

Article

# Conscience: An Investigation in Stenian Philosophy in Relation to Bioethics

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**Abstract:** This article investigates how Edith Stein’s philosophical work on conscience is relevant for appreciating conscience today. In particular, this article shows how Stein’s contributions to conscience explicates what it is and why it is relevant for moral decision making. Moral decision making is necessary in bioethics and healthcare. However, leading bioethicists today lack an understanding of what conscience is, how it applies to healthcare practice and why it should be respected. Recent developments in obligatory referrals for healthcare professionals reveal further challenges related to appreciating conscience in current bioethical contexts. In this article, I consider the importance of Stein’s work on conscience to address the gap in knowledge related to conscience in bioethics today. To do so, I will outline the main aspects of Stein’s phenomenological and metaphysical approaches to the psycho-spiritual-physical aspects of being human. I will then describe her work on conscience. Next, I will discuss how contemplation vis à vis the Catholic imagination could provide a way to perceive how conscience is a response to morality. Finally, I will show how Stein’s work can refute contemporary approaches to conscience and obligatory referral.

**Keywords:** conscience; morality; intuition; phenomenology; psychology; imagination; contemplation; Edith Stein



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## 1. Introduction

This article examines conscience in light of Edith Stein’s philosophy in relation to the problem of contemporary bioethical approaches to conscience. Little attention in bioethics has been paid to conscience as the interior, moral activity of the human person. This article distinguishes between the conscious mind, the soul, moral knowledge, intuition and acts of conscience as well as contemplation. Conscience is the mechanism by which one utilizes moral knowledge to decide how to act or refrain from acting to stay true to what is moral. It is first and foremost an interior decision. Stein’s rendering of conscience highlights this interior aspect of conscience. Specifically, her approach captures that conscience is the interior, metaphysical activity of the human person working to align one’s whole self with an objective (exterior) truth, which is the mutual goal of morality and conscience. Importantly, acknowledgement of the metaphysical or interior life of the human person is absent from current approaches to conscience in bioethics and its corresponding contributions to healthcare. As a consequence, conscience in contemporary bioethics and healthcare contexts is widely misunderstood, under-utilized in ethical decision making and at risk of being forgotten altogether (Bird 2019). This is concerning since healthcare is a moral profession which requires each healthcare professional (HCP) to make ethical decisions by using their conscience. A fulsome understanding and re-appreciation of conscience that focuses on its relevance to moral decision making are therefore needed to re-appreciate it for bioethics and healthcare today.

To begin to re-appreciate conscience in bioethics for healthcare contexts, this article will first summarize the dominant contemporary bioethical approaches to conscience and, by focusing on the example of obligatory referral, show how they lack a cohesive understanding of conscience. Then, it will present a genealogy of conscience from a metaphysical perspective. Next, this paper will cover key aspects of Stein’s phenomenological

and metaphysical approaches to the psycho-spiritual-physical aspects of being human by drawing on key aspects of her work in relation to conscience. Finally, this article argues that Stein's articulation of conscience can advance an appreciation of conscience in current bioethical and healthcare contexts—namely, by utilizing phenomenology as a method to access the interior life of the human person, in which the conscience resides and works. As Stein points out, the work of conscience in life starts with our interior relationship with morality—a relationship which is exteriorly reflected in one's actions. This relationship has both philosophical (applied) and transcendental (theological) applications.

For the purpose of this article, the philosophical applications of Stein's work will be predominantly considered and utilized to refute the notion of obligatory referral. In addition, Stein's contributions on conscience will be applied to counter contemporary bioethicists who lack an understanding of conscience. Doing so may require imagination. Specifically, the Catholic imagination, which is a unique kind of imagining, is one that shapes how we perceive the world from a moral vantage point and ourselves within it (Pfordresher 2008). As such, the Catholic imagination is particularly useful for highlighting the relevance for perceiving morality and how we ought to respond to it, which is the work of conscience.

## 2. Conscience in Bioethics and Healthcare Today

Morality in bioethics and healthcare today is largely comprised of relativistic or preference-based approaches to ethical decision making in which ethical decisions are driven by values espoused by the majority. The majority may be comprised of healthcare professionals dominating a professional discipline or members of society consisting of patient populations accessing healthcare services heavily influenced by socio-political constructs. The problem with these contemporary views of morality is that they are pragmatically driven and do not take into consideration what morality is and then how people come to know and act on it.

While pragmatism has its uses in healthcare practice, it is not constitutive of moral knowledge and is therefore generally irrelevant to moral decision making. Since conscience requires moral knowledge, an extensive gap in knowledge of morality and conscience exists in bioethics and healthcare today. As such, little work has been carried out to integrate a robust understanding of conscience into contemporary approaches to philosophy in secular ethical perspectives that dominate contemporary bioethics and healthcare contexts (Giubilini 2017). Subsequently, ethical decision makers in bioethics and healthcare generally lack the training needed to develop and utilize their consciences to make moral decisions and then apply them to practice (Eberly and Frush 2020; Lamb and Pesut 2021).

Bioethicists who currently dominate the scholarship against conscience do so from utilitarian (pragmatic) and relativistic standpoints. Their arguments consist of prioritizing collective values that influence moral acts in healthcare which are prefaced on, and validated by, patient preferences and majority consensus (Savulescu and Schuklenk 2017; Giubilini 2014, 2017). In recent years, Alberto Giubilini (2014, 2017) has emerged at the forefront of the conscience debate in which he downplays the role of conscience in moral decision making. To do so, Giubilini (2017) asserts that conscience has no operational status from both substantive and formal considerations. Substantively, he asserts that conscience is nothing more than the values one ascribes to it and, since medical values are professionally decided, individual conscience has no formal bearing on HCPs' moral decisions and acts (Giubilini 2017).

In assuming this position, Giubilini (2017) argues that HCPs have no right to refrain from doing something that they think is unethical on the basis of conscience. He asserts that HCPs need to base their moral decisions on the values of the profession to which they belong and not on values that they attribute to their conscience. However, given that morality is the goal of conscience and should root all values (contemporary or otherwise) in the medical professional, the values that inform HCP's conscientious acts and those that guide the medical profession ought to align. This is because values are responses to truth.

The fact that the values in today's healthcare professions are at odds with some HCPs' consciences does not mean that collective values are morally superior. Relativistic and utilitarian bioethicists who argue that professional values have no link to conscience do not provide a rigorous framework with which to comprehensively or discreetly measure conscientious acts or the values of the medical profession. This is partially due to the fact that utilitarians and relativists are not primarily concerned with moral objectives; rather, they seek formal consensus on legally available options. Importantly, conscience is not recognized as relevant in contemporary bioethical perspectives because it is not understood as a metaphysical aspect of being human that can be used to determine whether specific acts can be constituted as moral. As such, acts of conscience and moral acts are contemporarily viewed as mutually exclusive.

Contrary to these relativistic and pragmatic positions, conscience has long been established in moral philosophy as the freedom to responsibly draw on moral knowledge (substantive content) to determine whether it would be ethical to act or refrain from acting in particular cases. This includes determining what constitutes moral acts in and of themselves in terms of universal morality (such as the moral norms or values that should guide a profession) as well as individual responses to them. In moral philosophical terms, conscience is practical wisdom that requires mental training and moral knowledge to enact morality. Stein advances this moral philosophical approach further by employing phenomenology to show, methodologically speaking, that conscience's role in moral decision making is integral to aligning the psycho-spiritual-physical aspects of being human. To explicate the difference between contemporary bioethicists and Stein's approaches to conscience and examine how Stein's work can provide a basis for appreciating conscience as integral to ethical decision making, I will consider the example of obligatory referral.

#### *Obligatory Referral*

Obligatory referral has become an established norm of practice in medical healthcare to compel physicians (and, to some extent, nurse practitioners) who conscientiously object to providing or participating in options that they find deeply unethical. For example, physicians in Ontario, Canada, were recently mandated by their regulatory body and the high court to provide obligatory referrals for patients seeking legally available options such as abortion and euthanasia ([Court of Appeal 2019](#)). Actions extending from these referrals may consist of physicians connecting patients to other medical providers who would provide the options a physician conscientiously objects to ([College of Physicians and Surgeons of Ontario 2015](#)). Justification for imposing obligatory referrals consists of ensuring patients in Canada are guaranteed access to legally available options in relation to healthcare. However, the moral question of whether said options are moral acts for physicians to enact in relation to the fundamental freedom of conscience has not been given due consideration in Canada with respect to obligatory referrals ([Lamb 2019](#)), and nor has the question as to whether it is ethical to mandate and subsequently coerce physicians to act against their consciences. This is morally concerning since obligatory referrals make physicians morally complicit in acts they would otherwise ethically disagree with providing or participating in ([Lamb 2019](#); [United Nations 2008](#)). While there are other ethical issues with obligatory referrals, especially in the Canadian context, for the purpose of this article, the issue will be addressed from Stein's perspective to show how obligatory referrals violate an HCP's conscience. To this end, it is helpful to turn to a brief genealogy of conscience that Stein drew from and expanded on.

### **3. A Genealogy of Conscience**

Morality, in a philosophical sense, means do what is good and requires knowledge regarding means, intentions and ends involving the good deed to be enacted ([Aristotle 1941](#); [Aquinas 1998](#); [Maritain 1995](#)). For instance, by living virtuously, we can have peaceful and fulfilling lives with others ([Maritain 2016](#); [Aristotle 1941](#)). The substantive nature of conscience is moral knowledge, enacted by freely choosing the good, which is requisite

for being a moral person. To be a moral person, one must be convicted both interiorly and exteriorly to morality.

In the Western intellectual tradition (which I will focus on in this paper), conscience was first perceived in antiquity as the unwritten law in the hearts and minds of each person (Maritain 2016). This unwritten or natural law is the universal quality of morality known through reason to guide our moral acts. Embodied in the character of Antigone in one of his Theban plays, Sophocles depicts conscience as the internal conviction prompting Antigone to act and give her brother the just burial he deserved, at risk to herself and in direct violation of an unjust law dictating otherwise (Sophocles 2005). Moving on from the ancients to the Middle Ages, Aquinas is attributed with the most extensive work on conscience to date.

Aquinas' (1998) seminal work on conscience delineates that it is a metaphysical aspect of being human located in the soul and bearing out as practical wisdom. It has two levels: *synderesis* and *conscientia*. The first level, *synderesis*, consists in having a sense of universal truth of what is right or wrong. It does not constitute concrete acts of conscience but it can prompt them. *Conscientia* is the level at which concrete act of conscience occur (Aquinas 1998; Ratzinger 2007). It involves one using their moral knowledge (knowledge of things to be done), deliberating over what should or should not be done (makes a moral judgment) and then following through on that judgement through action or inaction (Aquinas 1998). Additionally, these judgements require moral freedom and will to enact them (Sgreccia 2012). Conscience itself relies on the extent to which one is formed in moral knowledge; as with a muscle that needs to be contracted to work effectively, the conscience will be left inert or ignorant if it is not formed through moral knowledge acquisition. Moral knowledge can be obtained formally, experientially and inter-personally (Lamb and Pesut 2021).

Moral knowledge is necessary for acts of conscience because conscience is not infallible. As such, moral acts need to correspond to the external arbiter of truth exemplified in moral philosophy as the goal of objective morality. Since truth in finite existence is procedural—it is always apprehended as knowledge preceding the existence of finite minds—human persons grasp created or universal truths in a process in which truth moves from the “being-known” to the “knowing-being” (Stein 2000a, p. 71). Straightforwardly, truth is something that humans need to seek out since it exists outside of oneself; it is something for each human being to come to know, rooted in natural law (which parallels divine law or the law of infinite being). As finite beings, the human person's way of knowing is a “temporal process” (Stein 2000a, p. 71), in which the truth is the ideal goal for the finite mind to grasp. Since existing as human beings (Heidegger 2010) is finite with regard to time, acquiring knowledge prior to acting enhances the meaning of our existence because meaning also unfolds in temporal reality. Additionally, conscience is the forerunner to committing to being a moral human being (Heidegger 2016). That is to say, conscience is pre-structured to experience (Haidt 2007).

The experience of conscience lies in delineating what is known from what is unknown in terms of moral knowledge. By doing so, one can start to imagine and examine what they should know in an effort to make moral decisions to enact morality in their lives and in their inter-personal relationships. Humans are interpersonally situated in the world and objective morality is universal; the notion that conscience is merely reserved for private acts is not true to the human experience. Rather, each human is unique and while each has the innate capacity to come to know objective morality (via their conscience) and then respond to objective morality subjectively, this is a calling that is common to all individual persons. In this way, conscience is an inner activity that we have in common with others, although it is not a shared experience. This also refutes the notion that conscience is a collective response; rather, it is the aspect of being human that prompts us to be innately attuned to morality. We are pre-structured to experience morality and the work of conscience, but this requires attending intentionally to that experience which may be prompted by an initial or intuitive sense of morality that needs to be further developed.

In today's intuitive world, moral acts are predominantly at the level of *synderesis*, which might be contemporarily understood as moral intuition—that is, through a general “sense” of morality. This is similar to what the ancients denoted as the interior promptings of unwritten or natural law. However, such promptings need to be reasoned out to provide a conscientious structure to moral acts. This is because moral intuitions, *synderesis* and a general awareness of universal morality are shadows of moral ontology; they need moral epistemology to become formal acts of conscience, which is knowledge applied to action. Since *conscientia* requires deliberation, moral knowledge is essential to the mechanization of conscience.

However, what is conscience itself? What does it mean for it to be located in the soul and how does one distinguish between moral intuitions and moral decisions? In a world where the metaphysics of the Middle Ages no longer operate as a set of moral givens in society (or in focused, moral communities such as the healthcare community), morality is becoming indistinguishable as an innate feature of the human person. As such, Stein's philosophy of the multi-modal aspects of being human are critically relevant. Her psychic-spiritual-physical approach is necessary for appreciating what conscience is: an integral part of the human person. Further, Stein's philosophy of the human person provides an anthropological perspective necessary for appreciating conscience in bioethics today. Specifically, her perspective provides a window into perceiving the interior activity of the human person, which is requisite for conscience and morality.

#### **4. Stein's Philosophical Anthropology and Psychic-Spiritual-Physical Approach to the Human Person**

To appreciate Stein's contributions to conscience, it is important to locate it within the broader context of her philosophical work. While first and foremost a phenomenologist, Stein's philosophy is integrated; she drew on metaphysics and personalism and considered them to be compatible with her dominant approach. Stein's philosophy is also a philosophy in entirety; this does not mean that she addresses all fundamental or nuanced questions of existence or experience as such. Rather, she offers a comprehensive account of the meaning of being in a unique way—namely, throughout her investigations into the psycho-spiritual-physical aspects of being human, she contextualizes them in terms of inter-personalism. Within this inter-personalist orientation, Stein considers the relationships human persons have with other (finite) persons, the “other”, i.e., God (infinite being), and the interior life each human person has with themselves. As the ontology of human persons is fundamentally moral (Wojtyła 1979)—we can enact morality—and the infinite being of God is morality in totality, who we are and how we exist in relation to other beings (finite and infinite) are essential considerations for thinking about our moral ontology and the relationship we have with it as ourselves, with other finite beings and the infinite being of God. Additionally, the way people think or do not think about who they are as moral persons is central to re-appreciating conscience today.

Moral ontology is fundamental to Stein's philosophical-theological anthropology because her psycho-spiritual approach to the finite person is one that takes into consideration that finite beings are ultimately meant for a relationship with an infinite being (God). The human person enters into this relationship from an interior disposition through which the human person can integrate their whole self to respond to a call to it. The “call” to this relationship between finite and infinite beings is the work of the conscience. However, in order to understand what the conscience is and how one uses it, one first needs to consider what it means to be a human person. Additionally, doing so requires an understanding of the psycho-spiritual aspects of being human.

In today's intuitive and pragmatic world, metaphysics and the soul hold little meaning. Yet, Stein's work provides a way forward to re-appreciate them because Stein draws on metaphysics to round out her phenomenological position. Specifically, by providing a method for investigating meaning related to other aspects of being human (via the mind, consciousness and emotion), Stein utilizes phenomenology as a method to provide insight into the inner world of the human person. It is within this interior space that bioethicists

today can recognize the interior activity of the mind and other relevant phenomena such as the brain and states of consciousness. However, this interior world also houses the activity of other, metaphysical aspects of being human—namely, the work of the soul and conscience. As such, by referring to the interior activity of some aspects of being human that are well understood in bioethics today, I argue that one could start to appreciate other aspects that are not recognized today, such as the soul and conscience. To do so, I will focus on Stein's early scholarship on the philosophy of psychology. Then, I will address her later work in which she details her integrated philosophical-theological anthropology with respect to being, conscience and contemplation.

#### 4.1. *Philosophy of Psychology*

In her early research, Stein's scholarship encompassed *Sentient Causality and Individual and Community* collected in *Philosophy of Psychology and the Humanities* (Stein 2000b), originally published in 1922 as *Beitrage zur philosophischen Begrundung der Psychologie und der Geisteswissenschaften*. Within this work, Stein points out that there is a kind of causality occurring in experiences of consciousness (phenomenology) (Calcagno 2007). Stein's commitment to philosophy as a phenomenologist was to examine the experience of the consciousness as it is experienced as an experience (Lebech 2015). The mind consists of mental processes that occur in relation to the mental state, separate from but inseparably located in the body. While the mind may encompass all the mental processes that are biologically contained within the body (brain and nervous systems), consciousness is a state of awareness with intentionality marking the phenomenological process or method for authentically investigating what a phenomenon or object is, as it presents itself to the human person examined by one's intentional, conscious efforts (Lebech 2015).

Conscious experience is primarily an activity of the inner self. When intentionality is applied, such an activity can emerge as experiential knowledge to inform human actions. Conversely, free-flowing thoughts that are not ordered by intentional consciousness do not necessarily provide the substantive content of concrete or deliberate acts, i.e., moral acts. Some conscious activities can generate an authentic response while others do not.

For instance, as objects are given or present themselves to one's mind, two events can occur in terms of experiential causality (Szanto and Moran 2020). The first event is that the preceding thought is interrupted by a new one. The first thought trails off and ceases to actively be carried on in the mind. Although the "old" or previous thought remains, to some extent, in the new thought if carried forward, changed, extended, remembered or re-called later on in the mind, the second thought is not caused by the first in so far as it is not essentially changing it. Rather, causal events occur in the intentional mind. This occurs with the second event, which Stein described as influential (Szanto and Moran 2020). The relevance of intentional thoughts is that they can influence and are influenced by other driving forces within our psycho-physical selves. Stein refers to these influential factors as different "powers" (Stein 2000b, p. 115), which comprise the psychic-spiritual-physical aspects of finite being.

Stein denoted several powers (Stein 2000b). She distinguished sensory life-power as rooted, which connects our mental life-power to objects in the world that are outside of ourselves but which we access through our minds via our senses. This access is the result of recognizing sensory impulses as distinct from the mental or psychic aspects of ourselves. For example, pain may affect some part of our body but the receptors in our brain register to our mind that it feels bad in our conscious experience of it. To distinguish between the different kinds of pain (i.e., pain inflicted by others, self-inflicted, accidental or purposefully endured pain) is relative to one's personal disposition. This personal disposition is marked by the concept of personhood—that is, each person's unique whole self as a separate and distinct person from other individual human persons.

In *Sentient Causality*, Stein describes this personal disposition as being able to either affect the objective mind—recognizing something concretely happening to oneself as the

object who is experiencing an experience—or as referring to the recognition of the subjective mind or “mindpower” (Stein 2000b, p. 116) of others as persons. However, human persons are also objective in the sense that this receptivity has to be acknowledged by the self to intentionally accept the truth of the experience of an “other” (another person or God) into one’s psyche. Additionally, this intentionality is tied up in the will, which Stein denotes as willpower, which the ego or the conscious “I” draws on from within (Stein 2000b). The will can be oriented by the person towards an object perceived in the mind of a person as subject or redirected towards the self as the sole object of a personal mind to be occupied with. In the latter case, the person is wholly self-consumed and preoccupied—they are ego-centric. They may become completely self-referential. Therefore, the will power or force of the inner self towards others or the other is cut off and may need to be checked or balanced to re-align it; this occurs through freedom (Stein 2000b). Stein (2000b) also notes that willpower can correspond to what is occurring in the external world and reconciling that with one’s motives which are causal in so far as they may prompt one’s psychic powers to one persuasion or another.

In order for one’s psyche to influence their actions, more needs to be said about Stein’s approach to affectivity. In *On the Problem with Empathy* (Stein 1989), as well as *Beitrag* (Stein 2000b), Stein covers an array of considerations concerning emotions and how they connect to expressions and motivation and how one can be empathetic or appreciate the experiences of someone else (Szanto and Moran 2020). Across Stein’s typology of emotion, while all differentiations hold a degree of intentionality, they alone do not qualify the essence of value (Szanto and Moran 2020). Rather, they help one register who one is in relation to how they feel about certain objects presented to them as concepts (abstract terms) or experiences (scenarios one encounters in some way at some point of being in time). However, Stein points out that emotions themselves are not solely indicative of a reasonable or rational approach in measure to how things are valued (Szanto and Moran 2020). For example, one could feel disgusted that a husband in some cultures is allowed to beat his wife whilst in other cultures this is considered socially acceptable (Lukianoff and Haidt 2018). The presence or lack of appropriate emotional responses, such as disgust, that a person feels in such a scenario may be a proportionate emotional or affective response in the first instance, whereas a lack of disgust might indicate a lack of valuing (what is good and true to value) in the latter. Stein would argue that to classify such a response we must go beyond emotion and determine what is or is not good and to be valued as such.

What is a value? In so far as one should channel their affective self towards rationally identifying value-laden emotional responses, they should also consider those values to which one has little to no fitting emotional response. This is because one’s emotions are, to some extent, self-evaluative (Stein 2000b). Stein describes the connection between intent, evaluation and sense of feelings as part of our psycho-spiritual-physical being in a relational as opposed to a causal sense; while our feelings and emotions may motivate us to perceive or value something, they do not necessarily predicate, justify or qualify our actions as a result (Szanto and Moran 2020). This is because values and value making are a unique aspect of the spiritual aspect of the human person; they are the metaphysical renderings of the soul.

Stein views the soul as the affective part of the whole human person. The soul or spirit is where the real activity of the rational intellect and will take place. Therefore, the psyche and spirit are intimately connected although distinct; while values (reflecting the good to be appreciated) can come to appear in or be made conscious of through our emotions and feelings, they also have a status apart from the realm of the psyche because they are connected to the motivations of the spirit. In motivations, one uses judgement (of conscience) to respond to certain feelings brought forward by the psyche. One can use their intellect and will (force of conviction) to respond to or reject feelings that should not be valued.

The process of intentional, motivational valuing is helpful to make distinctions about values in relation to intuitive morality. Stein refers to one's "inner intuition" (Stein 1989, p. 34) as an incomplete apprehension or understanding of what might be. This is because moral intuitions lack reasoning. The challenge with acting on moral intuitions is that they ultimately lack justifiable conclusions. As such, one needs to turn to other aspects of being human to identify what prompts our intuitions or motivates our judgements and acts as well as why and to what purpose. Since the mind is always embodied, it is essential to turn to Stein's work in relation to being to appreciate how the soul and the psyche relate to our ontology, morally and otherwise.

#### 4.2. Philosophy of Being

Stein's substantive work on being unfolds in one of her final works *Finite and Eternal Being* (Stein 2002). Marked in time by her vocation as a Carmelite nun, her writings in the later part of her life reveal her developed philosophical and theological anthropology. Influenced by her spiritual life in one sense and the extension of her intellectual life in another by engaging with the works of Aquinas, Augustine and Duns Scotus, Stein's works at this time also encompass her translation of St. John of the Cross's *Science of the Cross* (Stein 2003). It is here that her work develops still further by examining the spiritual side of being and the contemplative mode of access that marks the interior life of the soul through the mystical experiences of suffering and the cross. While I will not examine these mystical experiences in-depth, it is worth noting that her investigations culminate in the interior life of the soul, which is essential for understanding all aspects of the human person and to some extent their conscience. I will therefore attend to her later works as they pertain to being, conscience and contemplation.

Since being is continuously perpetuated, Stein (2000a) does not offer a definition as such. Rather, she differentiates between kinds of being—namely, finite and infinite being. Finite being is limited by time (Heidegger 2010), whereas as infinite being is not. Stein holds that essences are "expressions" (Szanto and Moran 2020, sct. 3.1) of being that introduce finite beings into the intelligible world (Maritain 1995). The most basic or primordial sense of this intelligibility into the natural order of finite being is intuitive; that is to say it is a first sense of being that a person is something that is (Maritain 1995; Haidt 2012). God, as an infinite being, is the purest form of being and therefore the "archetypical" (Szanto and Moran 2020, sct. 3.2) being to which all finite beings aspire; they do not aspire to be God, as such, since human persons are given their natures by God. Rather, we are called to be in relationship with God as the being for the sake of which we exist (Rhonheimer 2011). Intuiting essence is to have a sense of pre-structured experience or intentional acts of conscious experiencing, willing and decision making (Haidt 2007). Moral intuitions therefore are initial impressions of what could be our entry point into moral life, prior to intentionally experiencing it.

However, intuitions, moral or otherwise, are not fully rational. That is to say, they are only initial responses to objects (or others) in the world versus intentional, conscious experiences. Figuring out what those responses are and mean and then consciously experiencing them are the phases of actualizing these responses meaningfully in a phenomenologically psychic way. Both these phases as applied to morality are illustrative of the pre-substantive and then substantive work of conscience.

#### 4.3. Conscience

Stein referred to conscience in different places across her work. In *An Investigation Concerning the State* (Stein 2006), she mentions that it is a necessary arbiter for identifying and rectifying good action between citizens and the state. In her later works, she develops it further in relation to the activity of the psyche in relation to judgement, as noted above. Later still, she advances her most substantive work on conscience with respect to the soul. It is to her later work that I will now turn. In *Der Aufbau der menschlichen Person* (Stein 1932, sct. VI Antonio Calcagno, 2021, e-mail message to author, March 2021), started to

investigate Aquinas. This is evident when she initially describes conscience in a similar vein to Aquinas' seminal work. Specifically, Stein describes conscience as the psychic activity whereby one has an intentional sense of what they should value or not and respond to with moral acts that should be done or not. Here, again Stein reflects Aquinas' (1998) explication of conscience as the application of moral knowledge to specific situations which requires freedom and will (Sgreccia 2012). Stein then goes on to describe conscience in terms of a warning call, which beckons one to act in a certain way in a specific moment. In attending to the "call" of conscience, we can respond to it through action or inaction, prefaced by an intentional decision to do so. This decision is made through a judgement of conscience; that is to say one has weighed out the options available in a certain situation and judges for themselves what the ethical thing is to do or refrain from doing, in alliance with truth. One's psychic decision to do something objectively good or bad is influenced by the state of their soul because the conscience is located in the soul; it is part of the metaphysical mode of being human (Stein 1932 sct. VI Antonio Calcagno 2021, e-mail message to author, March 2021). Additionally, this is where Stein's applies her philosophy of psychic-spiritual-physical aspects of being human to her approach to conscience and extends Aquinas' work on it. Moreover, this is also where the call of conscience in Stein's work becomes more nuanced.

Specifically, the soul (as described earlier) is the aspect of the human person where the activity of the rational intellect and will takes place. The soul is motivated to do good as a response to another being: the infinite being of God. Stein's final work on conscience in *Finite and Eternal Being* (Stein 2002) further denotes what she means by its call—namely, she describes the call of conscience like a locution in the soul to detach itself from the ego and properly order it to respond with right action. Additionally, this call is a theological one because it is the voice of God that Stein is referring to in *Finite and Eternal Being* (Stein 2002). This call is, in essence, the correspondence of one's free will with reason as in Aquinas' ethical (practical) delineation of conscience. However, the call also transcends reason. Stein points out that this is because human persons have a philosophical-theological anthropology (moral persons called to be in relationship with God) (Newman 2012; Hughes 2009). With this "call" of conscience, Stein asserts that we are invited to both enact phronesis (practical wisdom or applied ethics about things to be done) and to aim higher by following the ways of God (theological ethics). Responding to the call requires the use of reason (intentionally making sense of phenomena in tandem with other degrees of moral knowledge) but also moves us beyond it; that is to say, theological ethics is an endeavor that requires supernatural reasoning, which entails a disposition of faith. Faith refers to moving beyond what is good to do in the naturally occurring world of finite being into contemplating the mystical meaning of the infinite being of God. Conscience is that part of the soul that can move one to respond practically to doing good through the use of intentional consciousness rooted in reason which can grasp the natural law (universal moral order). It can also respond to supernatural reason or faith in order to respond more intimately and directly to the call of conscience since it is substantively the call of an infinite being whose existence is goodness in its entirety (Stein 2002, p. 442). In this way, Stein explicates that conscience is that which allows one's moral self to emerge as it should be: in relationship with universal morality, which is ultimately ordered towards God (Stein 1932 sct. VI Antonio Calcagno, 2021, e-mail message to author, March 2021). As the work of conscience occurs through the activity of the soul, the state of the soul is reciprocally reflected in one's conscience (Stein 1932, sct. VI Antonio Calcagno, 2021, e-mail message to author, March 2021). In other words, one's conscience reflects to themselves who they are from a moral ontological perspective as well as how and who they should strive to be: in a relationship with an infinite being (God) and in alliance with the call to be in a state of morality in order to be in such a relationship.

Stein asserts that the state of our soul and our conscience also reflects who we are to others. This occurs by conscientiously attending to truth through the witness of our conscientious self as reflected through the goodness of our soul and evidenced in our moral

actions (McIntyre 2007). Additionally, this reflection of the self is selfless—a turning away from the ego (the I) towards the good. The “good” soul and the “good” conscience should integrally reflect and influence each other. This is particularly reflected in the theological aspect of the conscience, because the more the soul is subject to the will of God in their lives, the more the good (the ideal or ultimate good as God) can be reflected through one’s soul to the self and out to others (Stein 1932 sct. VI Antonio Calcagno, 2021, e-mail message to author, March 2021). Additionally, attending to either universal morality and the applied dimensions of the call of conscience or to the voice of God and the theological dimension of the call of conscience requires interior activity. In order to advance an understanding of the metaphysical, inter-personal nature of conscience, we need to appreciate the conscience as that which draws all aspects of the human person together: the psychic (mind, emotion and state of awareness) and the intellect, will and judgement (the soul) uniquely embodied in each human but which are also the same for every other person.

In summary, Stein’s contribution to conscience shows that it is soulful activity which works with the will and mind (intentional consciousness) to draw on and apply moral knowledge as reason and supernatural faith within the embodied being to respond to the call of goodness. This call culminates and is first reflected interiorly in ourselves as an inter-personal response to the call of morality. We then show that exterior commitment by acting or refraining from acting when it would be unethical to do so. However, for bioethicists and HCPs today who lack moral knowledge, and who may not orient themselves to universal morality and are more concerned with means versus ends and intuitive morality, more is required to initiate their interest. To awaken the call of conscience within a non-intentional consciousness might require the spark of imagination.

### 5. Imagining a Conscientious Way Forward

To re-appreciate conscience for bioethics and the intuitive world today, Stein offers a way forward. This way forward is to be open to a change in perception. This is what values hinge on—values are responses to truth. They ought to be achieved; they are the good that we should aspire to. However, a certain kind of moral perception is also needed to see things for what they *are* as well as could be. In some instances, a change in perception might be prompted at the intuitive level. Additionally, this is where intuitions act at the level of *synderesis*; intuitions of essences (pre-structured to existence) might prompt us to pause—to have a “sense” of what our values are. However, to level intuitions up to acts of conscience requires one to intentionally align oneself with good ends as well. For example, at the level of intentionality, human persons can and should apply themselves to think about what their intuitions might initially say to and about them (Stein 2000b). From a moral perspective, we also need to think deeply about what our intuitions might *not* be prompting us about. In today’s intuitive world, to move from intuition to intention to truth might require some imagination. Specifically, to engage in the deep thinking necessary for moral action. This calls for a specific kind of imagining: the *moral* imagination. One way to move from being generally intuitive to acts of conscience involves contemplation (Stein 2002). To understand this, I will provide an example of the Catholic imagination.

In his work *Jesus and the Emergence of the Catholic Imagination*, Pfordresher (2008) notes that the Catholic imagination is a specific kind of imagining; it is one that shapes how we perceive the world and ourselves within it. A Catholic imagination is one in which Catholicism and its constitutive morality is central to all endeavors. Additionally, as Stein points out in the *Science of the Cross* (Stein 2003), contemplation consists of being interiorly present with God. In other words, it is a state in which one opens their interior psychic-spiritual embodied self to the good of both universal morality at a philosophical level and the infinite being of God at a theological level. In the quiet of the interior activity of contemplation, we can allow our conscience to work. Contemplation, therefore, is not vacuous. It is silent (and even rigorous) internal activity. Additionally, it is necessary for the full development of our conscience and for the work of the dual (philosophical and theological) aspects of conscience to occur because much of this work is interior.

For instance, if we respond to the theological dimension of conscience, one way of doing so is through contemplation, whereby we can be interiorly receptive to the voice of God. This “voice” (Stein 2002, p. 442) is to aid one’s reception of revealed knowledge of what good is to be achieved. This is not an infallible experience; as finite beings, our moral knowledge is limited and our conscience can err, as noted above (Aquinas 1998; Lamb 2016). However, it is a morally responsible experience because conscience has duties: one needs to follow their conscience by first informing it (Aquinas 1998). To do so requires moral knowledge. Additionally, moral knowledge encompasses reason and faith. Both can be applied to the psychic-spiritual-physical self who then intentionally develops their moral knowledge in aid of their conscience to do what is good with it. If someone errs in doing so, they can then contemplate (thinking in aid of faith) on how to rectify their future actions (Aquinas 1998). This can occur through various ways which I have written about above. However, the imagination, especially the Catholic imagination, can be used to motivate us to aspire to moral ideals (values). In a sense, this is how archetypes figure into the human experience and can inform one’s moral imagination. They offer a witness to how morality can be embodied in one’s whole self. Additionally, since conscience requires an internal disposition to the good in order to act on it, ideally one would look to contemplative, conscientious persons as archetypal examples in order to re-appreciate acts of conscience in the intuitive world we live in today. For instance, Catholics might imaginatively draw on the life of Jesus Christ to consider the philosophical applications that Christ holds for their moral lives. For others, examining the life and work of Stein might be another starting place.

## 6. Countering Bioethicists and Obligatory Referral

Countering dominant, bioethical approaches to conscience today can begin with pointing out that they lack a robust framework for conscience. As written above, Giubilini (2017) argues that conscience has no bearing on HCPs’ moral decisions and acts. He asserts that HCPs base their decisions on the values of the profession to which they belong. However, he offers little basis for how an HCP determines what these values are or should be. Specifically, he offers no cogent process for how an HCP is supposed to value these values, apart from collective consensus. Additionally, it is not clear how these values are arrived at collectively or for what reason and to what end they are constant or change. For a relativist, this might make sense. However, relativism lacks consistent application for both individuals and a collective. Additionally, it does not provide a basis for understanding conscience qua conscience.

With respect to values and current bioethicists’ attempts to substantiate moral decision making if Stein’s approach to value making were applied here, it might seem that even if someone is ignorant of their conscience or in need of forming it versus choosing to be or remain ignorant, one might still be able to value something good on the basis of their intuitions or degrees of moral knowledge (Aquinas 1998). However, Stein asserts that such motivations require judgement, freedom and will. In which case, it could be argued that one cannot value something that is unconscionable. This is to say that there can be no good or intentionally valued values disparate from conscience. In which case, Giubilini’s assertion is a contradiction of motivations in which the values he refers to are either not necessarily aspiring to truth as they should or he lacks a conceptual framework with which to judge them—specifically, the framework of conscience.

Utilizing Stein’s approach, conscience can be appreciated in bioethics today as being metaphysically located in the soul of the human person. It is substantiated as the metaphysical mechanism that utilizes judgement with freedom and will to orient us to a selfless call to respond to the good, which is externally located. We can respond with varying degrees of moral knowledge to this call through its ethical and/or theological aspects. Either response requires the interior activity of the human person, in which one intentionally orients their embodied thoughts and emotions to correspond with the values that align with universal morality so as to enact the good into specific situations. Conscience is inter-personal; it

aims to correspond our moral activity as finite beings with the goodness of the infinite being of God. It is something we share in common with others, although we have the duty to develop and inform our conscience in line with moral knowledge which can be fueled by faith and reason. Conscience can be awakened through moral intuitions, although it may require a moral imagination for bioethicists today to do so. More specifically, a change in perception is needed to appreciate conscience which can be explicated in the issue of obligatory referral.

Obligatory referrals disintegrate the human person because they force someone to act against values. As Stein points out, values correspond to truth abstracted in our lives and which can be made known through our conscious experiences. However, they are not merely psychic justifications (conscience integrates the activity of our mind and soul within our bodies); they are judged by the conscience so that we can appropriately respond to the emotions we have (or lack) with respect to the values that present themselves to use in concrete human situations. In this way, an active conscience is the response of our whole selves. If an HCP is asked to do something that they cannot reconcile with their conscience and that is actively responsive to the call that substantiates it, then they would be working against themselves and, in essence, against others since conscience is also substantively inter-personal. While bioethicists against conscience today justify obligatory referrals based on the preferences of the majority or the values of the profession, acts that do not correspond to the call of conscience would not be moral acts. Given that obligatory referrals are substantiated on preferences or consensus versus conscience, they are not substantive moral acts and should not be enforced in the moral professions of bioethics and healthcare today.

## 7. Conclusions

Stein's work, then, advances a way forward for understanding conscience as an integrated part of the metaphysical or the psychic-spiritual-physical aspects of the human person. Understood as the interior activity of a human person in response to the inter-personal call to the moral life in response of the finite to eternal being, conscience is an essential part of being a human person. Re-appreciating the whole person and their interior life is critical to re-appreciating conscience, since it is an essential aspect of the soul's activity and involvement in the interior life requisite for discerning and enacting morality. Without a sense of what conscience is and how it works, acts of conscience have become under-valued and neglected. In bioethics and healthcare today, conscience is on the verge of being forgotten since the values in these professions have become less about morality and more about preferences and majority consensus enforced through unconscionable mechanisms such as obligatory referral.

As communities within and across society are uniquely bound up with morality and therefore conscience, bioethicists and HCPs need opportunities to imagine and investigate the meaning that conscience holds for them, their colleagues and the patients they care for. Appreciating conscience in light of Stein's work not only offers a framework for conscience and for refuting unethical practices such as obligatory referral, but it provides an opportunity to advance an understanding conscience for bioethics and healthcare today.

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