

## The Primacy of Conscience

Brian Lewis

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**Abstract:** *This article seeks to defend the traditional notion of the primacy of conscience against the charges that it leads to relativism and exaggerated autonomy in morals. The author argues that the primacy of conscience is so intimately bound up with the very meaning of conscience as to be inseparable from it. In the light of scripture and tradition he considers conscience as personal judgment of moral quality in particular situations (situational conscience) and at a deeper level as the ground of personal being (foundational conscience). From each examination he draws out the implications for our understanding of the meaning and import of the primacy of conscience, which neither absolves us from the demands of truth nor undermines legitimate authority. On the contrary, it respects and underpins both.*

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**Key Words:** primacy of conscience; situational conscience; fundamental conscience; external moral authority; *anamnesis*

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**T**he principle of the primacy of conscience is deeply embedded in our western moral tradition. According to this principle, one must follow the sure judgment of conscience even when through no fault of one's own it is mistaken. St. Paul had occasion to address this issue in regard to what Christians should do about food that had been sacrificed to idols and was therefore thought taboo (1 Cor 8): 'Consider the man fortunate who can make his decision without going against his conscience. But anybody who eats in a state of doubt is condemned, because he is not in good faith' (Rom 14:22-23). The morality of what one does is thus for Paul essentially dependent on one's clear conviction of being right or 'in the truth'. In this he affirms the primacy of the person (and of conscience), even when he or she is objectively mistaken in good faith. The primacy of conscience is encapsulated in the traditional expression: Conscience is the immediate or proximate norm of morality.

It is sometimes claimed that this doctrine of the primacy of conscience is responsible for the shift towards relativism in morals and complete independence on the part of an increasing number of people today. It is true that many, including Catholics, believe that one is entitled to make up one's own mind without reference to any outside authority, either church or state and that one can do what one likes in matters of both faith and morals, provided the rights of others are not compromised. Many Catholics indeed seem to see religious participation in the Eucharist as a personal decision, not in any sense an obligation. Because of these distortions of the reality, it has even been suggested that the teaching on the primacy of conscience should quietly be ditched.<sup>1</sup>

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<sup>1</sup> On many occasions Cardinal Pell has spoken against the abuse of the 'mischievous doctrine of the primacy of conscience' and made no secret of his opinion that the principle should be scrapped (see Michael Whelan, 'Freedom, Conscience and Our Catholic Tradition' *The Mix* 10.6 (2005): 4-5; 2004 Fisher Lecture, University of Cambridge).

Such a reaction would seem to be a gross over-simplification. In the first place, it is not unreasonable to suggest that these views on morality are in very large measure due to cultural changes and other social factors. Our secularised society is marked by a growing disillusionment with established structures, both civil and ecclesial, and in consequence, with little reliable external guidance to rely on, a corresponding fallback on an exaggerated moral autonomy.

Secondly, even admitting that the misunderstanding of the primacy of conscience may have led some astray, one may be forgiven for thinking that the scrapping of a traditional moral principle because of distortions about it in the minds of some misinformed people runs the grave risk of throwing out the baby with the bathwater. Such misconceptions not only distort the proper understanding of the primacy of conscience but also in fact comprehensively destroy the very meaning of conscience itself, which most see as a reasoned judgment about what one should or should not do in a particular set of circumstances. A more reasonable solution both pastorally and theologically would surely be, as Vatican II, Pope John Paul II and Pope Benedict XVI have done, to clean up the distortions and let the principle shine forth in full clarity. It is necessary to recall what conscience means, as conscience is a complex reality, functioning on two levels. We will consider each level in order to see what the primacy of conscience implies at each level.

#### ACTUAL OR SITUATIONAL CONSCIENCE

At the first level conscience is a personal act of judgment about a particular course of action that has been done or, more to the point in this context, that one is contemplating doing. It is the application of what one knows to the moral evaluation of a particular act, bringing to bear on it one's personal and religious values, the convictions one has about what is right or wrong and the experience one has gained in life about what usually results in similar situations. The judgment of conscience, therefore, is by no stretch of the imagination open slather, the freedom to do just what I like. Quite the contrary. It engages the person in the search to find the right answer, to ensure that the judgment one arrives at is as far as possible in accord with objective truth. Vatican II says, 'The more a correct conscience holds sway, the more persons and groups turn aside from blind choices and strive to be guided by objective norms of morality' (*Gaudium et Spes* 16). Pope John Paul II put it even more strongly, 'the maturity and responsibility of these judgments – and, when all is said and done, of the individual who is their subject – are not measured by the liberation of conscience from objective truth, in favour of an alleged autonomy in personal decisions, but, on the contrary, by an insistent search for truth and by allowing oneself to be guided by that truth in one's actions' (*Veritatis Splendor* 61:2).

And once the final judgment has been made it becomes a *command* conscience, addressing its dictate to the whole person and obliging the person to act according to it. What characterises the human person is not the question 'what can I do?' but 'what should I do?' Vatican II again stressed the point that all 'are bound to seek the truth, especially in what concerns God and the Church, and to embrace the truth they have come to know, and to hold fast to it'. The document then goes on to say that 'it is upon the human conscience that these obligations fall and exert their binding force' (*Dignitatis Humanae* 1).

The primacy of conscience, therefore, does not mean and has never meant liberation from objective truth. However, no objective formulation of truth or moral law coming from outside can take the place of conscience, because it is through the mediation of conscience that one 'perceives and acknowledges the imperative of the divine law. In all

one's activity one is bound to follow one's conscience faithfully', in order to 'come to God, for whom we were created' (DH 3).

Because it is an exercise of human reason, conscience is fragile and fallible. Lack of a moral sense, false ideas, prejudices, social pressures, or just sheer negligence can lead to errors of judgment. Conscience is said to be right or correct when it is in accord with objective truth. When there is disaccord between the two it is called erroneous. Although it is beyond question that conscience ought as far as possible to be in harmony with objective truth, the morality of our actions in actual situations made known to us *according as it is judged by our conscience*, that is, as personalised and interiorised. Conscience has to discover the sweetness as well as the force of truth.

Traditionally, this is expressed by speaking of conscience as the proximate norm, the ultimate and supreme subjective measure of the goodness or evil of what we do.<sup>2</sup> This means that a correct conscience always obliges us to follow it. But it also means that, even if, because of unavoidable lack of knowledge, our conscience is erroneous, it still remains the immediate norm or measure of the morality of our action and must be followed. St. Thomas Aquinas supports what he says on this point by a couple of rather startling illustrations. Not to have extramarital sex, he says, can be mistakenly seen as a bad thing. In this case one does wrong in refraining because one would then be prepared to choose what is seen as evil. For the same reason it would be wrong for someone to believe in Jesus Christ when this is erroneously apprehended as a bad thing. In doing so in either case, according to St. Thomas and the tradition of the Church, one would commit sin.<sup>3</sup> As George Lobo says, 'these examples show that the primacy of conscience as the subjective norm of morality is an age old principle in the Church. It might have been obscured in practice by authoritarianism, but it has never been denied.'<sup>4</sup>

The teaching of the primacy of conscience, rightly understood, upholds and defends the inviolable sanctity and unassailable dignity of personal conscience. Vatican II proclaimed: 'The gospel has a sacred reverence for the dignity of conscience and its freedom of choice' (GS 41), and this is so even though its judgment may be wrong. The same document had already stated: 'Conscience frequently errs from invincible ignorance without losing its dignity' (GS 16). It does not lose it because its dignity is not first and foremost the dignity of conformity with law or external reality, but that dignity proper to the human person, namely to engage freely in a sincere search for what is right and good. Only when this personal dignity is lost does conscience lose its dignity. However the Council went on to affirm: 'The same cannot be said of one who cares but little for the search for truth and goodness, or of a conscience which by degrees grows practically sightless as a result of a habit of sin'.

Although we may be free of sin in following the judgment of conscience in regard to the performance of a particular act, there remains the possibility of guilt at a deeper level of our being. For this reason it is important to consider the meaning of conscience at this deeper, though intimately connected, level and to show the implications of this for understanding the primacy of conscience.

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<sup>2</sup> Cf. Richard M. Gula, 'Conscience', in Bernard Hoose (ed.), *Christian Ethics*, (London: Cassall, 1998), 114; George V. Lobo, *Christian Living according to Vatican II* (Bangalore: Theological Publications in India, 1980), 335-339.

<sup>3</sup> *Summa Theologiae* I-II, I9, 5.

<sup>4</sup> Lobo, *Christian Living*, 336.

## HABITUAL OR FUNDAMENTAL CONSCIENCE

There is a danger that conscience understood as the judgment of reason about a particular issue be isolated from the rest of the person acting, especially from the inner depths of the person. This is precisely what happened when the followers of St. Thomas Aquinas misinterpreted his teaching. The legalism that resulted continued in the Church up to the Second Vatican Council. Today it is realised that conscience must be seen in a much broader context. There is a deeper level that grounds conscience in the very being of the human person and underpins particular decisions about right and wrong, good and bad. This deeper level is called habitual or fundamental conscience. This development in moral theology has recaptured the thrust of Biblical Revelation and the teaching of Tradition.

### *Scripture*

It is interesting to note that the word 'conscience' is hardly known in the Hebrew Scriptures or in the Gospels, with the possible exception of the Book of Wisdom, written in the century before Christ in Alexandria and therefore influenced by Greek thought. The reality, however, of what we understand today by conscience in its full and fundamental sense is expressed in the Bible in the appropriate image of the 'heart.'<sup>5</sup> The heart is the very seat of the morality of the person, the symbol of the inmost depth of the personality. All human conduct has its source in the decisions of the heart, where God's word is heard. So the heart is the seat both of conversion to God or turning away from God, as in the challenge: 'O that today you would listen to God's voice, harden not your heart' (Psalm 94:7-8).

The Gospels prolong and deepen the theme of the heart. A rapid perusal of the Gospels makes this abundantly clear. In many passages the heart is depicted as the seat both of purity and of good and evil, in thought, word and deed, 'for it is from within, from the heart, that evil intentions emerge' (Mark 7:21) and 'a man's words flow out of what fills his heart' (Luke 6:45). The heart is an appropriate symbol for the inner depths of the personality, showing that conscience in this profound sense is at the very centre of evangelical morality.

St. Paul especially developed the notion of conscience (*syneidesis*), using the categories derived from the Greek culture of his upbringing. In doing so, not only did he give us a definitive name for the reality expressed in the Old Testament and in the teachings of Jesus, but also spoke of the need to cultivate this living witness, advocate and judge in the human heart. In general Paul saw conscience not only as the practical judgment of the morality of a particular action but also as inner awareness of moral values necessarily presupposed as the foundation of such a judgment. In fact, Paul was more concerned with conscience as 'awareness' or 'consciousness' of moral value, although in the well-known passage in Romans 2:14f he describes both the nature and the functioning of conscience in all human persons. Of course, for Paul what was most important was Christian conscience, which he saw as intimately bound up with faith. For him there is a kind of identification between faith and conscience as consciousness of and capacity for living a new life in Christ under the guidance of the Holy Spirit and in the service of love.

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<sup>5</sup> For the following summary of scriptural and patristic teaching I rely particularly on Jean Aubert, 'Conscience e Loi' in B. Lauret and F. Refoulé (eds.), *Initiation à la pratique de la théologie*, tome 1V (Paris: Éditions du Cerf, 1984), 204-208.

### Tradition

In broad terms it may be said that the early Church maintained with various nuances the biblical tradition of the two levels of conscience. Origen particularly highlighted the central importance of fundamental conscience as the inner sanctum from which the whole religious and moral life of the Christian emanates. On his part St. Jerome described conscience as an interior spirit and light in the soul. But it was St. Augustine who excelled in depicting this fundamental character of conscience as the core and interior centre of the person. Indeed for him it may be said that the person *is* his/her conscience.

This unbroken tradition is beautifully encapsulated in Vatican II's *Gaudium et Spes*, which speaks of conscience at its deepest level as the 'inner core and sanctuary' of the human person, where one is alone with God, whose voice echoes in one's depths', and where 'in a wonderful manner conscience reveals that law which is fulfilled by the love of God and neighbour'. This law, which the person discovers in the depths of conscience, is 'always summoning us to love and do good and avoid evil' (GS n.16). As St. Augustine says, 'We could never judge that one thing is better than another if a basic understanding of the good had not already been instilled in us'.

### Synderesis

The mediaeval schoolmen for the most part reserved the word 'conscience' (*syneidesis*) for the second level, which we considered earlier. St. Thomas Aquinas, in particular, kept the word 'conscience' for the judgment of reason about the moral quality of a concrete action to be done or avoided. He did not, however, overlook the role played in the moral life by what we have called fundamental conscience but preferred to call it by a different name (*synderesis*), which he mistakenly thought came from St. Jerome.<sup>6</sup> Aquinas saw *synderesis* as part of our humanness, an innate orientation towards good and away from evil bestowed upon us by our Creator together with reason. It is the habitual and permanent consciousness of the fundamental moral principles: 'love and do good', 'shun evil', 'respect human life and property', 'seek truth', etc., that must guide the judgments of actual conscience in particular situations. It therefore forms the very foundation of moral life.

### Anamnesis and the Primacy of Conscience

A fruitful insight into the meaning of fundamental conscience, and one more in harmony with the biblical and patristic tradition, is offered by the concept of *anamnesis* ('memorial' or 'memory').<sup>7</sup> The inner law there discovered is a sort of original memory of the good and the true implanted in the depths of our being by our Creator, in whose image we are made and towards whom we are drawn. It is not a memory that we can put into words. It is so to speak an inner sense, an abiding capacity to recall, that is triggered by something that crops up in our experience and either strikes a responsive chord within us or clashes with us. If we have not stifled and deadened this memory we hear its echo within us. It is like a

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<sup>6</sup> Aquinas, however, conceded that the word 'conscience' can also be used to refer to the basic awareness of moral values in the depths of the person (*Summa Theologiae*, Ia, 79, 13). The term 'synderesis' is not found in the Greek vocabulary and was probably due to a scribe's misreading of 'syneidesis' in St. Jerome's commentary on Ezekiel.

<sup>7</sup> This suggestion was made by the present Pope in a lecture entitled *Conscience and Truth*, which was given as Cardinal Joseph Ratzinger to American bishops in Dallas in 1991 (provided courtesy of Eternal Word Television Network, Irondale, AL 35210).

bright light suddenly turned on in a darkened room, enabling us to recognise what we experience as the good, the truth, our inner being and seeks.

From this insight an important consequence follows for our understanding of the primacy of conscience. In order to be brought into conscious awareness, the original memory instilled in our being by our Creator needs to be jogged. It needs assistance from outside ourselves for it to be sparked and triggered. This assistance from without is not a high-handed imposition without reference to what is already within. Rather it encounters a prior basic grasp of the essential constants of the will of God, written down in the commandments but to be found in all cultures and awaiting elucidation. 'It brings to fruition what is proper to anamnesis (memory), namely its interior openness to truth.'<sup>8</sup>

When we consider fundamental conscience in the Christian context, a further dimension of memory, developed especially in the Johannine writings, is that the new identity of the many made one in the Body of Christ brings with it the anamnesis of the new 'we'. John Gospel says in a number of places that in remembering Jesus the disciples *knew* him, as they did on the road to Emmaus. What the disciples received in their original encounter with the Lord is what all Christians receive in their incorporation into Christ in baptism and the eucharist, namely the new Christian memory of faith, which, like the anamnesis of creation, unfolds through a constant interaction between the word within and the word from without.

This Christian memory is not factual knowledge, but, stemming from sacramental oneness with Christ, it is enabled to distinguish from within itself what is a genuine unfolding of its (collective) recollection of the apostolic word from what is its destruction or falsification. In the Church the discernment, spoken of by Paul, of the way to follow Christ in our contemporary world depends more on the power of memory of the apostolic word in simple faith than on the direction of the hierarchy. The teaching role of the pope and bishops is not to impose highhandedly from without but to be the advocate of the Christian memory, to illuminate, expand and defend it in service to the double memory upon which faith rests.<sup>9</sup>

Cardinal Ratzinger recalls the signal contribution John Henry Newman made in his life and work to the question of conscience and the famous sentence in his letter to the Duke of Norfolk: 'Certainly, if I am obliged to bring religion into after-dinner toasts (which indeed does not seem quite the thing), I shall drink – to the Pope, if you please, – still to conscience first and to the Pope afterwards'. Against the prevailing opinions of the time Newman wanted to make no bones about his avowal of the authority of the pope whilst at the same time making it clear that the papacy can only be rightly understood 'not put in opposition to the primacy of conscience but based on it and guaranteeing it.'<sup>10</sup> The toast to conscience must indeed have primacy over the toast to the Pope because without conscience there would not be a papacy. All power that comes from without, whether civil or ecclesiastical, is power of conscience and exists for the sake of conscience.

This approach to the primacy of conscience is inconceivable for those who see conscience as mere subjective conviction and the subsequent absence of doubts and scruples. Conscience does not mean liberation from the demands of truth. As has been said above, one is bound to follow even an erroneous conscience. It is wrong to act against one's beliefs and convictions, but it can be wrong to have arrived at these beliefs and convictions in the first place, by having blanked out the anamnesis of the truth placed deep

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<sup>8</sup> Ratzinger, *Conscience and Truth*, 9.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid, 5

in our being by our Creator. The guilt lies, in the case of gangland killers perhaps, or Hitler or Himmler or Stalin, not in the actual judgment of conscience that killing is morally indifferent, but in closing oneself, no doubt over a long period of time, against the overtures of truth within one's heart. 'Certainly, one must follow an erroneous conscience. But the departure from truth which took place beforehand and now takes its revenge is the actual guilt which first lulls man into false security and then abandons him in the trackless waste.'<sup>11</sup>

The primacy of conscience does not mean then that the subject is made the standard over against the claims of truth. Rather 'conscience signifies the perceptible and demanding presence of the voice of truth in the subject himself. It is the overcoming of mere subjectivity in the encounter of the interiority of man with the truth of God.'<sup>12</sup> It is a 'co-knowing' with the truth. The primacy of conscience is thus necessarily linked to the prior centrality of truth in the depths of the person and can be understood only from this vantage point. 'We give primacy to conscience', says Richard Gula, 'and regard the moral claims of conscience as absolutely binding, because in conscience is where we meet God's Spirit leading us.'<sup>13</sup>

Ultimately the assistance that comes from without is to serve the original memory of the truth the Creator has planted in the depths of our being, which awaits and fully blossoms in the larger Christian memory centred on the truth in person, Jesus who is the way, the truth and the life.

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<sup>11</sup> Ibid, 4.

<sup>12</sup> Ibid, 5.

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