

Thomas More on Conscience And the Authority of the Church

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With the promulgation of the *Pastoral Constitution on the Church in the Modern World, Gaudium et Spes*, and the *Declaration on Religious Freedom, Dignitatis Humanae*, in 1965, and the subsequent publication of Pope Paul VI's *Encyclical on the Regulation of Human Births, Humanae Vitae*, in 1968, in many quarters of the Church an appeal to conscience has come to be heard as a justification for dissent. Thomas More is universally acknowledged either as a fool, or as a martyr, to conscience. How is it then that More understood the relation between a person's conscience and authority? In its first part, this paper draws upon More's *A Dialogue Concerning Heresies* to explore his understanding of the foundations of authority, both ecclesial and secular. In its second part, the paper turns to More's teachings on conscience, drawn from his letter on the education of his children, his account of the first interrogation after his imprisonment, and his *Dialogue Concerning Conscience*. In a third and final section, the paper considers the implications of More's teachings for certain tendencies that have arisen in the Church today.

I. The Authority of the Catholic Church

A Dialogue Concerning Heresies (1529) was written by More at the request of Bishop Cuthbert Tunstall of London. At Bishop Tunstall's pleading, Sir Thomas undertook a defense of certain doctrines of the Catholic Church, such as the veneration of images, prayers to saints, and pilgrimages, in the face of challenges to these practices put forth by certain dissenters.² One of the matters in dispute was the dissenters' reliance upon scripture alone (*sola scriptura*) in derogation of the authority of the Church. Thus, to meet these persons on their own ground, More presents an

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² See Gerard B. Wegemer and Stephen Smith, Introduction to Thomas More, *Dialogue Concerning Heresies* (New York: Scepter Publishers, Inc., 2006), p. 18.

extended proof of the authority of the Church from Scripture.³ It is instructive to attend carefully to the development of his argument.

First, More establishes the method he will use. As More's dialogue is between himself and a young man whom he calls the Messenger, who puts to him questions raised by various dissenting Christians, he assumes that he will be able to rely for his argument upon reason and the whole corpus of Scripture, both the Old and the New Testaments. In these, both Catholics and the dissenters are agreed. Their differences lie in the interpretation of Scripture. If his dispute had been with a pagan or a Jew, More acknowledges that he would have had to take a different approach, because their areas of agreement would have been narrower: that between the Christian and the pagan being restricted to reason alone, and that between the Christian and the Jew, to reason and the Hebrew Scriptures.

A. Argument for the Faithfulness of the Church

More next obtains agreement to the following points. First, the things mentioned in the Gospel as having been spoken by the Lord to Peter and the other apostles were intended not only for them but in some instances for them and their successors, and in other instances for them and for all Christian people.

Next, More asks how the Messenger understands the Lord's statement, "Do such things as they command you to do, but do not do as you see them do."⁴ The Messenger asserts that this means that persons are to do as their bishops and prelates command, but only insofar as it is commanded by God in the law. More asserts that more is required. He gives as examples the Samaritan's instruction to the inn keeper to do whatever is required for the welfare of the traveler,⁵ and Christ's own order to the people to do whatever the Scribes and Pharisees required, even when they themselves would never do what they demanded.⁶ The people are to do what their prelates demand, no matter how difficult, but not what they see them do. The Messenger protests that this interpretation would lay on Christians greater burdens than those of the Pharisees, in direct contrast to the law of liberty proclaimed by Christ.

More responds that the laws of the Church are not so difficult as either the laws of the Pharisees or the laws of Christ himself. For it is harder not to swear at all, as Christ commands in the Sermon on the Mount, than not to swear falsely; it is harder to forbear every angry word, as Jesus enjoins, than not to kill; and it is harder to pray continually, as the Lord directs, than to pray at set times. As further examples of the difficulty of what Christ commands, More cites the Lord's injunction against every idle word;⁷ his teaching forbidding divorce;⁸ his teaching forbidding polygamy; and his requirement that we suffer every affliction and even death for the sake of our faith. This is the Lord's yoke, which the Lord himself calls "easy." Because these words were spoken as much to the apostles as to those who came after them, and because the apostles suffered in every way possible for the sake of the Gospel, it must be that the ease of Christ's yoke does not consist in bodily ease or the easing of bodily pain. Rather, More asserts, it consists in the sweetness of hope. Even in our pain, we experience the sweetness of heaven. We are not delivered from the laws of Christ or from

³ See Thomas More, *Dialogue Concerning Heresies* (New York: Scepter Publishers, Inc., 2006), Pt. I, ch.18 (hereinafter *DCH*).

⁴ Mt. 23:3.

⁵ Lk. 10:33-35.

⁶ Mt. 23:3.

⁷ Mt. 12:36-37.

⁸ Mt. 19:3-9.

good civil laws to a life of indolence. That would be a complete “pulling of the head out of the yoke.”⁹ Rather, both Saint Paul and Saint Peter command obedience to our superiors and rulers in things not forbidden by God.¹⁰

More then returns to the question whether Christ’s words were meant for the apostles only, for their time, or for all who would come after them; whether some part of Christ’s teachings were meant for the priests and bishops, and another for the whole flock. Specifically, More asks whether, when the Lord said to Peter, “Satan has desired to sift you like wheat, but I have prayed for you that your faith will not fail,”¹¹ he intended this as a promise of faith only for Peter or for the whole Church.

More answers that it cannot be that the Lord meant these words for Peter only, for Peter’s faith later failed. But from Peter’s first profession of faith, that Christ is God’s son, the Lord made him his universal vicar and, under himself, head of the Church. It is this faith, first professed by Peter, that will never fail in the Church. It never has, even though Peter’s own faith did, because it has always been maintained by Mary, the Mother of the Lord, Our Lady. Everyone else who followed the Lord deserted him or doubted the resurrection, except his Mother. In remembrance of this, More recalls that in the Tenebrae service each year, the Church keeps her candle burning while all others are put out. The promise of the perpetual faith of the Church, thus, was not meant for Peter individually, but as head of the Church.¹²

The Messenger poses still another question: If God does not place a higher value on faith than on charity, how is it that we see that charity, good works, and virtuous living have cooled and declined in the Church to the point of being almost non-existent? More answers that, although it is true that many people are bad, many are good, and these will always be few in relation to the multitude. And it is not entirely the same with faith as it is with charity (contrasting knowledge with action). Always there will be more who believe than who live the Christian faith. Even the most virtuous are sinners and “much more of the multitude will always have the faith...than will have the goodness in way of living.”¹³ This is true for two reasons: (1) the perversity of people, who would sooner believe what is right than do it; and (2) the goodness of God, who, no matter how far the people fall from the *practice* of virtue will not allow them to fall from the *knowledge* of virtue, and this not only for the manifestation of his justice (that their own consciences may condemn them), but also as the result of his mercy (that they may always have occasion for amendment). If the faith were gone, and the Church fell into the error of believing vice to be virtue, and idolatry to be right worship, then there would be no norm whatsoever to guide them to anything better. So long as persons are not in error of understanding and faith, they can always, by grace, return to God’s mercy. If faith is gone, however, all is lost, because without faith that Jesus is God’s Son, there would be no Church at all.

B. Argument for the Authority of the Church to Interpret Scripture

More quickly refutes the argument that Christ is perpetually present to the Church only in the Scripture,¹⁴ before turning to the question of the right interpretation of Scripture.¹⁵ First, he

⁹ *DCH*, p. 132.

¹⁰ Eph. 6:5, Titus 2:9-3:1, Heb 13:17, 1 Pt. 2:13-21.

¹¹ Lk. 22:31-32.

¹² *DCH*, p. 134.

¹³ *DCH*, p. 136.

¹⁴ *DCH*, Pt. 1, Ch. 20.

¹⁵ *DCH*, Pt. 1, Ch. 21.

asserts that if the Church has not been given the right understanding of Scripture, it is as useless to the Church as a pair of spectacles is to a blind man, because, if there can be no assurance that the Scriptures are being understood correctly, then they can provide no guidance concerning the means of salvation. Next, he asserts, and the Messenger agrees, that if all the faith is contained in Scripture and nowhere else, it would be necessary that the faith be able to be learned altogether in the Scriptures, and that there be no error in understanding it in any of the essential points of faith.¹⁶ This may be assured only by good luck, natural reason, or supernatural grace, because there is no other means of assurance. More recalls that the Church must be in the world continually or else Christ could not be with it continually as he promised. Further, the Church without faith is impossible, for the Church is precisely the congregation of people gathered into the faith of Christ. Faith that Jesus is the Son of God is that which distinguishes Christians from heathens, just as reason distinguishes human beings from other animals. If the Church is always and continual, and if it cannot be without faith, and if faith is only gotten in Scripture and without error, which must be understood rightly either by luck or by reason or by grace, it follows that, by one or other of these means, the Church of Christ always has and never misses the right understanding of Scripture in those things that are essential for salvation.¹⁷

So then, by which of the three ways does the Church have the right understanding of Scripture in what is essential to the faith? More says that it cannot be by luck, for then it would be as possible to have it as not, and this is impossible, if, as we have seen, the faith of the Church is continual and without interruption. More then reserves the question of whether reason provides an assurance of the right understanding of Scripture, and turns to consider whether supernatural grace provides this assurance. He recalls that the Lord said that the Holy Spirit would lead the apostles into all truth.¹⁸ This is so not because the Holy Spirit would write all truth, or tell all truth, but because the Holy Spirit would, by secret inspiration, lead them into all truth. It follows, therefore, that there is another authority in the Church besides Scripture, the Holy Spirit.¹⁹

More and the Messenger are agreed that the Lord has given his Church the right understanding of Scripture insofar as it pertains to what is essential for salvation.²⁰ Earlier the Messenger had attempted to demonstrate from Scripture that the veneration of images and prayers to saints are condemned by Scripture, and More had responded that we must accept the interpretation placed upon Scripture by the Church and holy theologians of the Church. Now the Messenger has proved this point for himself, to his own astonishment. If the Church teaches that Scripture supports the veneration of images and invocation of Saints, then the Church's interpretation is to be believed. It is the Church that judges Scripture, not Scripture that judges the Church. More asserts, then, that two points are true and intelligible to any Christian, as true as any axioms of Euclid's geometry:

First, that Christ's church cannot err in any such article as God wills that we, upon pain of loss of heaven, believe; and second, there is no text of Scripture, rightly understood, by which Christian people are commanded to do something which the Church believes they can legitimately leave not done; nor any text whereby we are forbidden anything which the Church believes that one can legitimately do.²¹

¹⁶ *DCH*, p. 144.

¹⁷ *DCH*, p. 145.

¹⁸ Jn. 16:13.

¹⁹ *DCH*, p. 146.

²⁰ *DCH*, p. 147.

²¹ *DCH*, p. 148.

In summary, More asserts that we may rely upon the Church to tell us that which we must believe and that which we must do; that is to say, the Church cannot err in essential matters of faith and morals. To be sure, More's argument is a theological argument. It is an argument from Scripture in response to one who accepts the authority of Scripture. It is not intended to persuade those persons who do not start from this point.

Having established that supernatural grace provides one of the assurances of the authority of the Church to interpret Scripture rightly, More returns to the question set aside earlier, the question of whether reason, too, plays a role in the interpretation of Scripture. The Messenger denies that the interpretations of the Fathers or any of the liberal arts except grammar can be relied upon in the understanding of Scripture, because either the commentators agree with Scripture, in which case they are to be believed on the authority of the text, or they disagree with Scripture, in which case they are to be believed not at all. Reason, the Messenger asserts, is the enemy of faith and contradicts it on every point.²²

More responds that the old commentators tell the same tale as the Scripture, but they tell it more plainly. As for reason, it cannot contradict the truths of faith because it would be unreasonable for it to do so. Reason looks upon the drawing of iron to a magnet with pleasure, even though reason cannot understand the cause of it. It is as plainly against the rule of reason that iron move in any direction other than downward or that physical things be drawn to another without touching it, as is any article of faith. To say that the reason lies in some hidden property of the magnet is the same as saying, "I do not know why it happens." Yet, reason believes that it will happen each time, in the same way, and will not fight against this conclusion, even though all rules of reason say that it cannot be.²³

The Messenger asserts that this is because it is seen with the eyes, and More asks if the eyes are more readily to be believed than the mind. Surely, he says, many instances can be given in which the eyes are deceived. More then gives the following demonstration of the reliability of reason:

More: How do you know that the Lord was born of a virgin?

Messenger: By Scripture.

More: How do you know that you should believe Scripture?

Messenger: By faith.

More: What does faith tell you on this?

Messenger: That Holy Scripture is true things written by the secret teaching of God.

More: How do you know that you can believe God?

Messenger: That is absurd! Every person knows that.

More: That is true, but does any horse or ass know it? If no brute animal can know that God can be believed, and every person can know it, what is it that accounts for this difference?

Messenger: Reason.²⁴

While grace may be the primary means in assuring the authority of the Church's interpretation of Scripture, it is nevertheless the case that reason, too, is an instrument for that purpose. As More says, "God helps us to eat, too, but not without a mouth."²⁵ The Lutherans are mad, he declares, in taking away all branches of learning save Scripture alone. The other branches of learning are to be

²² DCH, p. 156.

²³ DCH, p. 157.

²⁴ DCH, pp. 158-59, dramatic paraphrase mine.

²⁵ DCH, p. 159.

brought to the study of Scripture, and thus, to the service of theology. It is pride, not reason, that is the enemy of faith.

II. The Authority of the State

A Dialogue Concerning Heresies deals only in passing with civil authority. Specifically, More supports the competency of the civil authority to punish heretics by any method, including death, and to defend its people against “the Turks and infidels.”²⁶ More supports the right to punish heretics and infidels as a defensive response to the violence of Lutherans and Muslims. He claims that so long as they refrained from violence, there was little violence done to them.²⁷ Nevertheless, More acknowledges that if violence and coercion were renounced by both Christians and Muslims, the resulting religious liberty would invariably produce an increase in the Christian faith.²⁸ As Muslims do not permit the teaching of the Christian faith, however, those in Christian countries who would not “punish and destroy” the infidels among the Christian people, are plainly enemies of Christ.²⁹ More distinguishes the case of heretics from that of infidels. Heretics, he claims, are not to be tolerated, and may be suppressed by the civil authority because they have first resorted to violence.³⁰ He recites that in England, it was Henry V and his nobles who responded to the heretical activities of Lord Cobham and his followers by passing laws providing for the execution of heretics. More points out that it is not the clergy who condemn heretics to death. Rather, Church law provides for the return of the heretic after a first offense through a process of recantation, repudiation, and penance. After a second offense, Church law provides for excommunication, and the giving of notice to the secular authorities. More claims that the ecclesial authority does not hand the heretic over to the civil authority, but merely leaves him to that authority, as one separated from the Christian flock, and thus no longer entitled to its protection.³¹ Further, he notes, that while the Church will not embrace him in his lifetime, yet at his death, the Church still permits the heretic to be absolved and taken back. It is, rather, the civil authority, says More, that executes heretics, for its own purpose: the protection of its citizens from the corruption of error.³²

III. Conscience

Let us turn now to a consideration of Thomas More’s teachings on conscience. As Professors Wegemer and Smith have now made widely known through their *Thomas More Source Book*,³³ Thomas More is the first writer known to use the English word “integrity.”³⁴ He is famous for the

²⁶ *DCH*, p. 459.

²⁷ *DCH*, p. 461.

²⁸ *DCH*, p. 462.

²⁹ *DCH*, p. 465.

³⁰ *DCH*, p. 461.

³¹ *DCH*, p. 464.

³² *DCH*, p. 465. More goes on to refute those who reject all use of police or military power, “out of either a lofty pretended pity or a feigned regard for the counsels of Christ.” *DCH*, p. 465. Space does not permit the further consideration of this challenging assertion, or the correction that this recent edition of More’s writings brings to a widely popular understanding of the relationship between the Church and the State concerning the burning of heretics.

³³ Gerard B. Wegemer and Stephen W. Smith, eds., *A Thomas More Source Book* (Washington, D.C.: Catholic University of America Press, 2004) (hereinafter *TMSB*).

³⁴ *TMSB*, p. xv, note 13; p. 212.

example of integrity he gave at the end of his life. What is perhaps not as well known is that More's response to King Henry's demands was not an accident. More wrote often and intentionally about the need to cultivate the conscience and develop integrity. For example, More insisted that his children's teachers focus on the development of the consciences of their young charges. More writes:

The whole fruit of their [educational] endeavors should consist in the testimony of God and a good conscience. Thus they will be inwardly calm and at peace and neither stirred by praise of flatterers nor stung by the follies of unlearned mockers of learning.³⁵

More thus names right conscience as one of two objectives of education, the other being the understanding of Scripture. More understood conscience as an exercise of practical reason, wherein the object of the intellect is to conform one's will and behavior to established principles and laws recognized as true and just.³⁶

After his imprisonment, More wrote an account of his first interrogation at the Archbishop of Canterbury's palace at Lambeth. Two things were required of him: to swear the oath required by the Act of Supremacy of 1534, by which Henry was declared "the only supreme head on earth of the Church in England," and to swear a second oath required by the Act of Succession of 1533, by which Elizabeth, daughter of Anne Boleyn, was declared the true successor to the Crown and Mary, daughter of Catherine of Aragon, was declared a bastard. After asking first to be shown the required oaths, More refused to swear the oath of supremacy. He stated that his purpose was not to condemn the conscience of any other man, but that his conscience prevented him from swearing the oath upon pain of damnation. He offered to swear to the succession and to swear that his conscience prevented his taking the oath of supremacy, but his offer was refused.

More's interrogators tried to persuade him by telling him that he was the first ever to refuse the oath, which would offend the King. They took him out to parade before him the remaining priests in London, all of whom had sworn the oath. Then they brought him in again and asked him to swear. More again refused and refused to give his reasons, for fear he would offend the King, offering instead to suffer whatever consequences would come. The interrogators took this for obstinacy and stubbornness, to which More responded by offering, if commanded by his King, to give his reasons in writing. Further he said that if anyone were able to persuade him such that his conscience was satisfied, he would swear the oath. What More sought was immunity from prosecution, but this was refused.

The Archbishop of Canterbury, Thomas Cranmer countered that if More did not condemn anyone who took the oath, then his mind must not be firm. "My Lord Canterbury," More writes,

taking hold upon that that I said, that I condemned not the conscience of them that sware, said unto me that it appeared well that I did not take it for a very sure thing and a certain that I might not lawfully swear it, but rather as a thing uncertain and doubtful. But then (said my Lord) you know for a certainty and a thing certain without doubt that you be bounden to obey your sovereign lord your King. And therefore are ye bounden to leave off the doubt of your unsure conscience in refusing the oath, and take the sure way of obeying your prince, and swear it.³⁷

³⁵ *Selected Letters*, p. 105, quoted in *TMSB*, p. 212.

³⁶ See Wegemer, Introduction to *DCH*, p. xxiii.

³⁷ *TMSB*, p. 314.

Cranmer hoped in this way to interpose the authority of the King over More's conscience. More answered nothing, but thought to himself that although in the case this was something he could not do, a simple appeal to authority would answer many perplexing problems. In this matter, however, More believed that he was bound not to obey his King.

To this, the Abbot of Westminster, William Benson, responded that More should be concerned that his mind was in error given all the other persons who had freely sworn the oath. More should simply change his conscience. More replied that if it were only him against all of Parliament, he would be afraid to rely only upon himself. As things stood, however, More was not alone; he had the support of the general counsel of Christendom. More offered again to swear to the succession if he could first see the oath required of him in writing, so that he might "neither be forsworn or swear against [his] conscience."³⁸ This was refused and the interrogation ended.

Yet another attempt was made to persuade More to be reasonable and swear the oath to prevent his death. This attempt was made through his daughter, Margaret, at the behest of his friend, Lord Chancellor Thomas Audley. As a result, we have the work known as *The Dialogue on Conscience*, in which More gives additional instructions on the role and workings of the conscience. He responds to two fables offered for his consideration by Lord Audley through a letter written by his step-daughter, Alice Alington, to his eldest daughter, Margaret. The first concerns a country full of fools, who prove themselves wiser than the wise who think themselves able to avoid trouble by going underground, and the second is a tale about a lion, an ass, and a wolf, in which the soul of the ass is lost as the result of his scrupulosity, while the sins of the lion and the wolf are forgiven as the result of the lion's sovereign nature and the wolf's elastic conscience.³⁹ More claims not to be able to fully understand Lord Audley's intent in telling either of the stories, but is clear enough that he meant by the scrupulous ass More himself.

More refuses either to change his conscience in order to join the company of those who have taken the oath, or to take the oath in order to please his daughter. Instead, he throws himself upon the mercy of the Lord, who has never failed him, hoping that the Lord will either maintain the King's leniency, which up to that point had required nothing more than the loss of his liberty (which More counts as a spiritual gain), or else strengthen him to endure the loss of goods, lands, and life rather than swear against his conscience.⁴⁰

The following principles concerning the conscience may be gleaned from More's teachings. First, the conscience must be well-informed. More recounts several times that his conscience had only become settled after he had given the matter extended thought and study. Second, the civil laws may be unlawful, and if they are, they must not be obeyed. Third, in matters of faith and morals that have not been settled by the highest authority of the Church, Christians in good standing may differ without damage to their souls. The example he gives is the question of the Immaculate Conception, about which Sts. Bernard and Anselm took opposing views. Fourth, once a matter of faith or morals has been settled by the Catholic Church in General Council, it may not be treated as an open question. This is so precisely because of the Lord's promise that He would remain continually with His Church to preserve it from error.⁴¹ Fifth, particular laws made in any part of the Christian world do not bind the consciences of Christians who believe them to be

³⁸ *TMSB*, p. 314.

³⁹ *TMSB*, pp. 317-18.

⁴⁰ *TMSB*, p. 334.

⁴¹ *TMSB*, p. 329.

unlawful unless they are announced by a General Council of the Church or by “a general faith grown by a universal working of God throughout all of Christian nations.”⁴²

Before going further, let us summarize what has been determined thus far. Two comments are in order, one about More’s understanding of authority and the second about More’s understanding of conscience. First, there can be no doubt about More’s understanding and respect for civil authority. Not only did More devote the better part of his life to public service, but even in the face of his arrest, he preferred suffering and loss to his own family and person to making any public statement that would bring opprobrium upon his King. To the very last, he sought to avoid any direct conflict with the King and refused to publish his reasons for not taking the oath requested of him. Further, he respected a distinction between the competencies of the civil and ecclesial authorities. He acknowledged the superior competence of the ecclesial authority in matters of faith and morals, while at the same time defending the unique competence of the civil authority in matters extending to corporal and capital punishment.

Second, concerning conscience, it is clear that More did not privilege conscience as a final and unassailable arbiter. He allows that his conscience might be changed upon its being persuaded by further study or by the teaching of the appropriate authority. In the case of the requested oath of supremacy, however, the dictate of his conscience was confirmed by the teaching of the Church, an authority he recognized as superior to the civil authority in this question of the faith.

IV. Implications for the Church Today

Two teachings of Vatican Council II specially draw our attention to the role of conscience. The first is *The Pastoral Constitution on the Church in the Modern World, Gaudium et Spes*. Note that this document was intended to present the Church’s beliefs and practices to the world, not primarily to Catholics or other Christians. In other words, its teachings on conscience are directed specifically to those not bound by the promises of baptism. The Church teaches:

Deep within his conscience man discovers a law which he has not laid upon himself but which he must obey. Its voice, ever calling him to love and to do what is good and to avoid evil, tells him inwardly at the right moment: do this, shun that. For man has in his heart a law inscribed by God. His dignity lies in observing this law, and by it he will be judged. His conscience is man’s most secret core, and his sanctuary. There he is alone with God whose voice echoes in his depths. By conscience, in a wonderful way, that law is made known which is fulfilled in the love of God and of one’s neighbor. Through loyalty to conscience Christians are joined to other men in the search for truth and for the right solution to so many moral problems which arise both in the life of individuals and from social relationships. Hence, the more a correct conscience prevails, the more do persons and groups turn aside from blind choice and try to be guided by the objective standards of moral conduct. Yet it often happens that conscience goes astray through ignorance which it is unable to avoid, without thereby losing its dignity. This cannot be said of the man who takes little trouble to find out what is true and good, or when conscience is by degrees almost blinded by the habit of committing sin.⁴³

⁴² *TMSB*, p. 329.

⁴³ Vatican Council II, *The Church in the Modern World (Gaudium et Spes)* (December 7, 1965), § 16 (citations omitted), available in *Vatican Council II: The Conciliar and Post-Conciliar Documents*, Austin Flannery, ed. (Northport, New York: Costello Publishing Company, 1987) (hereafter Flannery), pp. 916-17. Portions of this passage were incorporated into the universal Catechism of the Catholic Church at § 1776.

Of special note is the claim that it is in fidelity to conscience that Christians are joined with the rest of humankind in the search for truth, and further, that even for those not bound by the promises of baptism, “the more a correct conscience prevails, the more do persons and groups turn aside from blind choice and try to be guided by the objective standards of moral conduct.” The Constitution makes the same distinction Thomas More did between arguments that are intended to persuade those who are not Christian, and those statements that are binding upon the consciences of Christians, being precisely those persons who acknowledge Jesus as Lord, and thereby submit to the authority of the Church. Christians, unlike other persons, are bound to accept the authoritative teachings of the Church and to conform their consciences to them.⁴⁴ Even so, the consciences of all persons may err through invincible ignorance, or as the result of indifference to the true and the good, or through habitual sin.

The second document from the Second Vatican Council that draws our attention to the role of conscience is the *Declaration on Religious Liberty, Dignitatis Humanae*. This document was issued together with *Gaudium et Spes* at the end of the Council and was the one that occasioned the most discussion and debate. In it, the Church recognizes the right of all persons to be free from the coercion of civil authority in matters of conscience and religious practice. Recall that More himself was ready to grant this liberty provided that the Christian dissenters and Muslims refrained from the use of violence to draw Catholic Christians to their cause.⁴⁵ *Dignitatis Humanae* affirms both the fundamental liberal tenant of the freedom of the person, and, at the same time, the fundamental natural law tenant that all persons seek the truth.⁴⁶ It announces the right of all persons to be free from the compulsion of the civil authorities in matters touching on religious faith while at the same time leaving intact “the traditional catholic teaching on moral obligation of individuals and societies toward true religion and the one church of Christ.”⁴⁷

This, at last, brings us to the teaching, *Humanae Vitae*,⁴⁸ the encyclical letter on the regulation of human births of Pope Paul VI, which hit many of those in the Catholic Church, and more of those outside it, as hopelessly out of touch with the modern world. The ensuing public dissent among Catholic theologians of good standing was unprecedented, and the subsequent private disregard among the North Atlantic Catholic laity remains almost unmitigated to the present day. It has become commonplace for Catholic pastors to avoid this teaching altogether or to announce a pastoral “solution” based upon an erroneous teaching concerning conscience, which privileges the subjective experience of the person at the expense of the authority of the Church to announce objective moral norms.

It is not the case that the human conscience is the final arbiter in matters of faith and morals. This has never been the teaching of the Catholic Church. Rather, as was made explicit by the early

⁴⁴ See John Paul II’s *The Splendor of Truth (Veritatis Splendor)* (St. Paul Books and Media, 1993), § 64 (“[F]reedom of conscience is never freedom ‘from’ the truth but always and only freedom ‘in’ the truth . . . [T]he Magisterium does not bring to the Christian conscience truths which are extraneous to it; rather it brings to light the truths which it ought already to possess.”).

⁴⁵ See *DCH*, p. 465, and text accompanying footnote 32.

⁴⁶ See Vatican Council II, *Declaration on Religious Liberty (Dignitatis Humanae)* (December 7, 1965), § 2, Flannery, p. 801 (“It is in accordance with their dignity that all men, because they are persons, that is, beings endowed with reason and free will and therefore bearing personal responsibility, are impelled by their nature and bound by moral obligation to seek the truth, especially religious truth.”).

⁴⁷ Hermínio Rico, *John Paul II and the Legacy of Dignitatis Humanae* (Washington, D.C. Georgetown University Press, 2002), p. 77.

⁴⁸ Paul VI, *On the Regulation of Human Births (Humanae Vitae)* (July 25, 1968) available at http://www.vatican.va/holy_father/paul_vi/encyclicals/documents/hf_p-vi_enc_25071968_humanae-vitae_en.html.

twentieth century phenomenologist, Max Scheler, conscience, which may err, must be distinguished from moral insight, which may not.⁴⁹ Indeed, he says, “If ‘conscience’ becomes an apparent substitute for moral insight, the principle of ‘freedom of conscience’ must become the principle of ‘anarchy in all moral questions.’”⁵⁰ Conscience, says Scheler, is but one of many subjective sources of moral insight, which include principles of authority and the contents of tradition, all of which are, or should be, mutually correcting. Each of them is subordinate, however, to the moment of insight itself.⁵¹ How else are we to explain the phenomenon of which we are all familiar, of discovering that we have been sincere, but nonetheless, sincerely wrong?

Scheler, of course, speaks as a philosopher, not as a theologian. For Christians, bound by the promises of baptism, certain matters declared by the authority of the Church must be believed and lived. While there is no specific list, in addition to matters of faith, certain matters of morals constitute what Pope Benedict XVI calls “non-negotiable” values such as “respect for human life, its defense from conception to natural death, the family built upon marriage between a man and a woman, the freedom to educate one’s children, and the promotion of the common good in all its forms.”⁵² The American bishops, in their three recent and related statements—Happy Are Those Called to His Supper, Ministry to Persons with a Homosexual Inclination, and Married Love and the Gift of Life—reiterate certain teachings of the Catholic Church concerning the moral lives of Christians. Specifically, they reiterate the teaching, based upon the Sixth Commandment, that engaging in sexual activity outside the bonds of a valid marriage is a serious violation of the law of love of God and of neighbor. And further, they reiterate the teaching, based upon the Fourth Commandment, that serious disobedience to proper authority likewise involves grave matter. These teachings of the American bishops, unlike the teachings of *Gaudium et Spes*, are directed to American Catholic Christians, but reiterate teachings of the universal Church, by which Catholic Christians, but not all persons, should reasonably expect to be bound as the result of their baptismal promises.

Does this mean that the teachings of the Church are merely cultic - not worthy of the notice or consideration of persons who are not Catholic? No. The teachings of the Catholic Church are grounded in reason, for they are based on the revelation of the God who is the author of reason. As Pope Benedict XVI recently proclaimed, “[N]ot to act in accordance with reason is contrary to God's nature.”⁵³ The Church believes that the teachings revealed to it are not the result of the mere whim of a celestial despot, but are the loving regulations of a beneficent Creator, whose desire is for the happiness and ultimate salvation of all persons.⁵⁴

How then and when is it ever appropriate to dissent from a teaching of the Church? Sir Thomas More tells us. It is appropriate and prudent to dissent from a particular teaching, promulgated in

⁴⁹ Max Scheler, *Formalism in Ethics and Non-Formal Ethics of Values* (Evanston: Northwestern University Press, 1973), p. 321 (hereinafter *FENEV*). Although Scheler eventually abandoned his Catholic faith, here he presents an authentic teaching of the Catholic Church. See CCC, §§ 1780 and 1790.

⁵⁰ *FENEV*, p. 323.

⁵¹ *FENEV*, p. 322-23.

⁵² Benedict XVI, On the Eucharist as the Source and Summit of the Church’s Life and Mission (*Sacramentum Caritatis*) 83, available at http://www.vatican.va/holy_father/benedict_xvi/apost_exhortations/documents/hf_ben-xvi_exh_20070222_sacramentum-caritatis_en.html, accessed on September 28, 2007.

⁵³ Emperor Manuel II Paleologus (1391), quoted with approval by Benedict XVI, Lecture, “Faith, Reason and the University: Memories and Reflections,” given at Magna Aula University of Regensburg (September 12, 2006), http://www.vatican.va/holy_father/benedict_xvi/speeches/2006/september/documents/hf_ben-xvi_spe_20060912_university-regensburg_en.html, accessed on September 29, 2007.

⁵⁴ Christians worship the God “who wills not the death of the sinner, but rather that he be converted and live.” Serran Prayer for Vocations.

some part of Christendom, when conscience dictates that result. Just as the teaching on the Immaculate Conception prior to its formal dogmatic declaration was open to two opposing views so any other teaching not proposed for the consent of the faithful by the universal Church may be refused, and indeed must be refused if that is what one's conscience instructs after careful study and formation. Teachings that have been solemnly, i.e., extraordinarily, proclaimed by the Church in General Council or by a Pope when speaking *ex cathedra*, or any definitive teaching of the ordinary and universal Magisterium, however, must be held by Catholic Christians in proper submission to the authority of the Church, which is the authority of Christ.⁵⁵ One of the errors of some teachers of morality today, however well-intentioned, is to draw upon certain phrases in the teachings concerning conscience found in *Gaudium et Spes* and *Dignitatis Humanae* as if they were intended for the Christian faithful, and not for the wider world. The Christian faithful are, by definition, those who in the exercise of their own free will have accepted the sovereignty of Christ and thus the authority of the Church in matters of faith and morals. This is not mere blind obedience, but a recognition of the competence of the Church to legislate for the good of all Christians.

V. Conclusion

So then was Sir Thomas More merely the fool that he was fond of recalling that his name implied?⁵⁶ Earlier, I mentioned the work of the philosopher, Max Scheler. In addition to his work on the phenomenology of conscience, Scheler is probably best known for reintroducing the concept of value into ethical dialogue as a correction to Immanuel Kant's merely formal, deontological ethics. Scheler asserts that there is an objective hierarchy of values, and that moral choices are best understood as the realization of these values. According to Scheler, values are irreducible, basic phenomena of emotive intuition.⁵⁷ In Scheler's hierarchy, life is not the highest value. If it were, then it would not be possible to explain Thomas More's stubbornness in the face of the entreaties of his friends and family, and the command of his King. More would instead be remembered as the consummate fool, deserving of our pity but not our respect. Rather than life being the ultimate value, however, it is the sacred that Scheler puts in highest place.⁵⁸ It is in our reverence for the divine that we realize the highest value because the human person is not merely a human being, i.e., an earth creature. Instead, the human person is the place of convergence of the immanent and the transcendent. In theological terms, the human person is made of the dust of the earth, but in the image and likeness of God. His dignity and integrity demand the recognition of this fact. For this reason, Thomas More, who introduced the concept of integrity into the English language, has been recognized and declared a saint of the universal Church, worthy of our veneration and emulation. As he claimed, he died the King's good servant, and God's first.

⁵⁵ Vatican II, Constitution on the Church (*Lumen Gentium*) (November 21, 1964), § 25, Flannery, pp. 379-80. http://www.vatican.va/holy_father/benedict_xvi/apost_exhortations/documents/hf_ben-xvi_exh_20070222_sacramentum-caritatis_en.html (accessed on September 29, 2007).

⁵⁶ See *Dialogue on Conscience*, in *TMSB*, p. 323.

⁵⁷ *FENEV*, p. 265.

⁵⁸ See, e.g., *FENEV*, p. 107.