

Political Authority and the Duties of Conscience

Lecture at Cambridge, November 24, 2023

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The source of human authority is in God.

This truth proclaims Holy Scripture, both in the Old and the New Testament. For instance:

"By me kings reign . . . by me princes rule, and the mighty decree justice." (Prov. 8:15-16)

To the Roman governor, ostentatiously pretending that he had the power of releasing and of condemning, Jesus Christ answered:

"Thou shouldst not have any power against me unless it were given thee from above."
(John 19:11)

St. Paul wrote to the Romans, saying:

"There is not power but from God," from which, as from its cause, he draws this conclusion: "The prince is the minister of God." (Rom.13:1-4)

And St. Augustine said:

"We do not attribute the power of giving government and empires to any but the true God."
(*De civ. Dei*, 5, 21)

[Pope Leo XIII, Encyclical *Diuturnum Illud*]

“Nature, or rather God who is the Author of nature, wills that man should live in a civil society; and this is clearly shown both by the faculty of language, the greatest medium of intercourse, and by numerous innate desires of the mind, and the many necessary things, and things of great importance, which men isolated cannot procure, but which they can procure when joined and associated with others.

But now, a society can neither exist nor be conceived in which there is no one to govern the wills of individuals, in such a way as to make, as it were, one will out of many, and to impel them rightly and orderly to the common good; therefore, God has willed that in a civil society there should be some to rule the multitude (political authority). . . .

But no man has in himself or of himself the power of constraining the free will of others by fetters of authority of this kind. This power resides solely in God, the Creator and Legislator of all things; and it is necessary that those who exercise it (political authority) should do it as having received it from God.” (Pope Leo XIII, Encyclical *Diuturnum Illud*)

One of the main tasks of political authority consists in making, promulgating, and enforcing law.

According to St. Thomas Aquinas law is:

"a certain rule and measure of acts whereby man is induced to act or is restrained from acting." (S. th., I-II, 90, 1)

The norm and measure of human actions is reason, therefore law has an essential relation to reason; in the first place to divine reason; in the second place to human reason, when it acts correctly, i.e., in accordance with the purpose or final cause implanted in it by God.

Law is directed by its nature to the good, and especially to the universal or common good (see Thomas Aquinas S. th., I-II, 90, 4, c)

St. Augustine said:

"That which is not just seems to be no law at all" (*De Lib. Arb.* 1, 5).

And St. Thomas Aquinas concludes, saying:

“Wherefore the force of a law depends on the extent of its justice. Now in human affairs a thing is said to be just, from being right, according to the rule of reason. But the first rule of reason is the law of nature. Consequently, every human law has just so much of the nature of law, as it is derived from the law of nature. But if in any point it deflects from the law of nature, it is no longer a law but a perversion of law.” (S. th., I-II, 95, 2, c)

One can ask: Whether human law binds a man in conscience?

St. Thomas Aquinas answers:

“that, 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. Laws are said to be just, both from the end, when, to wit, they are ordained to the common good—and from their author, that is to say, when the law that is made does not exceed the power of the

lawgiver—and from their form, when, to wit, burdens are laid on the subjects, according to an equality of proportion and with a view to the common good.

For, since one man is a part of the community, each man in all that he is and has, belongs to the community; just as a part, in all that it is, belongs to the whole; wherefore nature inflicts a loss on the part, in order to save the whole: so that on this account, such laws as these, which impose proportionate burdens, are just and binding in conscience, and are legal laws.

On the other hand laws may be unjust in two ways: first, by being contrary to human good, through being opposed to the things mentioned above—either in respect of the end, as when an authority imposes on his subjects burdensome laws, conducive, not to the common good, but rather to his own cupidity or vainglory—or in respect of the author, as when a man makes a law that goes beyond the power committed to him—or in respect of the form, as when burdens are imposed unequally on the community, although with a view to the common good.

The like are acts of violence rather than laws; because, as Augustine says (*De Lib. Arb.* 1, 5), "a law that is not just, seems to be no law at all."

Wherefore such laws do not bind in conscience, except perhaps in order to avoid scandal or disturbance, for which cause a man should even yield his right, according to Matthew 5:40-41: "If a man . . . take away thy coat, let go thy cloak also unto him; and whosoever will force thee one mile, go with him other two."

Secondly, laws 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." (S. th., I-II, 96, 4, c)

If law in any point deflects from the Natural Law, it is no longer a law but a perversion of law, as affirmed Thomas Aquinas.

It is convenient first to clarify the meaning of natural law. The eternal law impresses itself on rational creatures and endows them with an inclination toward their proper actions and ends. This participation of the rational creature in eternal law is called natural law. The light of natural reason by which we distinguish between good and bad is the refraction of the divine light in us (cf. S.th., I-II, 91, 2). All law, insofar as it participates in right reason, is derived, therefore, from eternal law (cf. *ibid.*, I-II, 93.3).

“Every human law has just so much of the nature of law, as it is derived from the law of nature. But if in any point it deflects from the law of nature, it is no longer a law but a perversion of law” (ibid., I-II., q.95, a.2, resp.)

If the recourse to the transcendental eternal law of the Creator is not taken, we have a choice between the alternatives: either having no ontological foundation at all for the contents of the legal order and accepting as valid every positive order that can compel submission; or erecting the intramundane elements, such as instincts, desires, wants, secular reason, the will to power, the survival of the fittest, etc., into absolutes.

[Pope Pius XI, Encyclical *Mit brennender Sorge*]

Natural law is written by the Creator's hand on the tablet of the human heart (see Rom. 2:14). Therefore, human “reason, not blinded by sin or passion, can easily read it. It is in the light of the commands of this natural law, that all positive law, whoever be the lawgiver, can be gauged in its moral content, and hence, in the authority it wields over conscience.

Human laws in flagrant contradiction with the natural law are vitiated with a taint which no force, no power can mend. In the light of this principle, one must judge the axiom, that "right is common utility," a proposition which may be given a correct significance; it means that what is morally indefensible, can never contribute to the good of the people.

But ancient paganism acknowledged that the axiom, to be entirely true, must be reversed and be made to say: "Nothing can be useful, if it is not at the same time morally good" (Cicero, *De Off.* 2, 30).

Emancipated from this moral rule, the principle would in international law carry a perpetual state of war between nations; for it ignores in national life, by confusion of right and utility, the basic fact that man as a person possesses rights he holds from God, and which any collectivity must protect against denial, suppression or neglect. To overlook this truth is to forget that the real common good ultimately takes its measure from man's nature, which balances personal rights and social obligations, and from the purpose of society, established for the benefit of human nature.

Society, was intended by the Creator for the full development of individual possibilities, and for the social benefits, which by a give and take process, everyone can claim for his own sake and that of others. Higher and more general values, which collectivity alone can provide, also derive from the Creator for the good of man, and for the full development, natural and supernatural, and the realization of his perfection. To neglect this order is to

shake the pillars on which society rests, and to compromise social tranquillity, security and existence.” (Pope Pius XI, Encyclical *Mit brennender Sorge*, March 14, 1937).

We can ask: How is the good of the individual person related to the common good?

[Pope Pius XII]

Man as an individual, as a part of the whole, is subordinate to the state; but as a person, a spiritual being with an eternal end, he is superior to the state. The common good is only a good if it helps the members of society achieve their legitimate temporal goods and eternal end. The proper meaning of the common good consists in the implementation of normal and stable public conditions, so that both individuals and families, with the correct use of their powers, can easily lead a worthy and happy life, a life according to God’s law — [This] is the goal and the norm of the state and its organs.” (Pope Pius XII, *Address to the Patriciate and the Roman Nobility*, January 8, 1947).

The power of the civil authority is not unlimited “It is not an oppressive omnipotence of any legitimate autonomy. . . . Neither the individual nor the family should be absorbed by the state.” (Pope Pius XII, *Address to the Participants in the Eighth International Congress of Administrative Sciences*, August 5, 1950).

In modern times we assisted a kind of a deification of civil authority, of the state, with its most adverse consequence, which is totalitarianism:

“It gives civil power an undue extension, determines and fixes in content and form all fields of activity, and in this way compresses all legitimate proper life — personal, local, and professional — into a mechanical unity or collectivity, under the imprint of nation, race, or class.” (Pope Pius XII, *Address to the Tribunal of the Sacra Romana Rota*, October 2, 1945).

What are the duties of citizens toward civil authorities? They must:

1. Love their country, and particularly their local community;
2. Respect all civil authority;
3. Pray for those in public office;
4. Obey all just laws;
5. Contribute to the taxes of the state;
6. Exercise political rights conscientiously.

And what are the duties of civil authorities to those whom they govern? They are the following:

1. Make and enforce laws protecting the rights of citizens at all stages of life, from conception to natural death;
2. Serve the greatness and material prosperity of the country;
3. Appoint honest and capable officials;
4. Safeguard public safety;
5. Protect and promote public morality.

Prior to political authority there is the paternal and maternal authority in the family.

[Pope Leo XIII:]

“The family has at least equal rights with the state in the choice and pursuit of the things needful to its preservation and its just liberty. . . . Inasmuch as the domestic household is antecedent, as well in idea as in fact, to the gathering of men into a community, the family must necessarily have rights and duties which are prior to those of the community, and founded more immediately in nature“ (Pope Leo XIII, Encyclical *Rerum Novarum*, 13).

The political authority may not “intrude into and exercise intimate control over the family and the household. . . . Paternal authority can be neither abolished nor absorbed by the state; for it has the same source as human life itself” (Pope Leo XIII, Encyclical *Rerum Novarum*, 14).

What should we do when two laws appear to conflict?

The higher law takes precedence, e.g., natural law takes precedence over positive law, divine law takes precedence over human law. There exist cases where a human law should not be followed. If a law is made that exceeds the jurisdiction of the legislator, gravely threatens the common good, or contradicts natural law or divine law, it is an act of violence rather than a true law. It is null and void and need not be followed. (see St. Thomas Aquinas, ST, I-II, q. 93, a. 3, rep. 2; q. 96, a. 4, rep. 2 and 3.)

Here arises the question: May we ever refuse obedience to civil or ecclesiastical authorities?

Yes. As with all unjust laws, one may refuse obedience to any superior when they demand something opposed to natural or divine law, as grasped by a properly formed conscience.

What is then conscience?

England became renowned through two teachers on conscience, i.e., Thomas More and John Henry Newman. Thomas More stresses its communal nature. Thomas More was, after all, imprisoned precisely because he could not, in good conscience, swear allegiance to Henry VIII's oath.

[*Gaudium et Spes*, Dec. 7, 1965]

“The life and martyrdom of Saint Thomas More have been the source of a message which spans the centuries and which speaks to people everywhere of the inalienable dignity of the human conscience, which, as the Second Vatican Council reminds us, is "the most intimate centre and sanctuary of a person, in which he or she is alone with God, whose voice echoes within them" (*Gaudium et Spes*, 16).

[Pope John Paul II:]

Whenever men or women heed the call of truth, their conscience then guides their actions reliably towards good. Precisely because of the witness which he bore, even at the price of his life, to the primacy of truth over power, Saint Thomas More is venerated as an imperishable example of moral integrity. And even outside the Church, particularly among those with responsibility for the destinies of peoples, he is acknowledged as a source of inspiration for a political system which has as its supreme goal the service of the human person.” (Pope John Paul II, *Apostolic Letter issued motu proprio Proclaiming Saint Thomas More Patron of Statesmen and Politicians*, October 31, 2000)

“What enlightened his conscience was the sense that man cannot be sundered from God, nor politics from morality. As I have already had occasion to say, "man is created by God, and therefore human rights have their origin in God, are based upon the design of creation and form part of the plan of redemption. One might even dare to say that the rights of man are also the rights of God" (Speech, 7 April 1998).” (Pope John Paul II, *Apostolic Letter issued motu proprio Proclaiming Saint Thomas More Patron of Statesmen and Politicians*, October 31, 2000)

“The life of Saint Thomas More clearly illustrates a fundamental truth of political ethics. The defence of the Church's freedom from unwarranted interference by the State is at the same time a defence, in the name of the primacy of conscience, of the individual's freedom vis-à-vis political power. Here we find the basic principle of every civil order consonant with human nature.” (ibid.)

In contrast to the modern claim that the individual can create his own moral values, Thomas More saw the “formation of conscience” as “the fruit” of an education “in the truth.” Far from being the arbitrator and creator of its own moral order, the human conscience is in need of conforming to the truth. For More, the formation of conscience is the result of a long process in which one discovers a pre-existing created moral order.

Nothing underscores the profound differences between More’s and the modernist’s understanding of conscience more than this fact: Whereas modern thought views the individual’s conscience as being above all other authorities, More’s conscience testifies to the superiority of the church’s authority to his king’s. More’s refusal to take Henry’s oath was not an act of civil disobedience but, rather, of obedience to truth and thus, in his view, an act of “genuine liberty.”

Thomas More, the great English scholar and statesman, is admired by believers and non-believers alike for the integrity with which he followed his conscience, even at the cost of displeasing the sovereign whose “good servant” he was, because he chose to serve God first.

In one of his last letters from the Tower Thomas More wrote to his daughter Margret:

“I know myself well worthy that God should let me slip, yet can I not but trust in his merciful goodness, that as his grace hath strengthened me hitherto, and made me content in my heart, to lose goods, lands and life too, rather than to swear against my conscience.”
(*The Last Letters of Thomas More*, p. 88)

John Henry Newman is called sometimes the “Doctor of Conscience”. Known is his lapidary expression about conscience as “the aboriginal vicar of Christ.” We quote from his Letter to the Duke of Norfolk. Where he writes:

“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” (From the *Letter to the Duke of Norfolk*).

Newman explained:

“Conscience, the existence of which we cannot deny, is a proof of the doctrine of a Moral Governor, which alone gives it a meaning and a scope; that is, the doctrine of a Judge and judgment to come is a development of the phenomenon of conscience.” (*An Essay on the Development of Christian Doctrine*)

In Newman's novel *Callista* there is a beautiful dialogue between the characters of the book which proves this concept. The passage indicates that Newman identifies conscience as the echo of God's voice, rather than God's voice itself:

"I feel that God is within my heart. I feel myself in His presence. He says to me: "Do this: don't do that!" You may tell me that this dictate is a mere law of my nature, as is to joy or to grieve. I cannot understand this. No, it is the echo of a person speaking to me. Nothing shall persuade me that it does not ultimately proceed from a person external to me. It carries with it its proof of its divine origin. My nature feels towards it as towards a person. When I obey it, I feel a satisfaction; when I disobey, a soreness — just like that which I feel in pleasing or offending some revered friend.

So you see, Polemo, I believe in what is more than a mere "something." I believe in what is more real to me than sun, moon, stars, and the fair earth, and the voice of friends. You will say: Who is He? Has He ever told you anything about Himself? Alas! No! The more's the pity! But I will not give up what I have because I have not more. An echo implies a voice; a voice a speaker. That speaker I love and I fear."

Our time is characterized by the phenomenon that man can manipulate his own conscience. In addition, the temptation to manipulate one's own conscience becomes greater when man's conduct is distorted and immoral. It is then that he tries to drown out his own conscience or uses it in the wrong way by defending himself against the truth, in defence of his own conduct.

John Henry Newman noticed this situation during his time:

"I observe that a civilized age is more exposed to subtle sins than a rude age. Why? For this simple reason, because it is more fertile in excuses and evasions. It can defend error, and hence can blind the eyes of those who have not very careful consciences. It can make error plausible; it can make vice look like virtue. It dignifies sin by fine names; it calls avarice proper care of one's family, or industry, it calls pride independence, it calls ambition greatness of mind; resentment it calls proper spirit and sense of honor, etc." (*Faith and Prejudice and Other Unpublished Sermons*, New York: Sheed and Ward, 1956, 68.)

"Conscience is a stern monitor," said Newman, "but in this century it has been superseded by a counterfeit, which the 18 centuries prior to it never heard of, and could not have mistaken for it, if they had. It is the right of self-will." (Letter to the Duke of Norfolk)

The false understanding of conscience was defined by John Henry Newman as self-will:

“In this age, with a large portion of the public, it is the very ... freedom of conscience to dispense with conscience, to ignore a Lawgiver and Judge, to be independent of unseen obligations...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...it is the right of self-will” (From the *Letter to the Duke of Norfolk*.)”

“When men advocate the rights of conscience, they in no sense mean the rights of the Creator, nor the duty to Him, in thought and deed, of the creature; but the right of thinking, speaking, writing, and acting, according to their judgment or their humour, without any thought of God at all. They do not even pretend to go by any moral rule, but ... demand ... for each to be his own master in all things...to profess what he pleases...” (ibd.).

When is it lawful to resist unjust or iniquitous laws? St. Thomas Aquinas said:

“Laws are 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 [that is, to God’s revealed commands]: and laws of this kind must nowise be observed” (I-II, q.96, a.4, resp.) a tyrannical law, not being according to reason, is not, absolutely speaking, a law, but rather a perversion of law” (S. th., I-II, 92, 1 ad 4).

[Pope Leo XIII:]

“The one only reason which men have for not obeying is when anything is demanded of them which is openly repugnant to the natural or the divine law, for it is equally unlawful to command to do anything in which the law of nature or the will of God is violated. If, therefore, it should happen to anyone to be compelled to prefer one or the other, viz., to disregard either the commands of God or those of rulers, he must obey Jesus Christ, who commands us to "give to Caesar the things that are Caesar's, and to God the things that are God's,"(18) and must reply courageously after the example of the Apostles: "We ought to obey God rather than men."(19)

And yet there is no reason why those who so behave themselves should be accused of refusing obedience; for, if the will of rulers is opposed to the will and the laws of God, they themselves exceed the bounds of their own power and pervert justice; nor can their authority then be valid, which, when there is no justice, is null.” (Pope Leo XIII, Encyclical *Diuturnum Illud*)

[Carlo Lancellotti]

The “politicization of reason is the absolutization of political authority, which is another definition of totalitarianism. Every aspect of reality is interpreted in terms of a political narrative, which becomes the interpretative key for all aspects of social life: law, education, medicine, the family. Society at all levels splits along political lines because “culture is entirely subordinate to politics” and “the idea of politics is subsumed within the idea of war.” (Carlo Lancellotti, *Augusto del Noce On The “New Totalitarianism”*: *Communio* 44 (Summer 2017), 327-328).

Pope Benedict XVI left us a luminous reflection about the nature and aim of an authentic political authority related to the objective rights and duties of conscience:

“For the fundamental issues of law, in which the dignity of man and of humanity is at stake, the majority principle is not enough: everyone in a position of responsibility must personally seek out the criteria to be followed when framing laws.

In the third century, the great theologian Origen provided the following explanation for the resistance of Christians to certain legal systems: “Suppose that a man were living among the Scythians, whose laws are contrary to the divine law, and was compelled to live among them ... such a man for the sake of the true law, though illegal among the Scythians, would rightly form associations with like-minded people contrary to the laws of the Scythians.” (*Contra Celsum*, I, 1)

This conviction was what motivated resistance movements to act against the Nazi regime and other totalitarian regimes, thereby doing a great service to justice and to humanity as a whole. For these people, it was indisputably evident that the law in force was actually unlawful. Yet when it comes to the decisions of a democratic politician, the question of what now corresponds to the law of truth, what is actually right and may be enacted as law, is less obvious. In terms of the underlying anthropological issues, what is right and may be given the force of law is in no way simply self-evident today. The question of how to recognize what is truly right and thus to serve justice when framing laws has never been simple, and today in view of the vast extent of our knowledge and our capacity, it has become still harder.” (Pope Benedict XVI, *Address, Visit to the Bundestag*, Berlin, September 22, 2011)

[Jack Valero:]

“In his dystopian 1932 novel *Brave New World*, Aldous Huxley described a society in which human beings were manufactured (to different standards: alpha, beta or gamma), lived permanently on drugs and were not allowed to think for themselves. Towards the end of the book, World Controller Mustapha Mond explains to the hero of the novel that he has locked away certain books as dangerous, because they make people think. He shows him spiritual and literary classics such as the Bible, Shakespeare and Thomas à Kempis’s *The Imitation of Christ*. But among them too are some writings of Cardinal Newman.

The Controller then starts quoting from Newman’s *Parochial and Plain Sermons*: “We are not our own any more than what we possess is our own. We did not make ourselves, we cannot be supreme over ourselves. We are not our own masters. We are God’s property. Is it not our happiness thus to view the matter? Is it any happiness or any comfort, to consider that we are our own?”

For the World Controller, such an appeal to a higher authority than his was dangerous. Indeed, Newman’s view that a Christian should be moved by an informed conscience to act according to a higher standard than that of the established order can be seen as profoundly subversive. Is a Christian a suitable person to hold public office? If Christians follow their well-formed and informed conscience, then they most certainly are the most suitable people to play a role in public life, and governments should snap them up for all sorts of roles. For such a Christian has a clear sense of right and wrong, of the good and the true. A man or woman concerned primarily about the judgment of conscience will be a far better public servant than one only moved by the judgment of the crowds.” (Jack Valero: *Catholic Herald*, September 19, 2019)

Indeed, on the right understanding and exercise of political authority related to the duties of conscience, depend the true wellbeing and happiness of the human person and human society.