

## **FREEDOM OF CONSCIENCE AND ITS LIMITATIONS: A CHRISTIAN PERSPECTIVE**

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### **Abstract**

This paper argues that conscience is a moral faculty which helps humanity to achieve sustainable development. To arrive at individual or communal good, everyone ought to act in good freedom of conscience. Freedom of conscience presupposes an understanding gleaned from one's own tradition of scholarship or practice. The present research derives its theme from a Christian perspective. Every person in the society has a conscience and it ought to have been formed by domestic or external communities such as families, schools and churches. The extent to which one's conscience is adjudged good depends on good intention and right action. Everyone has an obligation to follow one's conscience and the same duty applies to the consequence of such an action. Nonetheless, freedom of conscience has its limitations and this has posed an ethical and theological problem. The research depends on strict logical syllogism rather than statistical formulae in data collection, analysis and discussion. In other words, the study is also carried within the broad framework of phenomenology. At the end, the paper concludes that freedom of conscience ought to be exercised within the ambience of reason aimed at the good of the society.

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## 1. Introduction

Any contemporary discussion on what constitutes the nature of morality and how it can be discerned has made conscience a key question of inquiry. To arrive at those individual and communal interests, people from all walks of life ought to act in good freedom of conscience. In the freedom of conscience there is a presupposition of coming to terms with one's culture and tradition. The present research drives its theme from a Christian perspective, namely, Catholic ethics and theology. Every person in the society has a conscience and it ought to have been formed by domestic and external communities such as families, schools and churches. One can argue that the extent to which one's conscience is adjudged good depends on good intention and right action on one hand, and for the good intention to correspond to the right action. Everyone has an obligation to follow one's conscience and the same duty applies to the consequence of such an action.

Nonetheless, freedom of conscience has its limitations and this has become an ethical and theological problem. The research depends on strict logical syllogism rather than statistical formulae in data collection, analysis and discussion. The study is also carried within the broad framework of phenomenology. An overview of conscience, the right to freedom of conscience, and the limitations of conscience form part of the discussion in this research.

## 2. Conscience: An Overview

Conscience has a Latin root: *Conscientia* (consciousness), meaning "be conscious" (*conscire*) or "know thoroughly" (*scire*). Thus, conscience "traverses all segments of the human society and remains the source of moral authority for both men and women irrespective of their social, cultural or political orientations."<sup>1</sup> Conscience is regarded as the sense of what is right and wrong and it governs someone's thought and action, urging the person to do right rather than wrong. According to Jone, "Conscience in the proper sense of the term is a judgement of the practical reason on the moral goodness or sinfulness of an action."<sup>2</sup> In a

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<sup>1</sup>C.A. Onyiloha, *Corruption in Nigeria: An Ethical Appraisal*, Nimo: Rex Charles & Patrick Publications, 2014, 66.

<sup>2</sup>H. Jone, *Moral Theology* (Translated and Adapted by U. Adelman), Rockford, Illinois: Tan Books and Publishers, Inc., 1993, 85.

simple description, one sees conscience as a 'signpost' that directs people to their different destinations by equipping the individuals with the sense to perceive the signs, to select from among them the relevant ones, and also help them where there are none.<sup>3</sup>

Traditionally, conscience is approached from *antecedent* and *consequent* divisions. In the antecedent conscience, the realization of obligation and imputability in relation to the norm morality; and, in the consequent conscience, one's deed is accompanied by the sentiments of tranquillity or remorse. These form the backdrop to the kinds of conscience and they include: right or *erroneous conscience* (based on verdict of reason as agreed or disagreed with objective truth); *certain conscience* (passes judgement without fear of error though without prejudice to implied erroneous tendencies); *doubtful conscience* (suspends its judgement owing to concern about fact or the lawlessness of an act and the existence of a law); *perplexed conscience* (passes judgement for grave reasons and harbours reasonable fear of error); *lax conscience* (on insufficient grounds, judges a thing to be lawful which is sinful, or something to be a venial sin which is actually a mortal sin); and *scrupulous conscience* (impelled by purely imaginary reason, constantly dreads sin where there is none, or of mortal sin where there is only venial sin).<sup>4</sup>

There is no exact notion of conscience in Judaism especially in the Old Testament (OT) except *Syneidesis*, which is of Greek literary genre. Nonetheless, the OT writers came closer to understanding conscience with such phrases as "mind" (Gen 20:5; Jer 17:1) and "heart" (Ps 26:6; Jer 11:20). Again, from the same OT, one can view the responses of Adam and Eve (Gen 3:7-10), Cain (Gen 4:9-14) and David (2 Sam 24:10) scenarios eliciting kinds and/or conditions of consciences. Also, cases abound where one's conscience approves of and praises good action in some serene moments in the exemplifications of Job (Job 27:6) and David (Ps 17:3) serve as illustrations for good conscience though in attributive sense. A major significance though not systematically articulated by the OT writers, is the likening of conscience to the voice of God that approves or disapproves of actions of men and women in the nation of Israel.

The New Testament, strictly observed, does not have conscience as an original term or as an organized theme in its whole body of work. Nonetheless, Jesus Christ and other NT writers employed a number

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<sup>3</sup>K.H. Peschke, *Christian Ethics: Moral Theology in the Light of Vatican II, Vol. I*, Bangalore: Theological Publications in India, 1996, 158.

<sup>4</sup>H. Jone, *Moral Theology*, 38.

of imageries or allusions to explain the importance of judgment of one's thought and deed. Jesus Christ likens one's conscience to a person's "eye" when he asserts: "The lamp of the body is eye. It follows that if your eye is clear, your whole body will be filled with light" (Mt 6:22).<sup>5</sup> Besides this, Paul appears to have approached the concept from an ethical perspective with his discourse on *syneidesis*. He developed the term and used it in his writings especially with respect to the warfare between spiritual and mundane concerns of different persons in the world. In 2 Corinthians 4:4; 5:11 and Romans 13:5, Paul points to conscience as the seat of all manners of desires and needs amongst men and women in the society.

Viewed from other cultural backgrounds, conscience has resonated with a number of peoples — literate or illiterate society. It is a concept that has a universal character. One can say that every culture recognizes the importance of conscience and promotes it as moral authority among its people. Conscience had been on the public discourse among the ancient Egyptians who used different icons and phrases in making the concept a common term in their temples, squares and houses.<sup>6</sup>

Gleaned from recent scholarship, one sees the difference between the ancient Egyptian's reflection on conscience and those of modern disciplines such as philosophy, psychology and theology. Spencer and Durkheim gave conscience a sociological interpretation; Freud and Nietzsche, dispute the phenomenon's import as a moral authority in human history. In this conversation, one remembers Freud's theory about conscience as "superego," a habitual imitation of parental and societal habit meant to form one's ancestral pedigree. For Heidegger and Jaspers, conscience is real and it plays a major role in human history. Humans are beings whose relationships cut across leaps and bounds of material and immaterial concerns. In these perceptions, Heidegger and Jaspers see conscience as the "call to care" and "voice of being," respectively.

The concept of conscience in Christian ethical teaching differs from the above considerations. For theologians, conscience is not a distinct phenomenon from human being, rather, it is the process in which general norms of the moral law are applied to a concrete action which an individual is about to perform or has performed, informing the

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<sup>5</sup>Biblical citations in this work are taken from *The New Jerusalem Bible (Pocket Edition)*, London: Darton, Longman & Todd Ltd., 1990.

<sup>6</sup>J.C. Ratzinger, *On Conscience*, San Francisco: Ignatius Press, 1991, 52-53.

person what one's obligation is here and now or judging his past acts.<sup>7</sup> According to the perception of Thomas Aquinas, conscience is within the realm of practical judgement. It means that other elements such as intelligence and spirituality have some essential roles to play in the exercise of conscience. In the same realm though with some variations, Saint Augustine approached the phenomenon from a purely spiritual perspective for he perceived conscience as the most intimate encounter between the Supreme Being and humanity. Thus reasoned, conscience becomes the sacred centre of the person's relationship with God — where the communication of the self and God takes place.

Considered from the prism of Catholic pedagogy especially from the works of Vatican II Council, conscience is that faculty which manifests to man and woman their moral duties and urges them to fulfil them for the general good. Conscience remains a practical guide to one's thought and deed aimed at meeting the "voice" of God. Again, conscience is seen and held as the grace and spirit of God which direct human concerns in an atmosphere of love and freedom. The willingness of human beings to listen and choose the promptings of God indicates attentiveness unto one's moral judgment — the conscience.

### **3. The Right to Freedom of Conscience**

The right to freedom of conscience is adjudged as one of the provisions that cut across peoples and cultures of the world. This right is defined as one of the fundamental rights men and women enjoy in the society; the United Nations' (UN) "Universal Declarations of Rights" cites freedom of conscience as a basic human right. This right confers on persons freedom of judgment of what is right or wrong in their personal or communal consideration of choices of life. It also means that one is not forced to act against his/her conscience. The implication of this is that everyone should follow the dictates of his/her conscience and at the same time submit in obedience to it. A negation of this results in guilty feelings of one's conscience.

Christian ethical teaching approaches the freedom of conscience from the understanding that "contemporary man is becoming increasingly conscious of the dignity of the human person; more and more people are demanding that men should exercise fully their own judgement and a responsible freedom in their actions and should not

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<sup>7</sup>K.H. Peschke, *Christian Ethics*, 167.

be subject to the pressure of coercion but be inspired by a sense of duty.”<sup>8</sup> In the consideration of freedom of conscience, two issues come to the fore, namely, right not to be compelled to act against one’s own conscience and the right not to be restrained from acting according to a person’s conscience. Subjected to Christian ethical teaching, the first right indicates an unconfined condition of thought and action. It means that a person whose conscience has judged a particular thing to be unfit for his/her thought or action cannot be forced to cause such a thing into a reality. This freedom is unencumbered for societal good and should be seen from the same logic of the good of the individual and the society. The second claim to the freedom of conscience, the right not to be restrained from acting according to one’s conscience, remains an ethical problem to human autonomy and self-determination. Here, the right to freedom of conscience suffers restrictions where such rights hamper the wellbeing of persons in the society. No persons or group of persons will be allowed to cause problem for others on the grounds that their consciences urged them to commit crimes against the state. This is where the state authority contains such freedom of conscience.

It follows logically that freedom of conscience that conflicts with or is incompatible with rule of law and ethical norm should never be discountenanced by the appropriate authority (civil or religious). This scenario brings to the fore the problem of erroneous conscience and its place in the society. Nobody tolerates social strife based on the actions attributable to an erroneous conscience. Concerning this, Peschke observes, “even though a person has the obligation to follow an invincibly erroneous conscience, society has the right to defend itself against dangerous outgrowths of these errors, the simple reason being that error cannot claim the same right as the truth.”<sup>9</sup> It means that men and women in exercising their freedom of rights to conscience ought to respect the laws and customs that bring about a peaceful coexistence in the society. Mutual respect and tolerance are germane to the freedom of conscience.

In further examination of the subject, one is confronted with a number of problems confronting the freedom of conscience. Conscience as a moral faculty has been manipulated by some people to achieve sinister cause in the society. Others, still, neglect its impetus entirely so as to satisfy the same evil purpose. This has brought about conscience with personal convictions based on

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<sup>8</sup>Vatican II, *Dignitatis Humanae*, 1.

<sup>9</sup>K.H. Peschke, *Christian Ethics*, 196.

imaginative and expeditious fantasies as seen among some intellectuals who propound theories that are inconsistent with authentic life. Radical Moslems or Christians who justify segregation or extreme violence from inauthentic application of scriptural passages serve as good examples of products of inauthentic freedom of conscience. It proves that certain persons take to intellectualization of conscience of which propagates evil and lawlessness. Freedom of conscience behoves on the person to be proactive in listening to that moral faculty in a way or manner consistent with all human beings. A disregard of one's conscience amounts to sin and the sense of guilt before oneself and the members of the community.

### **3.1. Freedom of Conscience and the Civil Law**

Conscience is a topical phenomenon in civil law. In the legal discipline, a number of discourse centres on the subject among experts and students of law. In other words, there is a corresponding relationship between conscience and law. The freedom of conscience as understood in law shows no trace of contradiction to the civil obedience, for in the strict sense, conscience sees the obedience to law as an ethical responsibility. Cases abound around the world when this plays out in civil disobedience as a demonstration of right to freedom of conscience which carries with it the burden of proof, which must have moral certainty. Living in the society presupposes adherence to law and order and this proceeds from freedom of conscience. People should care for themselves and others and by so doing, prove their social maturity in moral judgement of *what ought* and *what ought not*. In this light, Vatican II Council argues: "It is through his conscience that man sees and recognizes the demands of the divine law. He is bound to follow this conscience faithfully in all his activity so that he may come to God, who is his last end."<sup>10</sup>

At times occasions arise when citizens' conscience conflict with law(s) of the state and research has shown that such scenario had played out in ancient Roman and Egyptian societies. Objection to certain laws or rules in any state brings back the fundamental questions of quality of laws and the common good. In most cases, citizens' objection to the decisions of the civil authorities remains a classical example of not being forced to act against their consciences. When this happens, the state should protect their rights to freedom of conscience through dialogue or negotiation. Only just laws are obeyed and criminal or obnoxious laws meet disobedience. The

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<sup>10</sup>Vatican II, *Dignitatis Humanae*, 3.

protection of the citizen's conscience is a constitutional duty of every civil leadership and it is also part of democratic culture of governments around the world. Governments owe their nationals the moral obligation to guarantee that their "voices" are heard whether in obedience or disobedience to laws and policies.

The constitution outlines certain rights and privileges for leaders and followers in a state and such provisions guide the people to a quality of life. Even at these, conflict usually occurs when people apply those laws to lived experiences based on personal convictions and other principles of life. It is believed that conflict of conscience would be regulated by the state's extant laws. Everyone enjoys privileges but at times people run away from duties — under the pretext of the dictates of conscience. Military service and payment of tax are some of the duties for which people find cumbersome in matters of the judgment of conscience. In military service, for example, people make reference to the judgement of conscience abhorring spilling of blood and thereby object to such a service. It is the duty of the state authority to disabuse people's minds and explain some traditional roles of military which has nothing to do with bloodletting. In the case of taxes, the citizens most often point to corruption and dearth of dividends as some the reasons for which in their judgement of consciences, they find it difficult to continue paying taxes. From these two instances, civil authorities should find a common ground and through legitimate way or manner reach a consensus with their citizenry. Again, the civil authority should be mindful of the need to distribute taxes based on the citizens' ability to pay and also take care of indigent ones who are actually expecting stipends for survival from their governments. These are all reflections of the judgement of consciences of the citizens and leaders in the civil society.

In the case of clash of citizenry with its government based on matters of conscience, the citizens enjoy rights to freedom of expressions of convinced opinions that might lead to protest or workers laying down their tools in demand for labour related needs or interests. Matters of the judgement of conscience are very solemn and cannot be suppressed by any civil authorities — provided such judgements are not contrary to peace, harmony and order in the society. Fagothey outlined the following conditions before people take to civil disobedience:<sup>11</sup>

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<sup>11</sup>A. Fagothey, *Right and Reason: Ethics in Theory and Practice Based on the Teachings of Aristotle and St. Thomas Aquinas* (2<sup>nd</sup> ed.), Charlotte, North Carolina: Tan Books, 2000, 429.



1. The government has become habitually tyrannical, has lost sight of the common good, works for its own selfish aims to the harm of the people, with no prospect of a change for the better within a reasonable time.
2. All legal and peaceful means have been exhausted to recall a ruler to a sense of duty.
3. There is reasonable probability that resistance will be successful, or at least that it will secure a betterment proportionate to the effort and suffering involved in civil war.
4. The judgement that the government is tyrannical should be accepted by such a large and well-distributed number of citizens as to indicate that it is truly representative of the people as a whole.

The state should guarantee the freedom of conscience of its citizens in matters concerning religious faith and practice. Constitutional provisions ought to safeguard people's approach to their chosen mode of religious practice since men and women are intellectually equipped to express their convictions about the veracity or falsehood of religions. The state, in this situation, has the obligation to respect consciences of its citizens in their choice of religions. It follows then that any "state religion" infringes on the fundamental rights to freedom of worship supported by the freedom of conscience.

Freedom of conscience is antithetical to religious persecution in the state. This is immoral and goes against the natural law. Governments should be alive unto its civil duties by promoting religious tolerance through necessary laws and agencies meant to implement those laws. Here, a distinction between *dogmatic tolerance* and *political tolerance* becomes important. Dogmatic tolerance means that one considers other religions to be equally true and it shares some similarities with religious indifferentism. Political tolerance, on the other hand, is allowing other people to profess the religion of their conviction.<sup>12</sup>

The state in its approach to the freedom of conscience should take cognisance of the multifaceted nature of the society. Matters bordering on conscience ought to be approached from dictates of reason and ethics. This will help the state to invoke laws consistent with common good in its regulation of events happening in the society. Civil leaders should be mindful of secular and religious characters of their citizens and navigate maturely in all matters of conscience.

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<sup>12</sup>A. Fagothey, *Right and Reason*, 427.

### 3.2. Freedom of Conscience and Christian Pedagogy

Christian teachings consider the freedom of conscience as a solemn duty for men and women in the society. Theologians and ethicists view duty to formation of conscience as the ultimate subjective norm of morality. In this sense, John Paul II<sup>13</sup> argues for the recognition of the sanctity of individual conscience and for the faculty to seek truth and obey such in all matters of personal or collective concern. To achieve this, it becomes imperative for everyone to have good intention and match it with the right action. Truth and moral correctness are not autonomous inventions of human being's mind and conscience; humans are subject to the moral principles and are bound to obey them in all matters relating to good of the self and others. Again, the dependence on moral correctness involves the search for such truths. In all, one can argue that the "ultimate authority of moral principles is the authority of the truth; and truth in ethics is known only through the painstaking study of the facts."<sup>14</sup>

In the argument of Benedict XVI, "The idea of conscience cannot be separated in its history from the idea of the responsibility of man before God."<sup>15</sup> Thus, an attainment of divine illumination is one of the concerns of the conscience and of which everyone strives to achieve through the duty to the formation of such a conscience. It is improper to rely on a conscience that suffers adequate formation; this scenario amounts to abuse of the same conscience. Some scholars like Benedict XVI<sup>16</sup> and John Paul II<sup>17</sup> are convinced that for one to attain divine illumination, such a person should avail himself/herself of all theological/pastoral resources in domestic or formal settings such as family upbringing and school system where Christian faith and morals are inculcated at those stages of formation of the people's consciences. Again, through assiduous search for knowledge, every man and every woman coming in contact with the word of God and findings of the ethical and theological disciplines ought to conform to the formation of conscience and be ready to apply the fruits to lived experiences of life that are beneficial to individual and common good in the society.

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<sup>13</sup>John Paul II, *Veritatis Splendor*, London: Catholic Truth Society, 1993, 34.

<sup>14</sup>G.H. Hughes, "Conscience: The Guidance of the Spirit," in *Truth and Life*, ed. by Donal Flanagan, Dublin: Gill and Son, 1968, 129.

<sup>15</sup>Benedict XVI, *On Conscience*, New York: Ignatius Press, 2009, 51.

<sup>16</sup>Benedict XVI, *On Conscience*, 11-12.

<sup>17</sup>John Paul II, *Memory and Identity: Personal Reflections*, London: Weidenfeld & Nicolson, 1997, 9-10.

More so, it has to be noted that freedom of conscience and its exercise are not necessarily a technical activity of human beings; it goes beyond a rational appropriation of norms, rules and principles. To this end, one ought to understand that human beings are subjects characterized by vicissitudes of life. One judgement of conscience is influenced by a number of intrinsic and extrinsic concerns such as fear, belief, and habit. For Gula, "We make our decisions more out of the beliefs we live by and the habits we have formed than out of the principles we have learned."<sup>18</sup> It goes a long way to suggest that the quality of one's conscience is determined by the tapestry of the micro and macro cultural and religious orientations. The members of the Christian community are encouraged to assimilate the Christian faith and morals so as to be influenced by such elements in one's moral conscience. Besides these, one belongs to other social groups with their attendant forces which must be moderated and tailored towards one's Christian faith and morals. The ability to bring these to terms with Christian teachings shows the maturity of the conscience to seek truth and to obey the same in a manner consistent with God's approval.

The Vatican II Council in the document *Gaudium et Spes* proclaims that everyone has an onerous task of forming and obeying his/her conscience in all spiritual and material concerns. It comes down to actual obedience to conscience and the outcome of such actions, namely, erroneous judgement or correct judgment. In each of the case, credit goes to the one who did his/her best to form conscience and "reach an informed decision of conscience" than the other person who "takes little trouble to find out what is true and good, or when conscience is by degrees almost blinded through the habit of committing sin."<sup>19</sup>

Christian ethical and theological insights are beneficial to the discourse on conscience. Self-consciousness is part of the constituents of humans as rational and spiritual beings; so, knowledge of the self and those of others help in aligning one's conscience toward enlightenment deepened by the insights and experiences of the religious community.<sup>20</sup> The freedom of conscience and its formation should be selfless and should reflect humility with respect to being a creature of God, who speaks to men and women in their hearts for the common good.

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<sup>18</sup>R.M. Gula, *Reason Informed by Faith*, New York: Paulist Press, 1989, 141-142.

<sup>19</sup>Vatican II Council, *Gaudium et Spes*, 16.

<sup>20</sup> *Vatican II Council, Gaudium et Spes*, 17.

### **3.3. Freedom of Conscience: Limitations**

From the above submission and discussion, one accepts the place of conscience in human concerns as a determinant factor whether for the thought process (intention) or in actualized deed (act). The conceptual framework is not yet a resolved reality amongst scholars of ethics and theology. Some schools of thought still approach the phenomenon from either psychological or moral perspective. This, no doubt, becomes a problem and thus limits the horizon of its understanding and application.

There is the problem of total or partial acceptance of the judgment of conscience based on religious conviction or profession owing to manipulative forces of religion by religious extremists. This creates limitations to the public space where freedom of conscience is looked with suspicion or where it is totally denied. Cases of religious fanaticism and/or extremism abound and worsen the climate of mutual respect of conscience among citizens.

Furthermore, every conscience draws its judgement from what it had come in contact with by a learning process. There is no individual conscience which claims full knowledge of thought patterns and lived experiences of all cultures and religions. The limitations of conscience manifest in a prejudicial attitude towards cultural or religious systems other than one's own heritage. This, most often, breeds contempt or hatred contradictory of societal ethics and values.

More so, the psychological and medical situations or conditions limit one's judgment of moral conscience. Persons suffering from psychological or medical problems are impeded in their outlook to truth and reality. Any medical or psychological condition has a negative impact on moral authority of the persons in his/her moral judgement. Weird scenarios of "vengeance" have been reported as some people with HIV/AIDS were discovered to have been involved in rape cases as ways of "not going down alone" syndrome. The peoples' consciences had been compromised and thus limited their moral faculties to doing evil.

Matters of conscience are not as simple as they are discussed. Humans are a complex being and their consciences thus become more sophisticated. The freedom of conscience whether in a religious or civil sphere remains an on-going conversation among different scholars. The different outcomes of moral judgement that cause social strife and suffering remind one about the limitations of the freedom

of conscience. From the foregoing, one can aver that there is no level of education or practice of virtue which insulates the conscience from the errors of judgement with respect to the freedom of conscience.

#### **4. Conclusion**

From the analysis of this paper, conscience is a moral authority which helps people to achieve their various aspirations in the society. This has conferred on everyman and everywoman inalienable right to the freedom of conscience. For one to assume this status in the society, that person must abide with his/her culture and tradition. Gleaned from Christian perspective, the study noted that every person in the society has a conscience and that such conscience should be formed by religious and civil authorities whose concerns must be consistent with truth and welfare of the society. Again, everyone should be faithful not only in following one's conscience but also to obey it. Obedience to one's conscience is a path leading one to the dictates of reason and truth. It is therefore a sacred duty as well as part of a religious liberty to abide by one's conscience, its limitations, notwithstanding.

Freedom of conscience has its limitations and this has become an ethical and theological problem. Considering the different layers of the society, one does not take their influences on peoples' consciences for granted. The society has become so complex that people from different cultural and religious backgrounds interact and thus become influenced — positively or negatively. The latter is emphasised here as one of the limitations of the freedom of conscience especially from divergent insights and convictions assimilated in a multi-cultural and multi-religious society. These account for conflict of interest. These conflicts manifest the limitations of the consciences owing to some social or medical conditions.

Humans are complex beings and they cannot be known entirely only through the discourse on conscience; other areas of human endeavours such as economy, pleasure and health concerns have one or more influences on the freedom of conscience. Everyone has an obligation to follow one's conscience and the same duty goes with the responsibility to accept one's action. As already argued, this research notes that the freedom of conscience has its limitations and it manifests in a number of ways leading to errors in human endeavours. This has remained both an ethical and theological problem for the society.