

agnatic relatives of a higher degree of relationship (aunts, nieces etc.) were excluded from intestate inheritance (Gai. Inst. 3,14; Inst. Iust. 3,2,3a).

→ Agnatio; → Succession, law of

H. L. W. NELSON, U. MANTHE, Gai Institutiones III 1–87, 1992, 65f. U.M.

Conscience The modern term ‘conscience’ as the awareness of good and evil in one’s acts has an approximate though not exact linguistic equivalent in Greek *συνείδησις* (*syneidēsis*, also τὸ συνείδησ/το *syneidós*, σύνεσις/*synesis*) and Latin *conscientia*. The term *syneidēsis* is rarely used from the 5th to 2nd cents. BC but becomes more frequent after the 1st cent. BC. Three basic meanings must be differentiated: 1) the ‘awareness’ of one’s own, mostly negatively evaluated behaviour; 2) the (moral) conscience; 3) one’s ‘internal’ *conscience*. Conscience internalizes the moral judgements of society and religion and effects the historical transition from shame to guilt, from result to intent as moral standards (Soph. Ant. 265f.; Democr. B 297 DK; Men. Monostichoi 597). In Hellenistic philosophy introspection, self-observation, and self-examination became part of the way of life. The younger Stoa identified conscience with reason (ἡγεμονικόν, *hēgemonikón*), the higher self of man, and demanded purification of the conscience with mental exercises (Epict. Dissertationes 3,93–95; M. Aur. 5,27).

The Latin term *conscientia* is also used more frequently with the increased use of *syneidēsis* in the 1st cent. BC, repeatedly in Cicero and throughout in Seneca (for attestations see ThLL). *Conscientia* is even more equivalent to the modern meaning of conscience than *syneidēsis* and often refers to the ‘Inner’. Cicero conceptualizes conscience as a law of nature and coined the term ‘pang of conscience’ (*morderi conscientia*, Cic. Rep. 3,22; Cic. Tusc. 4,45). In Seneca the differentiation of *bona* (Sen. Epist. 12,9; 43,5) and *mala conscientia* (Epist. 105,8; Benef. 3,1,4), good and bad conscience, are part of the fixed vocabulary of guiding the soul. The ability to feel shame is a basic condition for moral progress (Sen. Epist. 25,2).

Philo of Alexandria (about 25/10 BC–AD 40) elevated *to syneidós* (occasionally also *syneidēsis*) to a key term in his theology as the internal judge over good and bad behaviour divinely implanted into humans (Phil. Quod deterius potiori insidiari solet 146).

The self-examination of Hellenistic philosophy flowed into Christian penance. The pure conscience demanded by God is no longer achieved by one’s own purity and innocence but required humility, fear and a plea for the forgiveness of sins (Cor 4,5; 11,31; Lactant. Div. inst. 6,24,20; Aug. Serm. 20,3). An erroneous reading of the LXX derived from Origen and accepted by Jerome turns *syneidēsis*, read as *syntērēsis* (‘preservation’), into the ‘spark of conscience’ (*scintilla conscientiae*; Hier. in Hescielem 1,6–8 according to Orig. Homiliae in Ezechielem 1,16). This text resulted in

varying interpretations of the two terms in the terminologically oriented interpretation of scholasticism, which transformed *syntērēsis* into *sy(i)ndērēsis*: *conscientia* on the one hand is the ability to differentiate good and evil in individual cases, *syndērēsis* on the other hand is the ability to clearly recognize general principles (Thomas Aquinas, Summa theologica I, quaestio 79, articulus 12f.; I II quaestio 94, articulus 1).

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Conscientious objection Conscientious objection (CO) constitutes any rejection of military or war service independent of motivation, i.e. in the case of conscripts avoiding the mustering and not appearing for service, in the case of active soldiers refusing commands, desertion, mutiny or switching sides. Unlike desertion (which in the Roman army occurred because of fear of punishment and the harshness of the service and discipline, cowardice and demoralization, but also because of a better material offer from the other side), CO is at least in some cases recognizable as an ethically-morally, religiously or politically motivated rejection of war or armed service and its possible consequences. For example, Musonius Rufus noted in the civil war situation of the Year of Four Emperors in AD 69 the *bona pacis ac belli discrimina* (‘the blessings of peace and the hardships of war’) (Tac. Hist. 3,81).

CO was not tolerated in Rome; relief (*vacatio*) from military service was only granted in a few exceptional cases. The first politically and socially motivated CO was supposedly granted in 495/4 BC (Liv. 2,27,10ff.). However, certain attestations only exist for the period after 275 BC, e.g., the wars against Pyrrhus (Val. Max. 6,3,4), Hannibal (Liv. 24,18,7ff.; 2,000 men involved), Perseus (Liv. 43,14,3f.) and in Spain (Pol. 35,4,1ff.; App. Hisp. 49). The first known individual case of CO is C. Vettienus, who in 90 BC cut off the fingers of his left hand so that he would not have to fight in the → Social War [3] (Val. Max. 6,3,3). Self-mutilation as well as