

The Perplexed Conscience: Aquinas, Conscience, and Intrinsic Evil

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DOES AQUINAS assert that one may, in conscience, be obliged to perform intrinsically evil acts? Such seems to be the position of Mary C. Geach. In an essay titled “Rescuing Frozen Embryos,”¹ Geach argues against the position of Dr. Helen Watt who is in favor of adopting frozen embryos.² Watt reasons that a woman who has conceived by IVF and has produced extra embryos should bear them.³ Drawing out the consequences of Watt’s position, Geach writes,

what we are obliged to do, we are necessarily permitted to do; but we are never permitted to do what is evil in itself; therefore it must be alright to be made pregnant by having embryos put inside one; therefore it must be alright to do this for orphaned embryos to save their lives.⁴

Geach, of course, believes that this is a doubtful premise. Whether or not one is for or against the rescuing of frozen embryos is not the purpose of

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¹ Mary C. Geach, “Rescuing Frozen Embryos,” in *What Is Man, O Lord? The Human Person in a Biotech Age* (Boston: The National Catholic Bioethics Center, 2002), 217–30.

² Cf. Helen Watt, “Are There Any Circumstances in Which It Would Be Morally Admirable for a Woman to Seek to Have an Orphan Embryo Implanted in her Womb?” in *Issues for a Catholic Bioethic*, ed. Luke Gormally (London: The Linacre Centre, 1999), 347–52.

³ Cf. *ibid.*, 348.

⁴ Geach, “Rescuing Frozen Embryos,” 226.

this essay. What is interesting is Geach's comment on the phrase "but we are never permitted to do what is evil in itself." She writes,

a point which can be made against this argument is that sometimes our conscience commands us to do what is evil in itself. It follows from this that either we are not always obliged to follow our conscience (an unacceptable position), or we can be permitted to do what is evil in itself, or (as Aquinas concluded) we may be, through our own fault, obliged to perform impermissible actions.⁵

Does Geach accurately reflect Aquinas's position? William E. May is not so sure. "The problem with this reply," he writes, "is that if that were Aquinas's view, it would be one of those rare instances in which he made a bad mistake. However, in fact, the texts cited can be understood otherwise than Geach interprets them."⁶ The texts to which both Geach and May refer are the following: *De veritate*, q. 17, a. 4, ad 8 and *Summa theologiae* I–II, q. 19, a. 6, ad 3; II–II, q. 62, a. 2, obj. 2; III, q. 64, a. 6, ad 3. May does not expound any further on his observation. Again, is Geach's interpretation correct? And, therefore, did Aquinas make a rare, but bad, mistake? Or is Geach's interpretation wanting, as May suggests? After examining each one of Aquinas's texts, we will be in a better position to answer these questions.

As I said, these questions will be answered from the perspective of the Angelic Doctor. There is a subsequent history to the role of conscience in the moral life that goes beyond both Thomas and the scope of this essay and becomes part of the casuist morality of the manualist tradition.⁷

***De veritate*, Question 17, Article 4, Reply 8**

The earliest treatment of the question facing us is found in *Quaestiones disputatae de veritate*. These so-called "disputed questions" were Thomas's first teaching assignment in Paris as a "master" and were presented over three academic years (1256–59).⁸ Question 17 treats the question of conscience. Having established that the conscience is an act, namely, the

⁵ Ibid., 226, n. 12.

⁶ William E. May, "On 'Rescuing' Frozen Embryos," *National Catholic Bioethics Quarterly* 5 (2005): 55.

⁷ For a more complete account of the role of conscience in the modern era of the manualist tradition, see Servais Pinckaers, O.P., *The Sources of Christian Ethics*, trans. Sr. Mary Thomas Noble, O.P. (Washington, DC: The Catholic University of America Press, 1995), 271–74; T. Deman, "Probablisme," in *Dictionnaire de la théologie catholique*, vol. 13 (Paris: Letouzey, 1936), cols. 417–619.

⁸ Cf. Jean-Pierre Torrell, O.P., *Initiation à saint Thomas d'Aquin: Sa personne et son oeuvre* (Paris: Editions du Cerf, 1993), 87–97, 488.

application of knowledge to some special act (article 1); that the conscience can be mistaken in its application either because that which is applied has error within it or because the application is faulty (article 2); and that the conscience is binding (article 3), Aquinas turns his attention in article 4 to the question: Does a false conscience bind?

Before analyzing Aquinas's position, we need to make a distinction between conscience *per se* and the judgment of conscience. In his encyclical *Veritatis splendor*, Pope John Paul II writes that "the relationship between man's freedom and God's law is most deeply lived out in the 'heart' of the person, in his moral conscience."⁹ Conscience, in other words, is not a thing; rather, it is the place deep in the human heart where we meet God and respond in freedom to his law. God's law is seen in the natural law, a law that is written in the human heart.¹⁰ Human freedom bears witness to this law, a law that either accuses or excuses. Conscience is expressed in the activity of judging. The Church teaches that "conscience is a judgment of reason whereby the human person recognizes the moral quality of a concrete act that he is going to perform, is in the process of performing, or has already completed."¹¹ This activity is the judgment of conscience. As it is this activity to which Aquinas is really referring when he discusses the conscience, I will use this phrase "judgment of conscience" in the pages that follow.

Generally speaking, the judgment of conscience is binding for Aquinas. A correct judgment of conscience binds absolutely, without qualification, and in all circumstances.¹² No one, it seems, would disagree with this. Different opinions arise, however, when it comes to the binding quality of a mistaken judgment of conscience. St. Bonaventure argued that one's judgment can be mistaken both with regard to things that are intrinsically evil and to things that are indifferent. A mistaken judgment of conscience, he says, does not bind in things that are intrinsically evil, only in things that are indifferent.¹³ This opinion, in Aquinas's view, is faulty for it fails to recognize in what sense the judgment of conscience imposes an obligation. A correct judgment of conscience and a mistaken judgment of conscience bind in different ways: The former binds absolutely, as we have said, and for intrinsic reasons; the latter binds in a qualified way and for extrinsic reasons.

Let us consider first the correct judgment of conscience. For instance, if your judgment of conscience tells you to avoid adultery, then you must

⁹ John Paul II, *Veritatis splendor*, no. 54.

¹⁰ Cf. Rom 2:14–15.

¹¹ CCC, no. 1778. Cf. *Veritatis splendor*, no. 59.

¹² Cf. Aquinas, *De veritate*, q. 17, a. 4, reply.

¹³ Cf. St. Bonaventure, *In Sent.*, II, 39, 1, 3.

avoid it. To change your judgment is, in Aquinas's words, seriously sinful in the very error of changing such a judgment. As long as your conscience judges that you not commit adultery, it cannot be set aside without sin. A correct judgment of conscience, then, which tells you not to commit adultery, binds absolutely and in all circumstances and events.

A mistaken judgment of conscience, on the other hand, binds only in a qualified sense, since it binds conditionally. For example, if you judge that it is permissible to fornicate, you are obliged to follow its dictate to commit fornication while such a judgment remains. To act otherwise, that is, against your judgment, would entail sin. But for Aquinas, a mistaken judgment of conscience does not obligate in every event and circumstance: For you may change your judgment and, when this occurs, you are no longer bound.

To render the binding force of these two types of judgment of conscience more concretely, let us consider the following scenario. Suppose you live on an island where you were brought up to believe that hospitality is expressed, among other ways, by fornicating with guests. Fornication is objectively wrong; but if you believe it to be right and you judge it to be so, then you are obliged to that judgment. Not to do so would entail sin. But supposing some missionaries visited the island and instructed you differently and you accepted their teaching, thereby changing your judgment on fornication as an expression of hospitality. Then you are no longer obliged to follow your previous judgment. But you are obliged, in all events and circumstances, to follow your now correct judgment. You can no longer use the excuse of conscience to do what, previously, you had thought to be right.

But does a mistaken judgment of conscience excuse from sin? In other words, is the hospitable islander, by following the dictates of conscience to fornicate, completely guiltless? It seems so. For God, who is more merciful than a temporal lord (who does not accuse a man of sin in something that he did by mistake), will also not accuse of sin one who acts out of a mistaken conscience.¹⁴ But Aquinas replies that this is true only if the mistake is one of fact (for example, a man who has intercourse with a woman whom he believes to be his wife is not guilty of the sin of fornication—recall the example of Jacob and Leah), but not so if it is mistaken about the law. Ignorance of the law itself is a sin.¹⁵

Regarding mistakes in things that are intrinsically evil: Aquinas states that a false judgment of conscience commands an action that is contrary

¹⁴ Cf. *De veritate*, q. 17, a. 4, difficulty 5.

¹⁵ Cf. *ibid.*

to God's law. Yet, because you believe it to be the law of God to fornicate, not to do so would be acting contrary—but mistakenly—to God's law, making you a transgressor. Still, to act according to your mistaken judgment of conscience and fornicate would also entail acting against God's law, an act that would be mortally sinful for Aquinas. Why is this? Because, he argues, there was sin in the error itself, since it happened out of ignorance of what should have been known.¹⁶ This brings us to the reply under consideration, namely, reply 8. From what Aquinas has just said, we can already begin to appreciate the difficulty it poses. To act against a mistaken judgment of conscience regarding what one believes to be the law of God entails sin. But so acting against the law of God, even mistakenly, is also sinful. To state this more colloquially: "You're damned if you do and damned if you don't." Therefore, one would be so perplexed that it would be impossible to avoid sin. Yet Augustine says, "No one sins in that which he cannot avoid."¹⁷ Therefore, a false judgment of conscience does not bind.¹⁸ How does Aquinas respond to this difficulty?

He replies by saying that someone whose judgment tells him to commit fornication is not entirely perplexed. For that person can do something to change this judgment, thereby avoiding sin. Perplexity remains only as long as the false judgment remains unchanged. Perplexity disappears along with the changed judgment. But while that perplexity remains, one cannot, in fact, avoid sin.

Aquinas will not address this issue again until the writing of the *Summa* (1268–73). Will a decade or so of reflection on Aquinas's part bring greater clarity to the question of the perplexed conscience? Let us examine the three passages of the *Summa* to see if this will be the case.

***Summa theologiae* I–II, Question 19, Article 6, Reply 3**

In this first passage from the *Summa*, the discussion about conscience is set within the larger framework of the morality of inner acts, one that takes up all of question 19. Aquinas is not concerned here with the psychology of conscience as an intellectual power or in the development of human acts;¹⁹ nor is he concerned with the moral formation of conscience.²⁰ Rather, he focuses his attention here on the moral standing of conscience. The same

¹⁶ Cf. *De veritate*, q. 17, a. 4, reply 3. On the face of it, this would leave the fornicating islander in a difficult position. But, as we will see, Aquinas will provide greater clarity on this issue in *Summa theologiae*.

¹⁷ St. Augustine, *Retract.*, I, 9. Cf. St. Augustine, *De libero arbitrio*, III, 18.

¹⁸ Cf. *De veritate*, q. 17, a. 4, difficulty 8.

¹⁹ Cf. *Summa theologiae* I, q. 79, aa. 11–13; I–II, qq. 6–17.

²⁰ Cf. *ST* I–II, qq. 47–56.

principles that we saw operative in *De veritate* obtain in question 19 as well, namely, to act against one's judgment of conscience is always wrong, even if that judgment is mistaken; if one's judgment is mistaken through no fault of one's own, there is no moral blame attached to it.²¹

Article 6 deals with the following question: "Is an act of the will bad when it is against God's law though following a mistaken conscience?" In article 5, Aquinas had dealt with and answered the question "Is a mistaken conscience binding?" His response, as we have already noted, was that a mistaken judgment of conscience is binding. In article 6, he is dealing with a different, but related, question. If it is true that a mistaken judgment of conscience is binding, does it also excuse (that is, from moral culpability)?

The answer to this question turns on the issue of ignorance.²² Ignorance can be of different sorts.²³

First, there is antecedent ignorance (*ignorantia antecedens*), that is, ignorance that precedes an act of the will and is, therefore, unwilling. As long as such ignorance remains, one is not responsible. For example, let us suppose that person *X* is target practicing. Unbeknown to him, person *Y* is standing near the target. Person *X* shoots at the target, misses, and the bullet strikes person *Y*, killing her. Because person *X* was ignorant of the presence of person *Y* near the target, he is not morally responsible for the death of person *Y*.

Second, there is ignorance that is consequent to an act of the will (*ignorantia consequens*), whether positive or permissive. The act of the will in this case is voluntary, and so is the action proceeding from it. There may be a greater or lesser element of the involuntary in this kind of action if, at the last minute or before, you would not have performed the action had you had full knowledge. Consequent ignorance, itself, is of different types. One may deliberately choose to remain ignorant (*ignorantia affectata*). One may operate out of inattention (*ignorantia malae electionis*). Finally, one may exhibit crass ignorance about obtaining information on matters of fact (*ignorantia supina*) or of law (*ignorantia universalium iuris*).

Aquinas assesses moral responsibility on the basis of these various kinds of ignorance. If a judgment of conscience is mistaken through voluntary error, whether directly or through negligence regarding a matter that should have been known, then the will is not excused from evil. For example, college students (or anyone for that matter!) who drink alcohol

²¹ Cf. *Summa theologiae*, vol. 17 (London: Blackfriars, 1966), app. 15, "Conscience," 182. Cf. *ST* I-II, q. 19, aa. 5 and 6.

²² Cf. *ST* I-II, q. 6, a. 8.

²³ I have taken these distinctions from *Summa theologiae*, vol. 17, app. 15, "Conscience," 182-83.

simply to get drunk are morally responsible for their choice either because they should know that such behavior is wrong and choose to ignore it, or because they pretend that they do not know that such behavior is wrong. A mistaken judgment of conscience that leads one to drink simply to get drunk proceeds from this inexcusable kind of ignorance. But, as we saw in *De veritate*, these college students could go back on their error since their ignorance is voluntary and can be overcome. Their conscience, now correct on the question of drinking merely to get drunk, must be followed in all events and circumstances.

In article 6, we have already seen a marked refinement in Aquinas's thinking on the question of the perplexed conscience, especially with Aquinas's development of the different kinds of ignorance. Let us see if further refinements await us in the next two questions.

***Summa theologiae* II–II, Question 62, Article 2, Objection 2**

One would not expect to find a discussion of the perplexed conscience under the rubric of “justice” and yet we do find it in Aquinas's treatment of “restitution.” Restitution is an act of commutative justice²⁴ whereby one reestablishes a person in possession of or dominion over something which is his or hers.²⁵ The more specific question addressed in article 2 is whether or not restitution for what has been taken is necessary for salvation. At first glance, it does not seem so, for sometimes it is impossible to restore what has been taken (for example, a life or a limb). Doing the impossible is not necessary for salvation. Therefore, restoring what was taken or lost is not necessary for salvation.²⁶

In fact, it may even be impossible to make restitution without committing a sin (for example, when someone's good name has been taken away by telling the truth). Ironically, to do so would make sin necessary for salvation. Therefore, once again, restitution is not necessary for salvation. How does Aquinas respond to this second dilemma in which we see, once again, the perplexed conscience at work?

Aquinas argues that there are three ways that one may take away the good name of another. The first is by telling the truth. An example of this would be telling the truth about a crime someone has committed according to the due process of law. In this instance, one is not bound to make restitution. The second is by telling a lie unjustly. For this, one is bound to make restitution. The third is by telling the truth, but unjustly. Today, we would call this detraction. In this case, one is bound to restore

²⁴ Cf. *ST* II–II, q. 61.

²⁵ Cf. *ST* II–II, q. 62, a. 1, c.

²⁶ Cf. *ST* II–II, q. 62, a. 2.

the person's good name insofar as one can (but without resorting to lies). Rather, one should confess that one spoke in an ill-advised manner or defamed the person unjustly. If restitution is not possible, recompense must still be paid in other ways, for example, by apologizing.

In short, commutative justice requires restitution of some sort. Moreover, restitution, according to Aquinas, can be made without sin. So the conscience should not be perplexed.

***Summa theologiae* III, Question 64, Article 6, Reply 3**

The Council of Trent declared that a wicked man sins when he administers the sacraments.²⁷ So what is the wicked minister of the sacrament to do if it would be sinful not to administer the sacraments? Does the minister find himself in an insoluble situation? It seems so. For sometimes the minister is obliged out of necessity to administer the sacraments: "If I preach the gospel, this is no reason to boast, for an obligation has been imposed on me, and woe to me if I do not preach it!"²⁸ Or, in addition to the obligation, it may be that the sacraments must be administered if some danger is present, for example, when a child on the point of death is given into the hands of some sinner to be baptized. Therefore, it cannot be that a wicked man sins when he administers the sacraments.

This is not the opinion of Dionysius, however.²⁹ It is wrong, he says, for the wicked so much as to touch the sacramental signs,³⁰ and presumptuous to lay hands on things pertaining to the priesthood.³¹

Aquinas is in full accord with Dionysius.³² He invokes both Aristotle and Scripture to support his position. For Aristotle, virtue is doing something at the right time, with reference to the right objects, toward the right people, with the right motive, and in the right way.³³ Leviticus reminds us to "be holy, for I, the Lord your God, am holy."³⁴ And Sirach states that "as the people judge, so are his ministers."³⁵ Therefore, a wicked man who puts himself forward as a minister of God and the Church in conferring the sacraments commits the mortal sin of irreverence toward God and the contamination of holy things. What, then, is the now perplexed wicked minister to do?

²⁷ Cf. Council of Trent, *De sacramentis*, no. 8.

²⁸ 1 Cor 9:16 (NAB).

²⁹ Cf. *ST* III, q. 64, a. 6, c.

³⁰ Cf. Dionysius, *De eccl. hier.* I.

³¹ Cf. Dionysius, *Epistola* 8, ad Demophilum.

³² Cf. *ST* III, q. 64, a. 6, ad 1.

³³ Cf. Aristotle, *Ethics* II, 3 and 6, 1104b21 and 1106b20.

³⁴ Cf. Lev 19:2.

³⁵ Cf. Sir 10:2.

One who is in a state of mortal sin, upon whom it becomes incumbent by virtue of his office to confer the sacraments, may repent of his sin and thereafter lawfully confer the sacraments. Of him, Aquinas says that he is "*perplexus simpliciter*."³⁶ Perplexed he may be, but he can undo his confusion by repentance. But if he chooses not to repent, then it is fitting that he should remain insolubly perplexed. Only in one case of necessity can he administer a sacrament without sinning, that is, he may baptize. Why does the wicked and unrepentant minister not sin when administering the sacrament of baptism? Aquinas's response here is interesting. Baptism, he argues, can be administered by anyone, including a layperson. So if the wicked minister presents himself to baptize, he is not doing so as a minister of the Church, but rather as someone who, like anyone else, can baptize. In so doing, he is responding to the necessity of the sufferer. But the same cannot be said regarding the administration of the other sacraments; those he confers by virtue of his office. To do so would be sinful unless he repents.

Conclusion

Now that we have examined Aquinas's texts dealing with the perplexed conscience, we are in a better position to determine whether Geach or May were correct in their assessments of Thomas's position.

Geach is right to claim that, for Aquinas, a judgment of conscience sometimes commands us to do what is evil, whence the perplexity. But this is so when it is mistaken. This does not mean that we are not obliged to follow our mistaken conscience. On the contrary, Geach rightly notes that it is an unacceptable position to say that we should not follow a judgment of conscience even if it commands us to do what is evil. We must follow it at least until we are shown that it is mistaken, after which the perplexity disappears. Once we have determined that a judgment has been mistaken we are obliged in all circumstances to follow the corrected one. Geach is also correct when she says that Aquinas concluded that we may, through our own fault, be obliged to do what is evil. But in doing so, we may also commit sin. We commit no sin only if we act out of invincible ignorance. In other words, a mistaken judgment of conscience does not make right what we do, nor does following a mistaken judgment of conscience automatically exonerate us from committing serious sin.

These are Aquinas's views, according to this author's reading of the texts. It is also this author's position, *pace* May, that these texts do not represent rare instances in which Thomas has made a bad mistake. Nor

³⁶ Cf. *ST* III, q. 64, a. 6, ad 3.

can I agree with May that these texts can be read other than as Geach has interpreted them. In spite of increasing refinement and broader application, Aquinas remains consistent in his interpretation of the perplexed conscience. The perplexed conscience remains so by our own choice. In no wise are we constrained to commit evil from some source outside ourselves. According to Aquinas, then, the perplexed conscience remains, generally speaking, because of our unwillingness to repent. **N V**