The Duty of Disobedience

A Source of Modern Political Imagination

Attila Károly Molnár

For us Hungarians, the notion of *ius resistendi* has long been an important element of our ancient constitution since the Golden Bull, which has parallels with the English or the Poles. The problem can be seen as whether a good Christian can do anything against a ruler who has become a tyrant, in an era when it was clear that repeating the rebellion of Lucifer and then Adam was the chief sin (Romans 13:1–5). This paper does not chiefly concern constitutional resistance to a tyrant but the duty of personal disobedience, which first appeared among the clergy, but can arise in any hierarchical institution. The question is not merely whether one has a right to resist but whether one has a duty to resist. Resistance and disobedience have always existed in written history, but the peculiarity of early modern and modern culture in Europe is that it made disobedience a moral duty, first citing the danger of damnation and then, in recent times, omitting any particular attempt at justification.

The idea of a moral duty to disobey, promoted by Martin Luther and the Protestant Reformers, stems from debates on conscience during the scholastic period. The prehistory of the concept of conscience is beyond the scope of this paper. Suffice to note here that in the patristic literature, conscience became a motivator for action: The source of need is an escape from spiritual torment, and a longing for the divine blessing already experienced in earthly life, which is a calm, undisturbed and good state of mind. Punishment therefore does not have to wait until after death, it is already present in this world.

In contrast to the Greek (negative) notion of conscience, the importance of a good conscience increased among the early Christian authors, because good conscience and Truth (God) are intertwined: '[M]y conscience will rejoice, and my mind will be glad to be working in the light of truth, which is the food of the soul and steeped in unbelievable delight.'[1] Self-examination and penitence are required to achieve this. Conscience assumed an increasing role in the assurance of salvation, as the sinner has no peace of mind because of the bad conscience that plagues him. The bad state of conscience has rarely been linked to salvation as clearly as in Saint Isidore of Seville's *Sententiae:*

[1] Lactantius, *Divine Institutes* (Liverpool: Liverpool University Press, 2003), caput 12, 282.

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> 26.1 While the human condition confuses the mind with diverse depravities, it [the mind] suffers the punishments of conscience even before the punishment of hell through the confused striving of the soul.
> 26.2 A man will be able to flee from anything except his own heart. For one cannot depart from oneself. Because wherever he may have gone, the conscience of his sin does not leave him.
> 26.3 Even if everyone who did wrong were to escape human judgements, they would not be able to escape the judgement of their conscience. For although he could hide from other what he had done, he cannot hide it from himself, who has fully recognized that what he did was wrong. So a double judgement is passed on him, because he is punished for his sin here and now by conscience, and in the beyond he is sentenced to eternal punishment.[2]

Conscience is God's judgement of the individual, not just of certain deeds, and from this he can know in earthly life what awaits him at the Last Judgement. If the subjective experience of spiritual well-being and satisfaction can only be obtained by a good conscience, then the experience of a good conscience is a hope for salvation. Because a pure conscience and humble consciousness come from God, these are the signs of the new man, of grace.[3]

A good conscience meant that someone had met the Lord's expectations and was therefore looking forward to his reward, and was not worried.[4] In addition to being a sign of good conscience, joy and enjoyment, above all else: 'A peaceful conscience and a calm innocence work out a happy life.'[5] Peace of conscience is paramount,[6] because a clear conscience brings joy and peace, which is the sign of the true Christian, the knowledge and action of the truth, and goes hand in hand with certainty: '[A] light as it were of serenity infused into my heart, all the darkness of doubt vanished away.'[7] Grace, then, comes with a clear conscience and courage.[8] Love, faith, and a good conscience go hand in hand, because 'the secret of faith is a clear conscience',[9] although it is not explained how. Just as obedience to God's command is an unconditional command, so, over time, obedience to the 'command' of conscience became similarly unconditional. In patristics, the assumption of a close connection between the voice of conscience and God's command was consolidated and spread. Because of this, the experience of good conscience and the resulting

[2] Isidore, *Sententiae*. Liber II, caput XXVI, 'De conscientia', 1–4; quoted by Anders Schinkel, *Conscience and Conscientious Objections* (Amsterdam: Vrije Universiteit, 2007), 169.

[3] Athanasius, 'Letter I', in Athanasius, *Select Works and Letters*. Ed. by Philip Schaff and Henry Wace (Grand Rapids, MI: Eerdmans, 1987), 897.

[4] Saint Ambrose, 'The Treatise Concerning Widows', in Ambrose, *Select Works and Letters*. Ed. by Philip Schaff (Grand Rapids, MI: Eerdmans, 1989), caput 12, para 74, 939.

[5] Saint Ambrose, 'On the Duties of the Clergy', in Ambrose, *Select Works and Letters*, Liber II, caput 1.1, 86.

[6] Saint Augustine, 'Letter LXXIII', in Saint Augustine, *The Confessions and Letters of St Augustin*. Ed. by Philip Schaff (Buffalo, NY: The Christian Literature, 1886), 333.

[7] Saint Augustine, *The Confessions of St Augustine*. Transl. by Edward B Pusey (New York: PF Collier & Son, 1909), Book VIII.

[8] Athanasius, 'Letter LII', 975.

[9] 1 Timothy 3:9; Saint Jerome, 'Letter XIV to Heliodorus', in Saint Jerome, *The Principal Works of St Jerome*. Ed. by Philip Schaff (New York: Christian Literature, 1892), 83.

confidence felt by its possessor later became the overriding argument in political and moral debates. A good conscience is above the judgement of men because the direct source of a good conscience is God, 'who absolves the conscience'.[10]

Conscience has already lost its original meaning of 'knowledge shared with others', but, as a knower of truth, it could also make one confront others and the sinful world, as a good conscience is more important than respect, glory and pride in others.[11] Shame before other people does not qualify an act as good or bad. '[T]he Apostle took not the praise of men for any great thing, saying in another place, "But to me it is the least thing, that I be judged of you, or of day of man"; and in another place, "If I were pleasing men, I should not be a servant of Christ". . . . [One] cannot on every side avoid most malevolent suspicions, when for our good report we shall have done whatever we rightly can, . . . let there be present the solace of conscience, and clearly also the joy, in that our reward is great in Heaven, even when men say many evil things of us, and we yet live godly and righteously.'[12] Human judgement is mostly wrong, it is a spiritual force to despise in a calm and clear conscience,[13] at the same time, even if the approval of other people is not sought, their outrage should be avoided.

Contrary to the pagan Greek notion of conscience, the judgement of the Christian conscience is not based on the approval of other people.[14] A good conscience is good in itself, but praise from others does not necessarily mean that one has done good. God is the 'Searcher of the conscience. And whatever proceeds from the purity of that conscience is so much the more praiseworthy, the less it desires the praises of men.'[15] The search for God is more important than the opinion of men, and since God is infallible,[16] approval of conscience is therefore sufficient; there is no need for other people to appreciate one. 'I do not seek honor; the approval of my conscience is enough for me.'[17] At the same time, a good conscience is not afraid of the public. Although it has lost the pagan meaning of common knowledge, it does not necessarily turn one against the opinions of other people. 'A good conscience is afraid of no man's eyes. . . . Pray, open your ears and listen to the outcry of the whole city.'[18] However, as much as conscience is related to Truth, in patristics, no

[10] Saint Ambrose, 'Epistle LVII', in Saint Ambrose, *Select Works,* para 10, 1036.

[11] Saint Augustine, *The City of God,* Liber V, caput 12; Liber XII, caput 8.

[12] Saint Augustine, 'Of the Good of Widowhood', in *St Augustine on the Holy Trinity. Doctrinal Treatises. Moral Treatises, III.* Ed. by Philip Schaff (Buffalo, NY: The Christian Literature, 1887), 453, caput 27.

[13] Saint Augustine, *The City of God,* Liber I, caput 22.

[14] Ibid. Liber XIV, caput 18.

[15] Saint Augustine, 'Sermon on the Mount', in Saint Augustine, *Sermon on the Mount. Harmony of the Gospels. Homilies on the Gospels.* Ed. Philip Schaff (Grand Rapids, MI: Eerdmans, 1886), Liber II, caput 1, para 1, 86.

[16] Saint Ambrose, *Select Works and Letters,* 59. Cf. Saint Ambrose, *Select Works,* 939.

[17] Saint Jerome, 'Letter XIV to Heliodorus', in Saint Jerome, *The Principal Works,* para 7, 16.

[18] Saint Jerome, 'Letter CXVII to a Mother and Daughter Living in Gaul', in Saint Jerome, *The Principal Works,* para 9, 219.

one can use it as a basis for opposing secular laws: God, and even secular laws, must be obeyed for the sake of conscience.[19]

The hidden debate of patristicism revolved around whether everyone had a conscience. If not, then not everyone is responsible for their actions, as they have no knowledge of good. If everyone has one, how can they disobey it? Patristics did not give an elaborated answer to this, and later scholasticism tried to distinguish between *synderesis* and *conscientia* and to connect them in a systematic manner. This distinction was then developed by scholasticism, explaining why there are many different commands of our conscience in practice; namely why people can confront and contradict each other by following the commands of their consciences. The patristic concept of conscience also points forward *(antecedents);* that is, it decides on actions, and not only backwards, not only delivering ex post judgement (*subsequens* or *consequens*) of past actions.[20] In the patristic literature, conscience is a judge and legislator whose judgment must be followed. Much later, the duty to follow the command of conscience became the basis for resistance against other duties, which was confirmed by the letter to the Romans, originally not related to conscience but confirmed by the appeal already attached to it by Saint Jerome. 'Each of them should be fully convinced in their own mind.'[21] He who does not follow the commands of his conscience in action will fall into the most miserable state.

If the conscience of a judge is the same (*subsequens* or *consequens* conscience), then by what law does it judge, and how does it know it? The Latin Stoic answer was that a *conscientia* contains knowledge of natural law. This property of the *conscientia* was transposed to *syneidesis* in the writings of Saint John Chrysostom,[22] who asserted that *syneidesis* is the law of nature planted in us (*lex nata,* or *lex naturalis* which is also mentioned by Saint Augustine). Because God wrote the law of nature into all people, the sinner also knows it and is therefore responsible.[23] According to the Church Fathers, *conscientia* is an inner voice that speaks of the divine law and the duties that flow from it, and of the punishment for their transgression. Since they insisted that everyone has a conscience, an inner judge, it therefore had to be accepted that the law of nature was written into everyone; everyone could recognise it from their own inner experience. '[N]either Adam, nor any body else, can be shown ever to have lived without the law of nature.'

[19] Lactantius, *Divine Institutes,* 506.

[20] Saint Ambrose, 'Epistle LI', in Saint Ambrose, *Select Works,* 1029.

[21] Romans 14:5; Saint Jerome, 'Letter XLVIII to Pammachius', in Saint Jerome, *The Principal Works,* 215.

[22] 'When God created man, he planted the law of nature in him from the beginning. And what was the law of nature? He has given commandments to the conscience within us, and all his good knowledge comes from it.' Saint Chrysostom, 'Homily XII addressed to the people of Antioch' in Saint Chrysostom, *On the Priesthood. Ascetic Treatises. Select Homilies and Letters. Homilies on the Statutes.* Ed. by Philip Schaff (New York: Christian Literature, 1886), 9.

[23] Saint Augustine, *Sermon on the Mount,* 1.

This is because when God created Adam, he planted in him the law of nature for the good of all mankind. Furthermore, he does not seem to call the law of nature anywhere a commandment. But Saint John Chrysostom calls the commandment 'just and holy', and 'spiritual law'. The law of nature does not exist in the mind as a result of grace, because Greeks and barbarians and other people also have knowledge of this law.[24] 'For it was God that was the principal doer of that also, in that He gave us the law of nature, and added the written one to it.'[25]

> I praise the law, he says, in my conscience, and I find it pleads on my side so far as I am desirous of doing what is right, and that it invigorates this wish. For as I feel a pleasure in it, so does it yield praise to my decision. . . . It is, I agree with it as right, as it does with me when wishing to do what is good. And so the willing what is good and the not willing what is evil was made a fundamental part of us from the first. But the Law, when it came, was made at once a stronger accuser in what was bad, and a greater praiser in what was good. Do you observe that in every place he bears witness to its having a kind of intensitiveness and additional advantage, yet nothing further? For though it praises and I delight in it, and wish what is good the 'evil is' still 'present with me', and the agency of it has not been abolished.[26]

The knowledge of the law of nature that exists in every human being has been called *synteresis*. The literature of scholasticism on conscience largely revolved around the relationship between *conscientia* and *synderesis* (originally *synteresis,* but the *synderesis* form became widespread).

Until Thomas Aquinas, the glossary of Saint Jerome on Ezekiel's vision dominated the prevailing thought on conscience. Saint Jerome is a frequently mentioned author in the literature on conscience, due to his introduction of a new concept, *synteresis*.[27] The Christian authors were able to combine the Stoic and Pauline conceptions of conscience with a distinction between *synteresis* and *conscientia:* Conscience is both divine *(vox Dei)* and human. Conscience is infallible because of its divine yet fallen human nature. Its infallibility is evident in the case of a bad conscience about the past, while its incapacity arose mainly in connection with the forward-looking judgements of planned action. Yet how can it be both divine and infallible, yet human and fallible? The distinction between *synteresis* and *conscientia* helped to solve the problem of sin and the bad or false conscience: If sin is pervasive, how is it possible that everyone has a conscience (knows the law) and can be held accountable for their evil deeds? According to Saint Jerome's commentary on

[24] Saint Chrysostom, 'Homily XII on Romans', in Saint Chrysostom, *Homilies on the Acts of the Apostles and the Epistle to the Romans*. Ed. by Philip Schaff (New York: Christian Literature, 1889), 423.

[25] Saint Chrysostom: 'Homily XIII on Romans', 432.

[26] Ibid. 429.

[27] Saint Jerome, 'Commentary on Ezekiel 1:7', in Timothy C Potts (ed.), *Conscience in Medieval Philosophy* (Cambridge: Cambridge University Press, 1980), 79–80; Douglas Kries, 'Origen, Plato and Conscience *("synderesis")*', *Traditio* 57 (2002), 67–83.

Ezekiel, the four monsters in the vision are a metaphor for parts of the soul – four creatures come out of the earth, each with four faces: a man, a lion, an eagle and an ox.[28] These are, according to him, the three aspects of the soul described by Plato and the *synteresis*. According to Saint Jerome, the human face is human rationality, the lion is the emotional part, the ox is the longing part and the eagle is the image of *synteresis,* which Cain did not lack either: Man is able to recognise his sins and be held accountable because of the indelible *synteresis*.

Saint Jerome's commentary on the New Testament uses the term *'synteresis'* instead of *'syneidesis',* although in a different sense. The *synteresis* in the text is either identical to conscience later, or a peculiar part of it, its spark. *Synteresis* retained the notion of stoic *logos* and divine reason in the concept of conscience. From its origin, the term concerned conscience, to which it was related on the basis of the Greek verb *tereō* (to supervise, to guard).[29] Conscience also bore the meaning of guardian and educator for the Latin Stoics and Saint Augustine.[30] Over time, *synteresis* started to be spelled *synderesis* and also spread in this form. *Synderesis* was considered an indelible principle, habitus or tendency from the beginning. It is an infallible natural moral knowledge that is recognised directly and evidently by all. It is not based on a decision, nor on consent. It is intact and unchanging; that is, it is not affected by original sin. Thanks to it, man leans towards the good and rebels against evil. It is a remnant of the original moral integrity that humanity did not completely lose at the time of the Fall. S*ynderesis* was called the spark of conscience from God *(scintilla conscientiae).* The idea of *scintilla rationis* (knowledge of God in man) was used by Saint Augustine in *The City of God,*[31] then this *scintilla* became the interpretation of *synderesis,* and this metaphor became prevalent in the twelfth and thirteenth centuries. The Book of prophet Jeremiah, chapter 31:33, and the Book of Romans, chapter 2:15, interpreted the 'law written in the heart' as did biblical formulations of *synderesis* in the Middle Ages. This law is very simple: Do good, avoid evil and honour God. It motivates man to do good and punishes evil, thus *synderesis* leads the man in the decision. S*ynderesis* was related to concepts of *conscientia* and *instinctus naturae* belonging to the New Testament image of man[32] within the Stoic Natural Law Glossary – which later appeared in Francis Hutcheson's concept of moral sense.[33] The terms *recta ratio, superior pars rationis, vertex animae, scintilla intelligentiae* and *lumen modification* were used in the same sense as *synderesis* later on.

[28] Ezekiel 1:4–14.

[29] Robert A Greene, 'Synderesis, the Spark of Conscience, in the English Renaissance', *Journal of the History of Ideas* 52, no 2 (1991), 195–219.

[30] Augustinus, *Confessions,* 230.

[31] Saint Augustine, *The City of God,* Liber XXII, caput 24.

[32] Romans 8:26; 1 Corinthians 2:11 and 1 Thessalonians 5:23.

[33] Robert A Greene, 'Instinct of Nature: Natural Law, Synderesis, and the Moral Sense', *Journal of the History of Ideas* 58, no 2 (1997), 173–198.

Petrus Lombardus was the first to quote the text of Saint Jerome in the *Sententiae,* but without the concept of *synderesis* referring to *scintilla conscientiae*.[34] Philippus Cancellarius's *Summa de bono* was the first mediaeval dissertation on conscience.[35] According to him, *synderesis* is the source of *conscientia,* ability and opportunity. The relationship between *synderesis* and *conscientia* then became widely disputed. *Synderesis* deals with the general level of moral judgement, while *conscientia* applies to the specific level and thus to individual cases. This became the basic structure of the concept of conscience in scholasticism and later casuistry. *Synderesis* consists of rules and cannot be wrong; *conscientia* is the application of these rules and may therefore be wrong. Bad actions are only possible where there is a choice. The judgement of *conscientia* is a deductively derived conclusion from the premises. The free choice of practical syllogism lies in accepting the theorem of *proposition minor,* that is, in interpreting the situation. Every situation may be described and interpreted in many ways and, because interpretation can be misleading, it is a source of false conscience and bad actions. The question is thus who interprets the situations: the church, the secular power, the community, or the individual? If it is entrusted only to the individual, he, unless he is holy, will surely make the wrong decision.

Education and training attempt to close the logical gap between the rule and its application: They teach how to interpret individual situations in practice, for example, what is stealing. *Synderesis* is an option; however, the practical skills acquired need to update it. This skill is a kind of ability, which people possess to differing degrees, but not radically. In contrast to the conscience of patristics, which is the result of a direct perception,[36] the concept of conscience in scholasticism can be taught, because of the importance of practical knowledge. Thirteenth- and fourteenth-century writings on conscience commented on Lombardus. Lombardus also addressed the question of how a false conscience is possible if everyone has *synderesis* in them. Subsequently Saint Thomas summarised and systematised the literature on conscience.[37] According to this, *synderesis* is given by nature, man is born with it, and it is not identical to intellectual abilities (which have been corrupted by sin). In *De veritate,* it was still questionable for him whether *synderesis* may be wrong, but this is

[34] Potts, *Conscience in Medieval Philosophy;* Timothy C Potts, 'Conscience', in Norman Kretzmann, Anthony Kenny and Jan Pinborg (eds), *The Cambridge History of Later Medieval Philosophy* (Cambridge: Cambridge University Press, 1980); Heinrich Appel, *Die Lehre der Scholastiker von der Synteresis* (Rostock: Universitäts-Buchdruckerei, 1981); Michael B Crowe, *The Changing Profile of the Natural Law* (The Hague: Martinus Nijhoff, 1977); Oscar J Brown, *Natural Rectitude and Divine Law in Aquinas* (Toronto: Pontifical Institute for Medieval Studies, 1981); Joseph V Dolan, 'Conscience in the Catholic Theological Tradition', in William C Bier (ed.), *Conscience: Its Freedom and Limitations* (New York: Fordham University Press, 1971), 357–368.

[35] Philip the Chancellor, 'Summa de bono', in Potts, *Conscience in Medieval Philosophy,* 94–109.

[36] Athanasius, 'Apologia contra Arianos', in Athanasius, *Select Works and Letters,* 283.

[37] Appel, *Die Lehre der Scholastiker;* Hayden Ramsqay, 'Conscience: Aquinas – with a Hint of Aristotle', *Sophia* 40, no 2 (2001), 15–29.

no longer the case in *Summa Theologiae*. Saint Thomas also separated *synderesis* from *conscientia* – the former produces binding statements, is natural and not intuitive and contains the law of nature, infallible and ineradicable from man.

The statements of *synderesis* are known to man without ratiocination, a rational attitude which is contrary to a sinful tendency. *Synderesis* is an ability to formulate evident statements and to conceive directly of statements such as 2 × 2 = 4. *Synderesis* is the grasping of principles *(ideata innata)* such as moral principles, knowledge of the existence of God and so on – it is a source of inner certainty or proof. *Synderesis* is instinctive rather than discursive knowledge like the *instinctu divino* used by Marcus Tullius Cicero or Titus Livius's *divino spiritu* instincts. *Conscientia* is knowledge that is applied to certain, individual cases: What to do in such and such a situation. *Conscientia* is discursive, a reasoning intellect and practical knowledge. Its ontological basis is *synderesis,* which derives from nature, therefore everyone has a conscience by nature. *Conscientia* is the application of *synderesis* through syllogism, and this became the core of the intellectualist interpretation of conscience that still dominates casuistry today.

Saint Thomas linked conscience to the rule of law more closely than previous authors: The law binds by directing the conscience to follow the law and to punish men for violating it. This also suggests that the coercive power of secular power may rest on (rational) moral grounds, which contradicts Saint Augustine.[38] The legislature and law enforcement can judge on the basis of good conscience, which operates under the law. The law, then, is the work of the intellect.[39] The laws of nature are physical or moral, which apply to rational, free beings. The latter include men who, therefore, do not obey blindly but recognise by their intellect what they must do. The first rule of *lex naturalis* (the content of *synderesis*) is that good must be done, evil must be avoided. Good must be done, and good is that which corresponds to human nature. Only the wise can act well, because they can apply moral law to individual cases and changing circumstances.[40] It is also a way to maintain a good conscience. The law of nature *(synderesis)* cannot be eradicated from man, neither by persuasion nor by corrupt habits, and therefore there can be no error in the main proposition of practical syllogism, which means it should be applied.[41] *Synderesis* is the intuitive grasp of the principles of action, the law of nature *(participatio legis aeterna in rationali creatura):* avoid evil, do good and respect human life;[42] it is the propensity for good.[43] *Synderesis* is an infallible natural habitus in all people.[44] It cannot be completely exterminated, not

38 Henrich A Rommen, *The Natural Law* (Indianapolis: Liberty Fund, 1998), 4.
39 Saint Thomas Aquinas, *Summa Theologiae,* I–I, Q 90.
40 Ibid. I–II, Qs 94 and 100.
41 Ibid. I–II, Q 94, As 5–6 and Q 97, A 2.
42 Ibid. I–II, Q 94, As 1–2; Aristotle, *Nicomachean Ethics,* 1141a.
43 Saint Thomas, *Summa Theologiae,* I–II, Q 94, A 2; I–II, Qs 71–77; Thomas Aquinas, 'De veritate', in Thomas Aquinas, *Disputed Questions.* Transl. by James V McGlynn (Chicago: Henry Regnery, 1953), Q 16, A 1.
44 Saint Thomas, *Summa Theologiae,* I, Q 79, As 12–13; Saint Thomas, 'De veritate', Q 17, A 1.

even from the damned.[45] An action may be wrong, but *synderesis* may not. It reports on a moral order that exists independently of a person.

Man is inherently rational and knows the law of nature.[46] The lower intellect emanates from the higher, and the latter dominates the former.[47] The 'knowing' part of the soul that grasps the necessary truths *(scientificium animae)* is separated from the opinion-maker and the thinker with which contingent things are learnt. *Conscientia* is the application of knowledge to action.[48] If the intellect misjudges it, it does not come from God; it just seems to. Such a lack of the light of reason *(privatio luminis)* is the result of sin, because sin deprives it of the light of reason, of the Divine law. Sin is not a positive reality in the soul, but a deprivation, like a shadow is the lack of light, because an intervening object obscures it.[49] Original sin did not completely destroy human nature,[50] nor meaning. Sin does not prevent man from being meaningful to some extent, for if he were not so, he would no longer act meaningfully, and then his action would not be moral. Traces of propensity to virtue remains even in a condemned person, otherwise he would not feel the worm of conscience. However, the tendency to virtue – the intellect, does not work in him. Thomas Aquinas therefore mainly dealt with the forward-looking *(antecedents) conscientia,* the theory of action, rather than with the punishing conscience. Action is the inference of conscience, so conscience is a judgement-forming process. Conscience is an act *(actus),*[51] and not *potentia,* but it should also be a *habit,* not only an *actus,* because conscience is also present after and before the action (motive).[52] Saint Thomas disseminated a new meaning of conscience, the application of the knowledge contained in *synderesis* to the individual action.[53] *Conscientia* operates as a syllogism, the main thesis of which is *synderesis,* a supplement to practical knowledge.[54] The former always leads the doer to good.

Human action is the handling of contingent situations and probabilities. Contingencies make moral decisions possible and necessary: Everything could be different. Although it is easier to make a good law than to make a good decision, the law cannot specify every situation; one cannot imagine every situation and contingent in advance, so it is not possible to put everything into the laws. All laws must be interpreted in a specific situation. The law is therefore different from demonstrative truth, which is permanent and does not require application.

45 Saint Thomas, 'De veritate', Q 16, A 3.
46 Robert S Smith, *Conscience and Catholicism* (Lanham, MD: University Press of America, 1998).
47 Saint Thomas, *Summa Theologiae,* I, Q 79, A 9.
48 Ibid. I, Q 79, A 13.
49 Ibid. II, Q 86, A 1.
50 Ibid. I–II, Q 85, A2; Q 84, A 4.
51 Ibid. I, Q 79, A 13.
52 Ibid.
53 Saint Thomas, 'De veritate', Q 17, A 2; Saint Thomas, *Summa Theologiae,* Q 129, A 13.
54 Saint Thomas, *Summa Theologiae,* II–II, Q 83, A 1.

Conscientia concerns moral action, that is, voluntary and responsible action, which is not obligatory. Although *conscientia* judges whether something needs to be done, it does not stem from the deductive application of principles but is complex because it involves practical knowledge. The question, hence, was whether conscience could be wrong, and if so, why, and whether a false conscience was obligatory. *Synderesis* is never wrong, but *conscientia* is, which can have two sources, the wrong adjunct to practical syllogism (wrong practical knowledge, that is, misunderstanding of the situation) or wrong inference. *Conscientia* is the *actus* of judgement, therefore, it is related to practical knowledge. The central element of the scholastic conscience is, in addition to *synderesis*, practical knowledge; *phronesis* is translated into Latin as *prudentia*, reasoned judgement, foresight and prudence *(circumspectio).*[55]

The emphasis on circumstances is related to the notion of *prudence:* Conscience as it applies the law and *prudence* become relevant under changing circumstances. *Prudentia* contained the perception of the relevant elements of the circumstances (practical knowledge) and the ability to make the appropriate decision, the *consilium* and *iudicium*.[56] The Latin translation of *Summa Theologiae* introduced the term '*circumstantia*'. In addition to Aristotle, the emphasis on knowledge of circumstances in judging an action stemmed from rhetoric and the penal literature. Another source of practical knowledge was the rhetorical tradition, in which Cicero and Marcus Quintilianus emphasised the role of circumstances in persuasion, and each was given a role in *conscientia* when negotiating the appropriate (appropriate to the circumstances) action.[57] According to rhetoric, judgement is never independent of circumstances, judgement values probabilities and contingencies, because action is always contingent – 'it can be different', at least 'can be perceived in two ways', so it requires a decision.[58]

Such an interpretation of conscience and the incorporation of *prudence* was linked to a specific interpretation of the action. According to this, action is always contingent,[59] and free will always has a role to play in it *(liberum arbitrium);* that is, action is not necessarily obligatory, but the product of a practical conclusion, which conclusion is based on experiential reasoning, and many possible variants are decided by the actor. For each action, the judgement of reason is open to many possibilities, and is not fixed to one. That is why free will is important,[60] which is not forced by necessity.[61] A moral act is only that which is controlled by the practical intellect; only such an act can be either good or bad.

[55] Ibid. II–II, Q 49, A 9. Cicero did not use the phrase *'circumstantial'* (circumstance), Hermagoras used its Greek version *(peristasis).*

[56] Saint Thomas, *Summa Theologiae,* II–II, Q 48.

[57] Edward K Rand, *Cicero in the Courtroom of St Thomas Aquinas* (Milwaukee: Marquette University Press, 1968).

[58] Aristotle, *Rhetoric,* 1357a; Smith, *Conscience;* Josef Pieper, *Prudence* (New York: Pantheon, 1959).

[59] Saint Thomas, *Summa Theologiae,* I, Q 83, A 1.

[60] Ibid. I–II, Q 18, A 6.

[61] Ibid. I–II, Q 10, A 2.

Both the (Aristotelian and rhetorical) origins of *prudence* emphasised judgement-making because prudent judgement is not logical or theoretical.[62] Both practical knowledge, in *Nicomachean Ethics,* and rhetoric refer to situations that are contingent, contain alternative courses of action, can be judged from a variety of perspectives, all of which are plausible, but none can be proved and therefore require judgement.[63] 'And only what can be otherwise than as it is can thus be brought into being.'[64] Therefore, no matter how intellectualist the Thomistic conscience is, it is not rationalist, because the correct application of the principles[65] will never be as accurate as mathematics,[66] and it involves judgement. Unlike a logical conclusion, conscience (*prudence,* which is an adjunct to practical syllogism) is neither universally valid nor coercive. According to Saint Thomas, diversity and uncertainty accompany action.

> But still more uncertainty is found when we come down to the solution of particular cases. This study does not fall under either art or tradition because the causes of individual actions are infinitely diversified. Hence judgment of particular cases is left to the prudence of each one. He who acts prudently must attentively consider the things to be done at the present time after all the particular circumstances have been taken into consideration. In this way a doctor must act in bringing about a cure and a captain in steering a ship.[67]

One must judge; *conscientia* is judgement, part of which is *prudence,* proper perception and judgement.[68] Both Aristotle and Thomas Aquinas found it important to accept the uncertainty of practical judgement. Moral reasoning is therefore similar to disputation: Innumerable aspects arise in the beginning – there is no theoretical limit to which of them need to be taken into account. The specific situation is never systematic; it can never be fully known, so it always requires consideration and evaluation, which is not based on geometric rationality. In a specific situation, therefore, complete certainty is not possible; the decision to act is never demonstrative. *Prudence* is, at most, only moral certainty *(probabilis certitudo);*[69] it may reach a respectable opinion *(probabilitas, endoxos),* which may include errors.[70] Due to the limitations of the human intellect, one's moral life must cope with the contingent, on the basis of *probabilitas*. However, in the field of *prudentia* no one is completely self-sufficient.[71] *Conscientia* also helps, alongside grace, the knowledge generated

62 Aristotle, *Nicomachean Ethics,* 1141b–1142a.
63 Ibid. 1140a–b; Aristotle, *Rhetoric,* 1357.
64 Aristotle, *On the Soul,* Book III, part 10, 433a.
65 Saint Thomas, *Summa Theologiae,* I–II, Q 94, A 5.
66 Cf. Aristotle, *Nicomachean Ethics,* Book II.
67 Thomas Aquinas, *Commentary on the Nicomachean Ethics, I–II*. Transl. by CI Litzinger (Chicago: Henry Regnery, 1964), Lectio II, caput 2, 259.
68 Saint Thomas, 'De veritate', Q 17, A 5.
69 Saint Thomas, *Summa Theologiae,* II–II, Q 70, A 2.
70 Ibid. II–II, Q 70, A 2.
71 Ibid. II–II, Q 49, A 3.

from cohabitation[72] during interaction *(connaturalitatem).*[73] The principles of content (action) derive from experience, so conscience changes with experience.[74] Here, in this context, *homonoia* appears: Friendship refers to making common judgements.[75] *Prudentia* is not given by nature; in terms of *prudentia,* no one is sufficient on their own.[76] *Prudentia* is distributed knowledge. Judgement-making, man's natural ability, frees one from subjectivity, from self-confinement, and connects one to one's peers. Although the possible world is not completely discoverable, and judgements may be wrong, a probably good judgement, moral certainty, is possible. This is obviously different from Saint Augustine's morally absurd worldview, where bad intentions can also result in good. The Thomist was able to appreciate action, because he believed more in the discoverability of the moral world and in human intellect, and that the latter can be developed.

The elements of *prudentia* are memory, experience,[77] intuitive understanding[78] (this concerns the content of *synderesis*)[79] and teachability. Although *prudentia* contains many experiential and social elements, it is related not only to these but also to faith and grace.[80] Whether poetic or gracious, practical virtue cannot, however, arise *just* from an experiential, intersubjective world (the obvious causes of which, for Christians, are problems in the intellect caused by pervasive sin). It is not theoretical knowledge[81] but knowledge of general principles and the specific situation.[82] *Prudentia* relates to judgement and action.[83] Applying the principles always involves the problem of judgement, as judgement can be wrong. A good *deliberatio* is the work of *prudentia*.[84] Prudent practice stems not only from memory but also from the practice of making good and effective decisions.[85] This is because man is capable of non-algorithmically controlled action, that is, judgement-making. Often there is more than one possible good move; one has to choose. This decision requires knowledge of practice, as well as the imagining of new, as yet unexperienced possibilities. The meaning of the situation is diverse, and the decision must be made in the knowledge that there are other possible alternatives. There is always a gap between the situation and the

[72] Ibid. I–II, Q 62, A 1. Grace is above reason (cf. the second letter to the Corinthians and the letter to the Galatians).
[73] Ibid. II–II, Q 45, A 2; II–II, Q 28, A 2.
[74] Ibid. II–II, Q 47.
[75] Aristotle, *Nicomachean Ethics,* 1160a, 28–30; 1167a, 22–30; 1167b, 5–11.
[76] Saint Thomas, *Summa Theologiae,* II–II, Q 49, A 3.
[77] Ibid. II–II, Q 47, A 3.
[78] Ibid. II–II, Q 49, A 2.
[79] Ibid. II–II, Q 49, A 6.
[80] Ibid. II–II, Q 47, A 14.
[81] Ibid. II–II, Q 47, A 2.
[82] Ibid. II–II, Q 47, A 3.
[83] Ibid. I–II, Qs 48–49; Q 58, A 5.
[84] Ibid. II–II, Q 47, A 6.
[85] Ibid. II–II, Q 47, A 16.

judgement, a gap which is logically insurmountable. Therefore, judgement is a special ability, always personal, involving responsibility and commitment. Without *prudentia,* there can be no right choice (*prudentia acumen* – finding the right action)[86] or its implementation. The three elements of *prudentia* are not theoretical but, in addition to the judgement of individual cases *(synesis)* and judging emergencies *(gnome),* the ability to learn *(eubulia).*[87] Thomistic conscience, although of divine origin and internal, requires leadership, support and help. That is, the Thomistic conscience can and must be trained – this is what casuism served, and it is the duty of every human being to nurture, care for and inform his conscience.

The highly intellectualised image of Saint Thomas was closely related to the intellectualist image of the good order. Since the source of sin is a false conscience, which arises from a false logical conclusion or a false practical knowledge, the task is to nurture and correct the conscience. People's intellectual abilities are (also) unequal. Due to the intellectual disability of the majority, they must be dominated by those who are wiser than them, who correct their mistakes. This domination, however, is only partly a sanction, at least as important is teaching and intellectual leadership. The majority, seeing the limitations of their intellect, submit to the rule of the wise and accept the teaching of their practical knowledge, or at times set aside their conscience if they are wrongly judged. Just as the good order of the human soul is based on a hierarchy, and the world is hierarchical, so human relationships must necessarily be hierarchical in order to act well.

Subordination is in accordance with the law of nature; it is legitimate if the foreman does not use the subordinate for his own benefit, but for that of his subordinate. Laws are valid if they comply with the law of nature.[88] Of course, 'disobedience to the commands of a superior is a mortal sin, as being contrary to the love of God, according to Rom. 13:2. . . . [D]isobedience is born of vainglory'.[89] Because human intellect has been damaged since the time of the Fall, there must always be a compulsion to attain obedience. Fear is not troublesome but is benevolent as it deters sinners.[90] The virtuous should not be compelled, because they obey the law without it. The task of the law is therefore partly coercion and partly teaching for the common good.

> Laws framed by man are either just or unjust. If they be just, they have the power of binding in conscience, from the eternal law whence they are derived, according to Proverbs 8:15: *By Me kings reign, and lawgivers decree just things*. . . . [L]aws may be unjust through being opposed to the Divine good: such are the laws of tyrants inducing to idolatry, or to anything else contrary to the Divine law: and laws of this kind must nowise be observed, because, as stated in Acts 5:29, *we ought to obey God rather than man*. . . . This argument is true of laws that are contrary to the commandments of God, which is beyond the scope of (human) power.

86 Ibid. I–II, Q 65, A 1.
87 Ibid. II–II, Q 51, A 4.
88 Ibid. I–II, Q 91, A 3.
89 Ibid. II–II, Q 105, A 1.
90 Ibid. II–II, Q 19.

> Wherefore in such matters human law should not be obeyed. This argument is true of a law that inflicts unjust hurt on its subjects. The power that man holds from God does not extend to this: wherefore neither in such matters is man bound to obey the law, provided he avoid giving scandal or inflicting a more grievous hurt.[91]

In contrast, '[a] tyrannical law, through not being according to reason, is not a law, absolutely speaking, but rather a perversion of law'.[92] But who will determine this, and can anyone turn against it? An unjust law does not bind the conscience.[93] Yet, it is still better to endure the tyrant than to rebel against him, because it can bring greater trouble: civil war or greater servitude.[94] However, even if not as a private individual, the public can replace or limit a tyrannical king.

Since not everyone receives grace, not everyone has become prudent, and so not everyone can participate in decision-making. Those who are unable to see the common good cannot. The hierarchy arising from natural law is distinguished from tyranny by the virtuousness of superiors, in addition to the laws serving the common good. In fact, their virtue is important; they have to be good people: 'Consequently the common good of the state cannot flourish, unless the citizens be virtuous, at least those whose business it is to govern. But it is enough for the good of the community, that the other citizens be so far virtuous that they obey the commands of their rulers.'[95] In the sinner, sin destroys the natural propensity for virtue, but in the good, 'besides the natural knowledge of good, there is the added knowledge of faith and wisdom; and again, besides the natural inclination to good, there is the added motive of grace and virtue. . . . [T]he good are perfectly subject to the eternal law, as always acting according to it.'[96] However, no man is able to rid himself of sin and become virtuous by his own efforts, nor is a human institution capable of doing so; only grace can achieve this.[97] Grace improves one's abilities, as does one's intellect. 'And thus there is a twofold grace: one whereby man himself is united to God, and this is called sanctifying grace; the other is that whereby one man cooperates with another in leading him to God, and this gift is called gratuitous grace. . . . But whereas it is bestowed on a man, not to justify him, but rather that he may cooperate in the justification of another, it is not called sanctifying grace.'[98] This grace is given to the priesthood, who must therefore obey. The priesthood, therefore, has teaching and disciplinary, punitive powers.

91 Ibid. I–II, Q 96, A 4.
92 Ibid. I–II, Q 92, A 1.
93 Ibid. I–II, Q 95, A 4.
94 Ptolemy of Lucca and Thomas Aquinas, *On the Government of Rulers. De regimine principum*. Transl. by James M Blythe (University Park, PA: University of Pennsylvania Press, 1997), 1.6.
95 Saint Thomas, *Summa Theologiae,* I–II, Q 92, A 1.
96 Ibid. I–II, Q 93, A 6.
97 Ibid. I–II, Q 109, A 5.
98 Ibid. I–II, Q 111, A 1.

The existence of the *forum internum* and *externum* includes the possibility of a collision between the two. Of course, the two cannot come into conflict if both are operated by divine law. In practice, however, not only can secular and ecclesiastical authorities clash, but the judgement of conscience can also clash with them. What can be done then, knowing that one's conscience may be wrong? The answer to the problem raised by false conscience – is one bound by one's conscience in all cases? – implies the potential for conflict between conscience and hierarchy. The possibility of a false conscience and the question of whether one is obliged to follow the conscience of the fallen raised the problem of the authority of conscience in scholasticism, from which the question of freedom of conscience arose. Acting against God and acting against conscience are both sins. What if someone acts against God in obedience to a false (but subjectively correct) conscience?

The authority of conscience was based on the letter to the Romans: What is not of faith is sin.[99] According to Saint Paul, the commandment of conscience always binds. Commentaries have typically interpreted the term 'faith' in the text as conscience, and later as a strong belief: Later interpretations suggest that it is sinful to act against one's belief, even if it may be wrong. However, a false conscience is binding differently than a correct one, because if it turns out to be wrong then it must be set aside and is no longer binding. Since one cannot know when one's conscience is wrong, one must always follow it, since one must strive for what one perceives to be good.

In patristic thinking, conscience has become the supreme authority in moral matters, yet for Saint Augustine it is sin that is contrary to eternal law,[100] and if conscience is contrary to a moral law completely independent of man, following the latter is not obligatory. According to the Sermons of Saint Augustine,[101] false conscience – the subjective peaceful and calm state of mind in sin – is thus not obligatory or justifiable, since man's judgement of himself is rebellion itself and unreliable. Therefore, a personal experience of good conscience is not a sufficient guide.[102] Saint Thomas solved the problem in such a way that he thought it was always sinful to act against one's conscience – this became the source of later freedom of conscience and of the duty of disobedience in the early modern age. To act against one's conscience is an act against God, so it is sinful.

> As stated in the First Part (Q_79, A 13), conscience is nothing else than the application of knowledge to some action. Now knowledge is in the reason. Therefore when the will is at variance with erring reason, it is against conscience. But every such will is evil; for it is written (Romans 14:23): *All that is not of faith* – i.e. all that is against conscience – *is sin*. Therefore the will is evil when it is at variance with erring reason.[103]

[99] Romans 14:23.

[100] Xavier G Colavechio, *Erroneous Conscience and Obligations* (Washington, DC: Catholic University Press, 1961).

[101] Saint Augustine, 'Sermon on the Mount'.

[102] Saint Augustine, 'Sermon XLIII, 13', in Saint Augustine, *Sermon on the Mount,* 849.

[103] Saint Thomas, *Summa Theologiae,* I–II, Q_19, A 5.

'Conscience, even if false, is obligatory' as the one who follows it sees it as God's command.[104] Man is obliged to do what he considers to be God's command just as he is obliged to strive to know what God's command is.

According to Saint Thomas, not following *conscientia* is a violation of the first command of *synderesis* (to do good and to avoid evil). In the *contra conscientiam agere peccatum* debate, two marked positions emerged, related to Saint Bonaventure and Saint Thomas. The former is considered voluntarist, and the latter as the main representative of the intellectualist interpretation by the literature on conscience. According to Saint Bonaventure, there is no conscience if we have good reason to doubt it. Saint Thomas criticised Saint Bonaventure because he thought a wrong *conscientia* is not binding.[105] Pierre Abélard was the most radical in this regard, insisting that obedience to conscience was an absolute command.[106] 'God considers not the action, but the spirit of the action. It is the intention, not the deed wherein the merit or praise of doer consists',[107] and 'when we do not violate our conscience, we have little fear of God holding us guilty of a fault'.[108] In the debate over the binding nature of false conscience, Thomist thinking internalised the concept of sin; that is, it reinterpreted as meaning that sin meant bad intentions and that someone, despite his or her own views – what he or she considers to be good or right – acts.

Saint Bonaventure was also interested in how one could do evil while knowing what good is. He found the answer, in part, in the concept of conscience. Instead of dividing conscience into two parts, *conscientia* and *synderesis,* as was widespread in the age, he divided it into three parts: knowledge of the law of nature, the possibility of becoming conscious and attitude. A person may understand what they need to do, but they may not want to do it, because knowledge does not necessarily motivate them to act. If knowledge indeed motivated action, there would be no will to commit sin either. But it exists. According to Saint Bonaventure, the propensity for sin is not an essential element of human nature, while *synderesis* is. Theorems of the law of nature *(synderesis)* are given directly through the natural light of the intellect; no experience is required to know them. Such an inner knowledge of principles is intuitive, which is an indisputable, direct experience, as opposed to *prudentia*. This intuitionist conscience is composed more of faith than knowledge, so there is no way to decide which conscience is right. It may follow that all action must be tolerated, which is the same as the conscience of the doer. The idea of intuition also means that it is pointless to try to convince or correct someone's conscience, because *ex hypothesi,* this belief is not open to persuasion. According to Saint Bonaventure, *synderesis* is in

104 Saint Thomas, 'De veritate', Q_17, A 4.
105 Saint Thomas, *Summa Theologiae,* I–II, Q_19, A 5.
106 Peter Godman, *Paradoxes of Conscience in the High Middle Ages: Abelard, Heloise and the Archpoet* (Cambridge: Cambridge University Press, 2009).
107 Abailard, *Ethics*. Transl. by J Ramsay McCallum (Merrick, NY: Richwood, 1976), 31.
108 Ibid. 48.

the will, and the will is self-determining and not subordinated to the intellect. The will is free ability, while the intellect is not; the will answers and the intellect accepts. Since the will has its significance in action, persuasion and teaching therefore have no significance, breaking the will and obedience being much more consequential.

Does one always have to follow the command of conscience? Is one obliged to act according to an unreliable judgement (conscience)? What is the *authority of conscience?* What should one do if *conscientia* – subjective certainty – commands action which is against the divine law? If conscience instructs you to commit sin, both action and non-action will be sinful. Man is definitely committing a sin. Saint Bonaventure's answer was that the strength of the command of conscience depends on the situation. The commandment of conscience can be of three kinds: equal to, indifferent to, or contrary to divine law. In the first case, conscience is always obligatory, as it is also in the second case. However, in the third case it is not obligatory; it must be set aside. One should not always follow the *conscientia,* although it is bad to act against it. Saint Bonaventure was interested in cases where someone had reason to suspect that the command of his conscience was wrong. For example, such would be the case if the command of *conscientia* were contrary to the command of the Church.

Conscientia sometimes tells us what is in accordance with the law of God, sometimes what is in addition to the law of God, and sometimes what is against the law of God – we are speaking here of what it tells us by way of prescription or proscription, not by way of advice or persuasion. In the first case, *conscientia* binds without qualification and generally, in that a man is bound to such things by divine law; and *conscientia,* which accords with it, manifests the bond. In the second case, *conscientia* binds so long as it persists, so that a man must either change his *conscientia* or must carry out what it tells him, for example if it tells him that it is necessary to salvation to pick up a stalk from the ground. In the third case *conscientia* does not bind us to act or not to act, but binds us to change it, because, since such a *conscientia* is mistaken and the mistake is incompatible with the divine law, so long as it persists it necessarily places a man outside the state of salvation. It is therefore necessary to change it, since whether a man does what it says or the opposite, he sins mortally. For if he does what his *conscientia* tells him, and that is against the law of God, and to act against the law of God is mortal sin, then without any doubt he sins mortally. But if he does the opposite of what his *conscientia* tells him, the latter persisting, he still sins mortally, not in virtue of the deed which he does but because he does it in an evil way. For he does it in despite of God, so long as he believes, his *conscientia* telling him so, that this displeases God, although (in fact) it pleases God. And this is what the commentary on Romans 14:23, 'Everything which does not issue from faith is sin', says: The apostle says that everything which is a matter of *conscience,* if done otherwise, is a sin. For although one may also do what is good, if one believes that it ought not to be done, it is a sin. The reason for this is that God does not merely take notice of what a man does but with what intention *(quo animo)* he does it, and the man who does what God commands, believing himself to be acting against

the will of God, does not do it with a good intention and therefore sins mortally. It is thus clear that *conscientia* always either binds us to do what it tells us, or binds us to change it. *Conscientia* does not, however, always bind us to do what it tells us, for example a *conscientia* which tells us that we are not obliged to do something to which a man would, otherwise, be bound. Such a *conscientia* is called 'mistaken'.[109]

Saint Bonaventure's concept of conscience is objectivist – obedience to false conscience is limited, and thus subjective certainty does not in itself bind and save the doer – and the command of conscience is binding in matters equal to or indifferent to divine law. The imperative of hierarchy in these indifferent matters does not override the command of conscience. The authority of conscience falls under the authority of the ecclesiastical hierarchy in matters of Divine law. Conscience cannot override other laws, nor have it depart from the precepts of God or the precepts of its superior, to which man commits himself. He may not be bound against the order of the superior. Therefore, the question of when conscience is binding and when it is not is not a real dilemma. (Later, Protestants, such as John Locke, denied freedom of conscience to Catholics on the grounds that they place obedience over the command of conscience.) No one has such a dilemma except for a short time, namely as long as he has an erring conscience, he has to reconsider his conscience. And if he cannot judge for himself because he does not know God's law, he needs to talk to people who know more. Saint Bonaventure connected objective morality and hierarchy. Consequently, the perplexus, which may be caused by a conflict between the command of conscience and the command of the hierarchy, must be set aside, since the order of the superior must take precedence over conscience in such a case. Due to the fall of conscience, acting according to conscience is not always right.

Saint Thomas came to a different conclusion from the hierarchy of laws. He argued that human law is not binding on conscience, because it is based on divine law, which is above human law. Therefore, conscience cannot be bound by human law. One also has to suffer for one's conscience,[110] because '[w]e must obey God rather than human beings'.[111] However, although the teaching of the Epistle to the Romans opposed this, it was necessary to obey the external tribunal, precisely for the sake of conscience.[112] The writings of Saint Thomas also direct that one's conscience must also be obeyed towards the Church: '[I]nferiors are not subject to their superiors in all things, but only in certain things and in a particular way, in respect of which the superior stands between God and his subjects, whereas in respect of other matters the subject is immediately under God, by Whom he

[109] See Saint Bonaventure, *Sententiarium*, Liber II, Dist. 39.1; Timothy C Potts (ed.), *Conscience in Medieval Philosophy* (Cambridge: Cambridge University Press, 1980), 114–115.

[110] 1 Peter 2:19.

[111] Acts 5:29.

[112] Romans 13:1.

is taught either by the natural or by the written law.'[113] Secular power must be obeyed in the affairs of the body, just as the affairs of faith cannot be entrusted to the decisions of anyone: '[P]rivate individuals . . . have no business to decide matters of faith.'[114]

As stated above (A 5), subjection whereby one man is bound to another regards the body; not the soul, which retains its liberty. Now, in this state of life we are freed by the grace of Christ from defects of the soul, but not from defects of the body, as the Apostle declares by saying of himself (Romans 7:23) that in his mind he served the law of God, but in his flesh the law of sin. Wherefore those that are made children of God by grace are free from the spiritual bondage of sin, but not from the bodily bondage, whereby they are held bound to earthly masters, as a gloss observes on 1 Timothy 6:1, *Whosoever are servants under the yoke,* etc. . . .

> [M]an is bound by divine law to obey his fellow-man. Man is bound to obey secular princes insofar as this is required by order of justice. Wherefore if the prince's authority is not just but usurped, or if he commands what is unjust, his subjects are not bound to obey him, except perhaps accidentally, in order to avoid scandal or danger.[115]

The Dominicans were more accepting than the Franciscans of the conscience of subordinates.[116] Saint Thomas, in *Summa,* rejected the objectivist interpretation of conscience, but did not address the ecclesiological implications of subjectivist interpretation there. In *De veritate,* he dealt with the ecclesiological problem of conscience, but focused on actions which are indifferent to divine law, not usually judging actions. According to him, the relation of actions to divine laws cannot be established objectively; therefore, the Franciscan typification of actions (equal, opposite or indifferent to divine law) cannot be applied.[117] A good conscience cannot be set aside, so it is binding; therefore, a false conscience is more binding than the word of the superior. The widespread interpretation that it is always wrong to ignore one's conscience, does not mean that it is always right to follow it. There may be a situation where it is right to rethink the situation and one is obliged to obey and maintain, to shape one's conscience, as *prudentia* contains *consilium* and *iudicium,*[118] and only *probabilis certitudo* can be ascertained in moral decisions.[119] If conscience can be shaped, then efforts should be made to improve it. Thus, the dual purposes of Christian morality, that of doing good and of obeying one's conscience, are compatible.

113 Saint Thomas, *Summa Theologiae,* II–II, Q 104, A 5.
114 Ibid. II–II, Q 1, A 10.
115 Ibid. II–II, Q 104, A 6.
116 Eric D'Arcy, *Conscience and its Right to Freedom* (New York: Fordham University Press, 1971).
117 Saint Thomas, 'De veritate', Q 17, A 5.
118 Saint Thomas, *Summa Theologiae,* II–II, Q 48.
119 Ibid. II–II, Q 71, A 2.

Although the Franciscan William Ockham rejected the Thomistic intellectualising theology and anthropology that the intellect is capable of grasping divine truth, and considered that it was not the intellect which is the most basic spiritual power of man, but the will served by the intellect, conscience, and (ecclesiastical) authority, his response to possible conflicts was closer to that of Saint Thomas than to that of Saint Bonaventure. Unlike the Aristotelians, he did not hope that the law could coincide with freedom but saw the two as opposites. The emphasis on the will meant that will is an autonomous ability; it is not *prudentia* that regulates action – Ockham replaced *prudentia* with obedience to God – but external laws, coercion and obedience to them, and obedience to conscience.[120] He thought that a person cannot want what he does not think of, and that one wants what one thinks is good in action.[121] Consequently, even if a person is wrong, he must follow what he thinks is good, otherwise he will be subjectively doing wrong, that is, his conscience will be bad, which is a sign of damnation and an earthly reality. A person who disobeys the command of his conscience commits a sin. But what if the commandment of conscience and the teaching and commandment of the Church leader are contradictory?

Ockham radicalised Saint Thomas's *dictum* that acting against conscience is a sin. Citing Saint Thomas's explanation of false conscience, he demanded that the believer be able to resist a heretic pope. Contrary to earlier Franciscan teaching (in the Franciscan rule, conscience does not limit the monk's obedience, and if the command of conscience is in conflict with divine law, it must be set aside and false conscience is not obligatory), he believes that, in order to maintain the purity of conscience, a wrong conscience also binds its owner, and that church authority may be confronted, although he also placed an emphasis on humility. According to Ockham, the believer's strong convictions and cognitive certainty are sufficient proof to confront his superior, and even to declare the pope a heretic. By doing so, he essentially abolished the practice of the good advice of a neighbour: The Church cannot correct a false conscience. One cannot demand obedience and the setting aside of a false conscience. After all, if someone thinks they are thinking correctly, they can oppose good advice from their neighbours.[122] The ecclesiological consequences of the categorical nature of conscience and the tension between it and the virtue of obedience were clearly seen by contemporaries, although the problem did not appear *en masse* until centuries later.

120 Michael G Baylor, *Action and Person: Conscience in Late Scholasticism and the Young Luther* (Leiden: Brill, 1977); Douglas C Langston, *Conscience and Other Virtues: From Bonaventure to MacIntyre* (University Park, PA: Pennsylvania State University Press, 2001).

121 Sharon M Kaye, *William of Ockham's Theory of Conscience* [PhD dissertation] (Toronto: University of Toronto, 1997); Eleonore Stump, 'The Mechanism of Cognition', in Paul V Spade (ed.), *Cambridge Companion to Ockham* (Cambridge: Cambridge University Press, 2006).

122 Takashi Shogimen, *Ockham and Political Discourse in the Late Middle Ages* (Cambridge: Cambridge University Press, 2007), 22; David Burr, *The Spiritual Franciscans: From Protest to Persecution in the Century after Saint Francis* (University Park, PA: Pennsylvania State University Press, 2001).

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