himself/herself to governing of this conscience. After all, for Kant, it is impossible for a man to guide his/her own conscience.²⁵

One of the matters that Arendt pointed out about Eichmann's trial is that, during the whole trial, Eichmann defended all of his doings were in accordance with Kant's philosophy of morality. Arendt states that Eichmann

²¹ For more contemporary considerations about the experiment, see: Blass, Thomas (Ed.), *Obedience to Authority: Current Perspectives on the Milgram Paradigm*, Taylor & Francis e-Library, 2009.

²² See: Milgram, S. (1963). *Behavioral study of obedience*. *Journal of Abnormal and Social Psychology*, 67, 371-378.

²³ See: Hannah Arendt, *ibid*, p. 127.

²⁴ It is understood that one of the prominent subjects which influenced the verdict that sentenced Eichmann was not if he had followed the orders or not but the care, effort and attention he gave while he was executing those orders. The matter which was emphasized was that there was no action or intention towards not following those orders. (See: Hannah Arendt, *ibid*, p. 246-249).

²⁵ See: Asad, Talal, *Formations of Secular: Christianity, Islam, Modernity*, Stanford University Press, 2003, p. 247. Also see: Immanuel Kant, *Religion within the Boundaries of Mere Reason: And Other Writings*, Translated and Edited by Allen Wood and George di Giovanni, January 28, 1999, p. 178-179.

read Kant's Critique of Practical Reason during the whole trial. Arendt heads to confute Eichmann's approach to ground his doings on Kant's understanding of morality with a three-leveled consideration. Eichmann says this: "I meant by my remark about Kant that the principle of my will must always be such that it can become the principle of general laws."²⁶ Eichmann also stated that he abandoned this principle which he had once followed.²⁷ The other version -which seems same with Kant's this principle- can be divided into two parts: First one is stated like: "Act as if the principle of your actions were the same as that of the legislator or of the law of the land."²⁸ And "Act in such a way that the Führer, if he knew your action, would approve it"²⁹ is how second one is stated.³⁰

But the interesting thing in here is that the plea which was attributed to Eichmann corresponds more Kant's work of What is Enlightenment than Critique of Practical Reason. In this writing, Kant speaks of three type of human group. Soldiers, Clergymen and ordinary citizens who pay taxes. For the people inside these groups, right to criticize the laws they are subject to is kept hidden, even though it is recommended to do the actions that are allowed to be criticized. The approach -which is related to conscience that positions over the views that can be considered as a preparation for Kant's position- shows itself in a two-folded way. First one can be called 'casuistry' which can be seen in work of Critique of Practical Reason. This consists of considerations, which are made subjectively and practically, about various actions in the context of present laws and rules.³¹ One of the well-known examples of this approach (the approach which establishes a relation between conscience and court) is presented by Immanuel Kant, to fulfil the opposite of supposed intention. Kant's consideration about conscience, in the sense of "... the judgements of this surprising faculty inside us", begins to emerge as the typical appearance of the understanding of conscience which is most common and widespread in today. The concepts which Kant uses in this expression

²⁶ See: Hannah Arendt, *ibid*, p. 136. *The essential thing that should be paid attention about interpreting Kant in this way is that, according to Kant, there is an understanding that every human can constitute God's kingdom. It is probably this understanding that Eichmann takes, directly or indirectly, as a formal guide for himself. Because this approach which is stated as 'act so that even Hitler can act same as you', can exactly be the principle of the individual who is candidate to living in Kant's God's kingdom. Now maybe it would've been said "Hitler's kingdom".*

²⁷ See: Hannah Arendt, *ibid*, p. 137.

²⁸ See: Hannah Arendt, *ibid*, p. 136.

²⁹ See: Hannah Arendt, *ibid*, p. 136. *Hans Michael Frank (1900 - 1946) had worked as Hitler's counsel. He was sentenced to death in Nürnberg trials.*

³⁰ See: Immanuel Kant, *An Answer to The Question: What is Enlightenment?(1784)*, Translated by Ted Humphrey, in, *Perpetual Peace, and Other Essays on Politics, History, and Moral Practice*, Hackett Publishing, 1983, p. 41-46.

³¹ See: Immanuel Kant, *Religion within the Boundaries of Mere Reason: And Other Writings*, p. 179.

represent the very element of a court. In a court room, there is prosecutor who is accusing, the accused who wants to defend himself/herself, defendant's lawyer and the evidences that are presented for determining whether guilty or not. According to Kant, conscience shows itself, as a discomfort for the action, even years after the action. In this situation, the result won't change no matter what and which justifications are used and made to justify. This result stems from not following the moral of 'take care of yourself'. But Kant also states that he finds this kind of guilty conscience towards past empty and unnecessary.³² However, there are other considerations of Kant which transcend this model of 'examine' related to conscience.

Kant's understanding of conscience is related to distinction between historical faith and pure (or rational) faith. Conscience constitutes the basis of pure faith. What Kant meant by historical faith is the faith which is actualized. That is to say, historical faith -which is not absolute anymore and became relative representations of this absolute faith- is, just because this reason, can be subject to considerations and criticisms according to principles which underlie more deep in a certain way. The essential thing which lies in here is that there is a chain -which forms hierarchically with aims and goals- that positioned in an absolute way. On the top of this chain, there is the opinion of seeing the human as the aim. This is an understanding of conscience which naturally corresponds with Declaration of Human Rights which seems based upon an understanding of a deist faith. Pure faith can't be seen anything other than a morality based on a conscience. In that case, human having a conscience is enough to keep everything else in field of morality, so also in field of pure faith.³³

The main approach which Kant brought to considerations about conscience shows itself in the second fold. In second fold, conscience loses its meaning as 'for one person to consider his/her own actions by himself/herself over various laws and rules and begins to execute as 'considering also the criterions which are used in considerations'. The matter is presented with two examples by Kant in a way that it would guide considerations related to Eichmann. First one is related to a judge in inquisition who judges correctly according to historical religious rules and present laws. For Kant, an inquisition judge's sentencing according to present laws and historical religious rules does not guarantee this judge's verdict to be right. Because there are principles

³² See: Immanuel Kant, *Pratik Aklın Eleştirisi*, Trans.: Mete Tunçay, Meteksan Matbaası, Ankara, 1980, p. 107-108.

³³ See: Talat Asad, *ibid*, p. 130. According to Kant, God has never given a clear informing about morality and never will. Because even if there was a presentation towards humankind, humans wouldn't understand it anyway. But, nevertheless, humans have a possibility -which is given to themselves- about this subject matter. This possibility is the moral rules which can be understood by every human through mind and holy book. See: Immanuel Kant, *Religion within the Boundaries of Mere Reason: And Other Writings*, p.144-145.

-which transcend all laws and even all historical religious rules- which enable us to examine the situation's and laws' correspondence to conscience. Most basic principle is, no matter what the situation is, that the human is the aim. So according to the basic principle, even in the religious and divine subject matters, sentencing a human to death seems contradictory to religious and divine rules.³⁴ This principle underlies so deep that none of the commands which belongs to a historical faith can disable and invalidate this principle. No matter what happens, human should act according to this principle. So, what should be done is not executing the laws regardless of anything but that considering the laws according to certain pure principles. It doesn't matter from who the order. Because the order is subject to moral consideration and should be in accordance with basic principles. These pure principles constitute the chance to criticize the order of sacrificing his own son which God gave to Abraham. From this point of view, the command seems clearly unfair.³⁵ That is to say, what is moral, as the well-known meaning, comes before the divine command. So conscience can decide if the action is really right or wrong, not if the action is in accordance with the rules or not.³⁶ This includes the tendency of obedience to true commands.³⁷ When it is considered from this point of view, Kant states that conscience doesn't need to be governed or guided because it already has/includes its own orientation.³⁸ What Kant said about inner situations about feeling or thinking which are related to conscience and good are the things that a human can clearly be aware of and know when he/she is being honest to himself/herself.

What we understood from the descriptions related to Eichmann's trial which Arendt presents is that rationalism and modern pedagogic Jewish people and Nazis -from within the same point of view- position first one as a murderer and second one as a victim. Tragic side of this positioning is that killer didn't kill humans by his own hands but he followed and executed the laws; and for the victim, obeying the one who makes and executes the laws, in a blinded, unconscious way. The officer positions the law in place of conscience in order to be released from the obligation; and the victim abandons his/her right to riot in order to find security. Each one of them suffers from a 'castration' with a kind of synthesis between 'mind' and 'morality' by the same government which became an authority. However, J. Butler says, in a way that reminds

³⁴ For a study which traces the concept of 'conscience' historically and in some other ways, see: Langston, Douglas C., *Conscience and Other Virtues: From Bonaventure to Macintyre*, The Pennsylvania State University, 2001.

³⁵ One of the similar criticisms -which says that even what is divine, what is deific can be morally inappropriate- was later given by S. Kierkegaard. See : Søren Kierkegaard, *Fear and Trembling: A Dialectical Lyric and The Sickness Unto Death*, Introduction Gordon Marino, Princeton University Press, 2013.

³⁶ See: *Immanuel Kant*, *ibid*, p. 178..

³⁷ *Ibid*, p. 184.

³⁸ *Ibid*, p. 178.

Kant, "...what binds us morally has to do with how we are addressed by others in ways that we cannot avert or avoid..."³⁹ According to Butler this situation of what is moral wasn't found by reasoning or any other similar way. It enforces itself, forces to adopt.

One of the ways to save what is ethical, what is moral or conscience from the limiting, determinant situations of executing -executing with a certain language, a certain culture- which faces us -with using Kant's words- as a historical faith or as a teaching or as a book, was suggested by E. Levinas. What Levinas named as "other's face" is the face which is not ontological.⁴⁰ Articulation seems important. Face doesn't talk like mouth does. It is true that face talks, but not like mouth. Besides, face is not the total of mouth and other limbs. At the very most, it is a certain way of configuration of them. In every case, while mouth's talking includes in face's talking, mouth can talk only in a certain language and verbally. This can be expressed like this: "...the face seems to be a kind of sound, the sound of language evacuating its sense, the sonorous substratum of vocalization that precedes and limits the delivery of any semantic sense."⁴¹ This approach, by Fromm's words, can be seen as humanist conscience. The humanist conscience is an internal voice which is independent from punishment or reward. But still it is a stimulating internal voice and it faces us in a certain context. This context is the reaction against the internal inconsistency which emerges due to our whole personality not fulfilling its own functional as it supposed to do. Conscientia: the knowledge inside us; is related to success or failure in art of living, just like in the principle of 'take care of yourself' in Ancient Greek. In this respect, conscience can be considered as the reaction which ourselves show against our selves. Here emerges an association with Nietzsche. Principle of Nietzsche's understanding of 'being able to say yes to himself/herself in On the Genealogy of Morality can be seen as the solution of the problem.⁴² In this respect, conscience: it is the voice of our true selves, which summons us back to ourselves, to live productively, to develop fully and harmoniously - that is, to become fully what we potentially are. It is the guardian of our integrity.⁴³ From this point of view, conscience was seen more like in an unbiased position as a stimulator related to internal consistency than a moral mediator to govern and lead which is related to any internal or external authority.⁴⁴ But we must add that

³⁹ Judith Butler, *Prekarious Life: The Powers of Mourning and Violence*, Verso, 2004, p. 130.

⁴⁰ For further information about 'other' in Levinas' philosophy, see: Lévinas, Emmanuel, *Humanism of the Other*, Trans. Nidra Poller, *The Board of Trustees of the University of Illinois*, 2003.

⁴¹ Judith Butler, *ibid*, p. 134.

⁴² See: E. Fromm, *ibid*, p. 158-159.

⁴³ E. Fromm, *ibid*, p. 160.

⁴⁴ For a study -which takes the problem of 'conscience' with the concept of 'integrity'- that has a similar point of view, see: Shapiro, Ian & Adams, Robert (ed.), *Integrity and*

Fromm doesn't stop discussing the subject matter here. Now he will talk about theory of morality and personality by referring to Aristotle's understanding of essentialism in a certain way. This approach can be considered as an Aristotelian understanding of conscience. The human conscience which was restructured in accordance with Aristotle's understanding of good man can be like this. This is a conscience which heads towards to contend with obstacles which stand in the way of living a good life. In this respect, it is important to not stay in silence against evil-doings. For Fromm, "the goal of humanistic conscience is productiveness and, therefore happiness, since happiness is the necessary concomitant of productive living."⁴⁵

Emphasis is on human 'losing his own self'. In this respect, what is meant by human's being in unhappy and hopeless situation is, in a way that corresponds with Nietzsche's approach,⁴⁶ human being considered standing against his/her own self, against his/her conscience. In this sense it can be said that conscience serves for the true benefit of human. For this to happen, we should know how to listen and understand conscience.⁴⁷

One of the explicit examples of human not knowing how to listen his/her own conscience can be seen in the novel of Franz Kafka, *The Trial*. The work of Kafka, *The Trial*, is also mentioned. The story, he says, is about a man's -because he is accused by unknown authorities over doing things that they don't like- feeling guilty.⁴⁸ The main twist here can be understood from the conversation between K and the priest. Priest: "So why would I want anything from you? the court doesn't want anything from you. It accepts you when you come and it lets you go when you leave."⁴⁹ In that case, the tangle here is in K himself. The reason why K's effort was in vain, because he heads towards to judge himself in conscience's authoritarian court, without realizing, based on what the priest had told to him. It was impossible for him to leave this court without getting a death sentence.⁵⁰ It seems so that Socrates' situation was like this. Socrates didn't run away; he wouldn't. When we change the location of Socrates and K in each other, the situation doesn't change. In the end, the trial that Socrates stood was his own authoritarian court of conscience. In this respect, he did everything in his power to sentence himself to death.⁵¹

Conscience, New York University Press, 1998.

⁴⁵ E. Fromm, *ibid*, p. 158.

⁴⁶ For further information about 'conscience' in F. Nietzsche's philosophy, see: Ridley, Aaron, *Nietzsche's Conscience: Six Character Studies from the Genealogy*, Cornell University, 1998.

⁴⁷ See: E. Fromm, *ibid*, p. 160-161.

⁴⁸ E. Fromm, *ibid*, p. 167.

⁴⁹ See: Kafka, Franz, *The Trial*, Trans. by David Wyllie, Courier Corporation, 2009, p. 160.

⁵⁰ Kafka, Franz, *ibid*.

⁵¹ See: Plato, *Defence of Socrates, Euthyphro, and Crito*, Trans. David Gallop, Oxford University Press, 1997.

In modern world, ‘the private life’ which human lives ‘consciously’, as we can see in the example of Eichmann, in Wittgensteinian sense, became a wheel that spins in vain. That is to say, isolated and private as much as it can be. The effect of human on Earth, in a system, has begun to be seen and measured by his/her endeavors as external contributions. Whereas the perception level which enables the solution of the problem, obliges an integrative understanding which gives chance to a direct contact with humans. Despite the fact that this change of understanding will restrict quite a bit the field of work ethics, thereby mutual accountability and correlativeness will be brought to discussion again. Because human should be hold responsible not just for his/her behaviors among public domain but also, even this means ‘in spite of the law’, for the behaviors which are approved by the law.

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