

Conscience and command - a motive theory of law

Scholars Press - Conscience and Command, 2nd Edition

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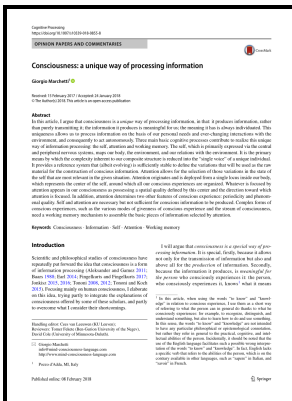
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Scholars Press studies in the humanities Conscience and command - a motive theory of law

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John Arthur: Religion, Morality, and Conscience

How to decide between framing ethical questions in terms of Good or Right is knotty because it is easy to get caught in circular reasoning and beg the question. The perspective adopted here will theoretical, rather than historical.

A Summary of John Finnis's Theory of Natural Law

The first all-important point to be noted is that for the New Testament authors conscience — syneidesis — meant a consciousness of the true moral

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Chapter 1

· Morality is social in that it governs relationships among people, defining our responsibilities to others and theirs to us. However, I have not explained what creates the system and holds it together. I suspect that you will find that the Goodness ethic works better.

That would be a gross over-simplification of things and a quite unwarranted generalization. Conscience is no longer active knowledge immersed in the social flow of life but purely retrospective, solitary self-condemnation, or entirely fearful anticipation.

content of human life founded on faith $\pi \acute{\iota} \sigma \tau \iota \varsigma$ insofar as this faith is conceived as a personal engagement with God coloring man's whole outlook on all of reality —on God, on man, and on the cosmos itself and all that happens in it cf. It is through law that the government fulfils its promises to the people. Finally, the individual is unlike everyone else; he has his own sorrows and fears; his soul needs to be ministered to in a therapeutic way and comforted.

1.2 A Motive Theory of Law

From the lawyer's point of view the law does indeed consist of nothing but considerations appropriate for courts to rely upon.

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Whether the concept is to be understood as a faculty for self-knowledge and self-assessment, or as having an epistemic function in the sphere of morality, or as a motivational force, or again as a set of self-identifying moral beliefs, or a combination of any of these characterizations, it is important to have clear in mind what exactly we are talking about when we talk of conscience and of freedom of conscience in each circumstance.

A Summary of John Finnis's Theory of Natural Law

In any case, the medieval burden of being trapped by a guilty conscience was thrown off by many who broke their vows or changed their lifestyles. A related difficulty is the prevalence of conflicts of conscience, both within persons and between them.

Conscience

That it is methodologically easier to resolve conflicts using the Goodness paradigm indicates that it is to be preferred.

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