

SAINT THOMAS MORE AND CONSCIENCE (REMEMBERING AUSTRALIA AND NEW ZEALAND)

FREEDOM of conscience is today a matter of intense concern and a universal human claim. Insofar as conscience is identified with self, an equation made explicit in Robert Bolt's *A Man for All Seasons*, its freedom undergirds the human person's very sense of identity. The proceedings of a conference entitled *La liberté de conscience*, edited by Hans R. Guggisberg and others (Geneva: Droz, 1991), have revealed to many readers that not only Pierre Abélard, but also St. Thomas Aquinas considered it everybody's right and duty to follow the dictates of conscience, even when conscience was erroneous to the point of, for instance, denying God's existence. This has remained the teaching of the Church: the patron saint of Catholic moral theologians, the canonized bishop Alphonsus de Liguori (1696-1787), fought the Jansenists by vindicating the rights of individual conscience against a rigorist view of law and salvation.

A succession of scandals associated with politicians and lawyers, in Australia and New Zealand as in other countries, gave the impression that morality was no longer a parameter of public service. Many felt the need to ponder the issue of conscience, and to draw fresh inspiration from past models for whom conscience was not an existential and subjective commodity. History and even drama, with Bolt and others, present More as a bright symbol of conscientious integrity in high office; and More is known, besides, to have expatiated on the subject in order to justify his behavior. The Catholic bishop of Maitland in New South Wales invited me, through Father Brian Byron, to address his priests during their sessions on conscience. My talks to the St Thomas More Society of both Sydney and Wellington on "Master More the Common Lawyer" included some treatment of conscience as obedience to a higher law. My public lectures in Fremantle (W. Australia) and Dunedin (New Zealand) were

exclusively devoted to "Thomas More and Conscience". This reworking of my July-August talks also considers the reactions of the listeners.

The idea of conscience

My hosts did not expect me to labor the obvious by demonstrating that More was a man of conscience, a fact that has been stressed myriads of times. His latest biography, *Santo Tomás Moro*, by Fray Contardo Miglioranza (Buenos Aires: Editorial Claretiana, 1992), is subtitled *La fuerza de la conciencia*. It begins with a translation of two pages contributed by Francesco Cossiga, then President of the Italian Senate, to *Il Processo di Tommaso Moro* (Roma: Salerno, 1985), a translation of E.E. Reynolds' *The Trial of St Thomas More*. Cossiga, a professional lawyer, reckons More a permanent point of reference for English law "through his heroic example" as witness and champion of *i diritti della coscienza* (8).

An anthology of More's prison letters and prayers, edited by Dame Bede Foord, a Benedictine nun who died on 22 January 1991, received the title of *Conscience Decides* (London: Chapman, 1971). It has, over the Yale edition of More's *Selected Letters* (1961), the advantage of including the letter addressed by Margaret Roper to her stepsister. I shall quote it from *The Correspondence of Sir Thomas More*, edited by E.F. Rogers (Princeton UP, 1947), to which all the page and line numbers refer throughout this paper.

In Meg's lengthy report of her interview with her father (676 lines in Rogers, ep. 206), the word *conscience* occurs at least 44 times. Her phrase "this scruple of his conscience" (514/5) echoes the diagnosis of Chancellor Thomas Audley, who had dismissed his predecessor's attitude as "no conscience, but a foolish scruple" (516/84). More knows he is viewed as a "foolish scrupulous ass" (520/224). When they accuse him of being led by "the blind bishop" John Fisher, he is roused to assert his personal responsibility in words which deserve carving in marble:

"Verily, daughter, I never intend (God being my good Lord) to pin my soul at another man's back, not even the best man that I know this day living, for I know not whither he may hap to carry it. There is no man living of whom, while he liveth, I may make myself sure. Some may do for favor, and some may do for fear, and so might they carry my soul a wrong way. And some might hap to frame himself a conscience and think that, while he did it for fear, God would forgive it. And some may peradventure think that they will repent, and be shriven therof,

and that so God shall remit it them. And some may be peradventure of that mind that, if they say one thing and think the while the contrary, God more regardeth their heart than their tongue... But in good faith, Marget, I can use no such ways in so great a matter, but, like as if mine own conscience served me, I would not let to do it though other men refused, so, though other refuse it not, I dare not do it, mine own conscience standing against it" (521/250-268).

In the first line, *never* means "not at all", and the words in parenthesis acknowledge that divine grace is needed for total fidelity to conscience. *To pin* has been variously paraphrased into "to peg" or "to glue" or other words expressing dependence and lack of autonomy. The point is to avoid being *carried*. In the assortment of motives, the subtlest is that "God more regardeth the heart", and Robert Bolt puts it in Margaret's own mouth as an argument to sway her father into "doing it".

Criteria for decision

More goes on to indicate the two authorities which condition the verdict of his conscience: "the general council, or... a general faith grown by the working of God universally through all Christian nations" (525/416-418). He repeatedly stresses his long pondering and "great diligence done to seek and find out the truth" (527/481-482). The word *frame* occurs again within a new survey of some considerations which determine shifting options among various people:

"the keeping of the prince's pleasure and the avoiding of his indignation, the fear of the losing of their worldly substance, with regard unto the discomfort of their kindred and their friends, might hap make some men either swear otherwise than they think, or frame their conscience afresh to think otherwise than they thought" (527/498-503).

More knows these familiar motives; the discomfort and the danger to which his stance exposed his dearest ones were "grief unto me, and much more deadly than to hear of mine own death" (509/19-20). He will not "misjudge any other man's conscience, which lieth in their own heart far out of my sight" (527/485-486).

"But as I know well mine only conscience causeth me to refuse the oath, so will I trust in God that, according to their conscience, they have received it and sworn" (527/509-512).

Other telling formulas, eg “the sure discharge of my conscience” (528/539), “the truth of my conscience” (531/651-52), invite a close and comparative study of More’s phraseology about conscience. Writing to Cromwell on 5 March 1534, More ascribes the use of *conscience* also to their royal master, who “graciously declared unto me that he would in no wise that I should other thing do or say therein [on the ‘divorce’] than upon that that I should perceive mine own conscience should serve me” (495/123-126). There follows a statement that announces later sentences:

“I cannot in everything think the same way that some other men of more wisdom and deeper learning do, nor can find in mine heart otherwise to say than as mine own conscience giveth me...” (500/294-97).

There is some humoring of the Administration, I suppose, in his readiness to admit to “a timorous conscience, rising haply [perhaps] for lack of better perceiving” (500/300-01). At Lambeth, six weeks later, Cranmer tried to play on what he called “the doubt of your unsure conscience” (505/99), but More refused to be shaken by the authority of the archbishop: “I had not informed my conscience neither suddenly nor slightly, but by long leisure and diligent search” (lines 109-112). The last words of the account he gives of his meeting with the royal commissioners are: [I] “leave every man to his own conscience, and methinketh, in good faith, that so were it good reason that everyman should leave me to mine” (507/157-159). But it was in friendship, sometimes, that they “would not” do so – thus Thomas Audley when he said to More’s stepdaughter: “I would not have your father so scrupulous of his conscience” (513/33-34).

The further More went on prayerfully pondering the issue, the safer he felt: “so sure” eventually of his right as of the fact that “God is in heaven” (528/550). This reposeful certainty flowered into an astounding alacrity: “the clearness of my conscience hath made mine heart hop for joy” (540/25-26).

Gone are the “fear and heavy pensiveness” which had kept him “restless and waking” through the nights preceding his arrest (546/85-87). He confesses them now that they are gone. If he never preaches at his correspondents, he does remind them of the minimum price to pay in achieving the right conscience:

“And this is the least point that any man may with his salvation come to, as far as I can see, and is bounden, if he see peril, to examine his conscience surely by learning and by good coun-

sel, and be sure that his conscience be such as it may stand with his salvation, or else reform it. And if the matter be such as both the parties may stand with salvation, then on whether side his conscience fall, he is safe enough before God” (547/92-99).

More does not allude to the risk of torture in any extant letter to his family, but he does so in writing, on 16 January 1535, to a priest, Master Stephen Leder (who died three weeks later). Having heard that More had finally sworn the oath, Leder congratulated him. More thanks God that the rumor “is a very vanity” (549/2-3), and comments:

“As for other men’s consciences, I will be no judge of, nor I never advised any man neither to swear nor to refuse, but as for mine own self, if ever I should mishap to receive the oath (which I trust our Lord shall never suffer me), ye may reckon sure that it were expressed and extorted by duress and hard handling” (549/11-15).

It does not seem that torture, current though it was in the penal systems of all countries, was applied to More. His warning that no credit be given to such a ‘mishap’ is an early rebuttal of the opinion that torture wrings the truth out of its victims. The threat of it is implied in the words of both Audley and Cromwell telling him, on 3 June 1535, “that the king might by his laws compel me to make a plain answer” (557/63-64). He politely protests the very idea of compulsion: “it were a very hard thing” (line 71). This leads to a dialogue about the examination of heretics, “over long to rehearse” here (558/106).

No compulsion, indeed no pressure

More the father and educator was exemplary in his vigilance to bring no pressure to bear on his charges where a conscientious decision was concerned. He knew how to command firmly when duty was plain and obvious: “I pray you” in his letters not seldom introduces injunctions, eg 423/36 f., 564/13 f. But he is “content to be solitary” (CW13, 226/9) in his refusal of the oath rather than have the company of his nearest kin, even Margaret, at the cost of some affectionate blackmail. There is no trace of his ever voicing or implying such considerations as: “Father knows best. As a lawyer, he can read a statute. As a councillor, he can guess whither the king and Cromwell are carrying the realm. Moreover, he has ‘examined his conscience surely by learning and good counsel’, that is by reading all the books and consulting the experts of

both parties. He has spent long wakeful nights prayerfully enduring 'agonyes... neither small nor few' (546/80-82) before 'the spirit had in conclusion the mastery, and reason with help of faith' persuaded him to lose his head rather than swear." (542/99-100)

Nor will More have others exert any pressure on him, even if it is dictated by filial affection. Margaret "sent him a letter wherein she seemed somewhat to labor to persuade him to take the oath": *seemed* is the editorial word in the introduction to ep. 202 in Rogers (508); the pretence was used so Cromwell would grant Meg "free resort under her father". More, a great user of make-believe as a *littérateur*, will have none of it in this realm of conscience. Meg's "lamentable letter" grieved him (508/2-6): where "you labor me again to follow your mind, [I] desire and pray you again... to leave off such labor" (509/16-17).

I will be no one's judge

Not a few biographers have expressed surprise at the fact that Chancellor More, on 30 March 1531, showed to the Houses of Parliament the freshly published *Determinations* of the foreign universities with the treatise made in England to justify the royal 'divorce' as if he approved the conclusions. His audience, of course, knew that he was being the king's mouthpiece; yet, as chancellor, was he not also "the king's conscience"? I feel we can trust him to have sincerely abstained from passing judgment on Henry VIII and his canon lawyers. The book itself places the issue at the level of personal conscience: not only bishops, but "all other Christian men" who, "being taught by the Holy Ghost", reckon their marriage incestuous, "may, yea and are bound, for the love of religion that they owe to God, not only to break straightway such marriages, but also with a stable and steadfast stomach, and such as a Christian man ought to have, be bound to withstand and resist valiantly the Pope: *possunt, atque adeo pro pietate et religione in Deum sua debent... stabili atque christiano animo fortiter resistere Pontifici*". The authors appeal to personal conscience, "for the private law is of more dignity than the public law": see *The Divorce Tracts of Henry VIII*, eds. Edward Surtz and Virginia Murphy (Angers: Moreanum, 1988), the Latin on p. 266/5 f, the English on p. 267/3 f. Reviewing the book in *BHR* LI, 2 (1989), Guy Bedouelle parallels this advocacy of conscientious dissent with Luther's "Here I stand", and with the "final argument" of More himself when he justified his refusal to comply.

Retrospectively some issues are crystal clear which were confused

at the time of their emergence. More believed it his duty to decline the invitation to attend the coronation of Anne Boleyn, 1 June 1533. Yet another Catholic martyr, Adrian Fortescue (1476-1539), was actively present: being the new queen's first cousin, he gave her the benefit of the doubt, a doubt which would last until Clement VII declared the first marriage valid. Similarly, among those who took the oath of supremacy were people whose eyes would be opened by its consequences: the Benedictine abbots Richard Whiting of Glastonbury and John Beche of Colchester swore allegiance in 1534, yet resisted the surrender of their monasteries, and were executed in 1539; the Catholic Church has beatified them as martyrs along with Fortescue.

A word for all purposes

In days when conscience was a shared value, and when its religious character was taken for granted, the word itself was bandied about as freely as God's own name, it was often "taken in vain". The 1613 *Henry VIII* implies a keen popular awareness of its misuse. The chief abuser is Henry VIII himself, in a play which otherwise evinces little animosity toward him. In Act 2, scene 2, when the Duke of Norfolk asks about the cause of the king's sad thoughts, the Chamberlain replies:

It seems the marriage with his brother's wife
Has crept too near his conscience...

and Suffolk comments sarcastically:

...No his conscience
Has crept too near another lady.

Is conscience then a creeping serpentine part of our human soul? As the cardinal enters, the king exclaims:

...O my Wolsey,
The quiet of my wounded conscience!

The wound ostensibly is the cruel obligation of having to part with Queen Katherine:

Would it not grieve an able man to leave
So sweet a bedfellow? But, conscience, conscience,
Oh 'tis a tender place, and I must leave her.

These hypocritical words end the scene, but do not bid farewell to

conscience. The fallen Wolsey follows suit when he says (Act 3 scene 2):

I know myself now; and I feel within me
A still and quiet conscience...

“I know myself” seems to stress the cognitive dimension of *con-science*; that element is easily lost sight of because one associates it rather with *consciousness*. But, in other languages, French notably, one noun, *conscience* embraces both the mental and the moral domains, though the corresponding adjectives are two: *conscient* and *consciencieux*.

With the secularization of society in our Western culture, the objective basis of morality has dwindled and almost vanished. Hence the need to remind the young especially that this is a modern, post-Christian phenomenon. George P. Smith, III, while Fullbright Visiting Professor of Law in Australia, did so when he lectured, on the feast of St. Thomas More, 22 June 1984, at St Thomas More College, Crawley:

Conscience for More was *not* a subjective thing but a positive: an *institutional* factor. His conscientious refusal of the oath of supremacy was not the product of an agony of spirit as was Luther's, but – rather – a reasoned willingness to defy one set of institutions in order to serve a greater and more universal; *a denial of the part in order to serve the whole*. In his reply to charges against him at his trial, he implicitly *denied* freedom for the *individual* conscience, defending himself on the grounds that he had committed his conscience to a *higher* and *more competent* authority than that which he had offended.

In a great tradition

All believers in God agree that conscience is his voice speaking within the human mind and soul. As More died “in and for the faith of the Holy Catholic Church”, I will quote a few documents which illustrate the perennial nature of his vision. One famous pronouncement in English comes in John Henry Newman's *Letter Addressed to the Duke of Norfolk* (1875). The occasion was an *Expostulation* of 1874, in which Gladstone accused the Catholics of placing the pope above conscience. My page references are to *Certain Difficulties Felt by Anglicans in Catholic Teaching* (London: Longmans, 1891):

Conscience... is a messenger from Him, who, both in nature and in grace, speaks to us behind a veil, and teaches and rules us by His representatives. Conscience is the aboriginal Vicar of

Christ, a prophet in its informations, a monarch in its peremptoriness, a priest in its blessings and anathemas, and, even though the eternal priesthood throughout the Church could cease to be, in it the sacerdotal principle would remain and would have a sway. (248-249)

Conscience is a stern monitor, but in this century it has been superseded by a counterfeit, which the eighteen centuries prior to it never heard of, and could not have mistaken for it, if they had. It is the right of self-will. (250)

Newman, in his 16 page essay, quotes the Fourth Lateran Council (1215): “He who acts against his Conscience loses his soul” (259), and shows that all later theologians have held this opinion to be certain. And because the 1870 definition of papal infallibility had prompted Gladstone's mistaken alarm, Newman (who was far in 1875 from imagining he would ever be a cardinal) ended with a famous remark in which even dashes and commas are significant:

Certainly, if I am obliged to bring religion into after-dinner toasts, (which indeed does not seem quite the thing) I shall drink, – to the Pope, if you please, – still, to Conscience first, and to the Pope afterwards. (261)

The Vatican I context of Newman's *Letter* leads us naturally to Vatican II, and specifically to the pastoral constitution about “the Church in the World of Today”, usually called *Gaudium et Spes*, from its first words, “joy and hope”. That document was issued at the close of session IX, ending 7 December 1965. The definition of conscience is part of the chapter *De humanae personae dignitate*, section 16 being entitled *De dignitate conscientiae moralis*. My literal rendering is a mere preparation for the Latin original, which I quote from *Conciliorum Oecumenicorum Decreta*, ed. Joseph Alberigo *et al* (Bologna: Istituto per le Scienze Religiose, 1973).

Deep within his conscience man detects a law which he does not give to himself, but which he must obey... For man has in his heart a law inscribed by God. His very dignity lies in complying with it, and he will be judged according to it. Conscience is the most secret core and sanctuary of man, where he is alone with God, whose voice echoes in his depths.

In imo conscientiae legem homo detegit, quam ipse sibi non dat, sed cui obedire debet... Nam homo legem in corde suo a Deo inscriptam habet, cui parere ipsa dignitas eius est et secundum

quam ipse iudicabitur. Conscientia est nucleus secretissimus atque sacrum hominis, in quo solus est cum Deo, cuius vox resonat in intimo eius.(1077)

Section 17 quotes Sirac 15:14, where man is "left in the hand of his own counsel", that is, free to make his own decisions, and continues:

Man's dignity requires that he acts out of conscious and free choice, that he be personally moved and prompted from within: *Dignitas hominis requirit ut secundum conscientiam et liberam electionem agat, personaliter scilicet ab intra motus et inductus.* (1078)

We must not contrast our world too much with ages past. Newman already deplored the demise of a truly Christian conscience, and the Elizabethan stage derided the elasticity of the term. On 30 March 1990, King Baudouin of Belgium chose to renounce his royal prerogative and go through a period of constitutional death rather than sign a law which legalized abortion. Public opinion was divided about this refusal, as had been about Fisher and More, about Socrates and Christ. In his open letter to the Prime Minister, the sovereign claimed the right of conscientious objection which the laws granted to all his subjects. His brave stand gave bite and punch to a principle more often honored in the breach than in the observance. It added concrete, existential weight to Pope John Paul's message for the World Peace Day of 1 January 1991:

**IF YOU WANT PEACE,
RESPECT THE CONSCIENCE OF EVERY PERSON.**

This respect or regard is given to a fallible instrument which, More insists, should be constantly tested and checked, informed and reformed, educated and refined toward ever greater precision. If he seemed to be over-scrupulous, it was by choice; his mouthpiece Antony says in *A Dialogue of Comfort*: "Better is yet, of truth, a conscience a little too strait than a little too large" (CW12, 114/12-13).

Martyrdom, the highest assertion of conscience, always consists in "obeying God rather than men". These words from Acts 5:29 were chosen by Sem Hartz for the medal celebrating the golden jubilee of More's canonisation. (The copy we reproduce was given by the artist to Geert van den Steenhoven).

