

Would It Be Right?

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WE have in England what we call “case law,” which means that what has been decided to be just and proper in certain circumstances is thereafter cited and applied in other similar cases. Why, then, should the word “casuist” have acquired an evil sound in current speech, so that it is considered as synonymous with “sophist,” or “quibbler”? A “casuist” properly means one who considers and discusses the application of the moral law to particular circumstances where there are conflicting, or apparently conflicting, obligations.

Some people will wish to brush all such discussions aside, maintaining that they are necessarily quibbles. “Everyone knows,” they will say, “the difference between right and wrong; that there are certain things that must be done and certain things that we must never do.” It is perfectly true that human nature, as God has made it, is endowed with an aptitude, which theologians call *synderesis*, for forming certain judgements of a general kind, such as that “good is to be done and evil avoided,” that “justice is to be observed,” that “we should not do to others what we should not wish to have done to ourselves.” Yet is there any man who has not at one time or another said to himself, “I wonder what I ought to do?” and this not because he does not know that, say, murder or lying is wrong, but because he is not clear whether in certain particular circumstances the taking of human life is murder, or the use of certain words a lie. Is it murder for an executioner to hang a murderer or to shoot a spy? Is it lying to say “not at home” when an unwelcome visitor calls? Even those who have no higher ideals than the glorification of their race, or the honour which exists among thieves, must sometimes be in doubt about how their code applies in particular cases.

Now it is proverbial that no man is a good judge in his own case, simply because in any matter that directly affects himself he is an interested party. There is always a course that he would like to follow, and the desire to follow it may incline him to judge it to be the right course. The casuist, therefore, is one who sits down to consider, calmly and dispassionately, a number of hypothetical cases, cases, consequently, in which his personal feelings and desires are not involved, and decides, not just haphazard or by “mere common sense,” but in the light of certain definite principles, known by the light of reason and by divine revelation, how the moral law applies in these cases, how therefore a man ought to act in similar or parallel circumstances.

What follows is an attempt to explain Catholic teaching on conscience and to set forth some of the leading principles on which Catholic theologians solve these “cases of conscience,” as they are called, so as to help the reader to form an upright conscience, and to act in accordance with its dictates in the various circumstances in which moral issues present themselves from day to day.

THE NORM, OR STANDARD OF MORALITY.

The ultimate norm of morality, the final and absolute standard by which an act is to be judged good or bad, is the divine Goodness. But the proximate norm of morality, the immediate standard, which decides whether an act I am here and now to do is good or bad, is my own conscience. Conscience

is a part of the rational nature God has given us; it is defined as: A dictate, or practical judgement of the reason, telling us that this particular act is lawful and that therefore we must (or may) do it, or that it is unlawful and therefore we must leave it undone. And the primary principle we must lay down is this:

Conscience is so absolutely the rule of human actions that we can never lawfully act in a manner contrary to what it commands or forbids.

In order to explain this principle, and to enable us to formulate further principles, let us first see how Saint Paul deals with a matter, which was a burning question in the early Church; for though it has now no more than an historical interest for us, the principles on which he insists are of permanent application.

The question was this: Were converts to the faith of Christ under any obligation to observe the prescriptions of the Jewish law in such matters as clean and unclean foods? And it had been agreed at the first Council of the Church, held in Jerusalem, that converts from non-Jewish nations should not be bound to observe the distinctions between clean and unclean foods with certain exceptions, such as abstaining from things offered to idols, lest this should seem to be participating in pagan sacrifices. Saint Paul in the First Epistle to the Corinthians declares his own opinion that, since an idol is nothing, there could be no harm in eating meat that had been offered to an idol and was afterwards sold for food in the markets, but even so he advises them that it would be better to abstain if there were any danger of scandalizing weaker brethren, that is, of leading them to act against their consciences. For some of the converts from Judaism were weak in faith, in the sense that even when they had accepted the faith of Christ they could not shake off the habits of a lifetime, sanctioned by immemorial tradition, so that their conscience was still uneasy if they ate food regarded by other Jews as unclean. And so the Apostle, in the Epistle to the Romans, while insisting that nothing is of itself unclean, says that “to him that esteems anything ‘unclean’, to him it is unclean,” and that “he that discerns (that is. he who makes distinctions between clean and unclean foods) if he eat is condemned, because not of faith, for all that is not of faith is sin.”

“Faith” in this context, it must be noted, does not mean the theological virtue “by which we believe without doubting whatever God has revealed,” but what we term “good faith.” The modern equivalent of the Apostle’s words would be: “everything that is not done in good faith is sinful.” And the converse is equally true, that nothing done in good faith can be formally sinful, a deliberate defiance of God’s law. For conscience is the means, and the only means we have, by which to judge what the law of God commands or forbids us here and now, so that if we act in accordance with what our conscience tells us we ought to do or may do, we are doing what we judge is commanded, or at least not forbidden, by God, even though we learn afterwards that our judgement was incorrect and that the action was objectively wrong.

This leads us to our next fundamental principle, which is this:

A certain conscience, and only a certain conscience, is a legitimate standard for action.

This means that not only is it wrong to act against the judgement of our conscience; it is wrong also to act at all while our conscience is doubtful, while we are still undecided that this particular action is lawful for us. If I say to myself: “Today, I remember, is not a day of obligation,” and then do not go to Mass, I am acting with a certain conscience. If I say: “I am not sure whether today is a day of obligation or not,” and then, without inquiring, or trying to recall what I did last year, do not go, I am acting with a doubtful conscience and therefore wrongly.

It is surprising how many people seem to be ignorant of this elementary truth; yet a simple example should serve to make it clear. I have a bottle containing a red liquid, which I know may be wine or may be a powerful poison. If I take a drink from the bottle, or give someone else a drink from it, without first trying to find out whether it contains poison or not, it is clear that I am prepared to take my own life or the other person's, even though the result is that I do not.

Again and again, people will come to a priest and say:

"Was it a day of obligation last Thursday?"

and if he says "No,"

they will breathe a sigh of relief and say, "Oh, then I was all right."

Of course, if they took steps to inquire, or searched their memories and came to the conclusion that it was not a day of obligation, then they committed no sin. But if they took no steps to make up their minds one way or another and just stayed away from Mass, they sinned whether it was actually a day of obligation or not. To ask a priest, or for that matter anyone whom we look upon as prudent and reliable, whether such and such a course of action is right, is one of the best ways of arriving at a moral certainty, a point we shall return to later; but to ask after we have acted cannot alter the morality of what we have already done, though it may serve as a guide for action in similar cases in the future. The only answer to the question: "Did I sin in this case?" is, "It all depends on whether you made up your mind as best you could that your action was lawful before you did it. If so, you did not sin." Though one might find it necessary to add: "As a matter of fact, your action in itself was wrong and another time you must follow a different course."

From this, another important point becomes clear: that a certain conscience is not the same thing as a true conscience, nor a doubtful conscience the same thing as one that is erroneous (or false).

THE TRUE AND THE FALSE CONSCIENCE.

The Hindu widow considers herself obliged to immolate herself on her husband's funeral pyre. So firmly is — or at any rate till recently was — the custom of the suttee established in India that a woman may be certain in conscience that this is her duty. Nevertheless, her conscience is wholly erroneous. Her act is objectively an act of suicide, neither more nor less.

In times and places where duelling has been, or still is, sanctioned by public opinion, although always condemned by the Church, a man might feel bound in conscience to issue or to accept a challenge, for the preservation of his own honour or that of his family; yet objectively by so doing he would be preparing to commit murder or suicide, or possibly both. He has a false conscience in the matter.

These examples may be of only speculative interest; but exactly the same is true in such matters as divorce, birth-prevention, and certain practices of the business world, on which many people now have formed a conscience, which may by now (at least among non-Catholics) be certain but is none the less false.

Certainty or uncertainty of conscience relates to my own state of mind: I am inwardly convinced, or am not convinced, that this particular action is lawful for me. Truth or falsity of conscience relates to the correspondence, or non-correspondence, of my ideas of what is right with the absolute standard of morality, the ultimate norm, as we called it, which is the divine Goodness, the Will of God.

Now a man's conscience may be erroneous in either of two ways: it may be scrupulous or it may be lax.

A scrupulous conscience is one that without any reason, or for futile reasons, sees sin in every action, magnifies small and only half-voluntary faults into mortal sins, and imagines that a sin is being committed when it experiences a temptation to sin with the incipient and actually involuntary pleasure that may arise simultaneously with temptation. A lax conscience, on the other hand, is one that minimizes obligations and readily judges that to be only venially wrong which is actually a grave sin.

We have been saying, and must repeat, that we are always bound to follow our conscience; and that this applies even to an erroneous conscience. But this is true only so long as we do not realize, or at least suspect, that our conscience is erroneous and consequently are unable to correct it.

The clock on my mantelpiece is the only means by which I can now tell what the time is, and if I go down to my dinner when the hands point to one o'clock, I am not voluntarily guilty of unpunctuality. I have only one pair of scales in my shop and I am not deliberately giving short-weight if I give the amount, which tips the scale. But this is true only so long as I do not know, or at least suspect, that my clock is wrong or my scales out of order. Immediately I realize this I must take steps to get my clock put right or my weighing machine rectified; and if I fail to do so, I at once become guilty of unpunctuality or of dishonest trading.

In precisely the same way, I am bound to follow my own conscience because it is the instrument, and the only instrument I have, which registers the lawfulness or unlawfulness of an action to be done by me here and now; but as soon as I realize, or at least suspect, that this instrument is out of order and is registering incorrect moral judgements, there rests on me the obligation of correcting my conscience, so that it conforms with the absolute standard and registers judgements that are objectively true.

How does anyone's conscience become erroneous, and how is it to be corrected?

These are questions, which it is difficult to answer briefly; but, speaking generally it may be said that, (apart from cases where they are a special trial, a special temptation of the devil permitted by God in order that the soul may learn patience, humility, and submission,) scruples are ordinarily the effect of a natural temperament with a tendency to melancholy and to too much introspection, or of a morbid state of the nervous system. They are a psychological disease, or infirmity, resulting often from some kind of physical ill-health. If this is the case, the remedy is to be sought through an improvement in health, about which it may be prudent to consult a doctor. A rest, a holiday with a change of scene, games, hobbies or any reasonable kind of recreation may of themselves effect a cure, or at least a great improvement.

But so long as the condition lasts, whatever may be its cause, the only remedies are, firstly, to recall constantly God's love of us and care for us, and Our Lord's assurance that His yoke is sweet and His burden light, and secondly, to practise humility in submitting our judgement to that of others. Not only should we readily accept the judgement of any confessor on the particular matters, which we submit to him; we should be ready to accept as correct the standards of friends whom we esteem as good Christians and upright characters. If they regard as free from blame and free from danger certain things about which we hesitate and fear, we should have the humility to accept their judgement as the correct one, and to admit that if our view differs from theirs, then it is we who are mistaken.

An erroneous conscience, on the other hand, is often the result of a defective religious and moral education, of the bad surroundings in which a child may be brought up, or into which a young man or woman may drift, or be forced by circumstances. Wrong principles are instilled, and become more deeply rooted as a result of much that is read uncritically, heard on the wireless, or seen on the films. Lacking faith, or at any rate a firm grasp on it, a young man or girl tends to accept the opinions and standards of his or her circle of friends, or of writers in the popular press, without stopping to consider whether these opinions and standards are reconcilable with the doctrine and law of Christ, or even whether they are in any sense reasonable and consistent with one another. In addition, the force of passion, anger, fear, greed, sensuality, or whatever it may be inclines us to regard as permissible that which we vehemently desire to do, while long-formed habits of sin tend to deaden the sense of remorse and to take away all that horror of sin which was, perhaps, once felt.

The first necessity, therefore, for the cure of an erroneous conscience is an adequate knowledge of our faith, and of the rational arguments by which it is defended; of the life and teaching of Our Lord as recorded in the Gospels; of the practice of the Saints, and of the authoritative expositions of Catholic doctrine and moral principles such as are given us in the Encyclicals of the Popes and the pastoral letters of our bishops. Ignorance of Catholic doctrine cannot be an excuse in anyone claiming the name of Catholic: it is in itself culpable. We cannot defend ourselves by saying: "Everyone does it nowadays, and I can't see that it's wrong." "Everyone" generally means no more than "my own little circle of friends," or "the more vocal and self-advertising members of a society which has, on its own admission, abandoned Christian faith and, as a natural sequel, Christian morals." And a Catholic can "see that it's wrong," if he sees that what others, even many others, practise is in direct opposition to the teaching of the Church. The Church, he knows, was founded by God made Man to teach infallibly not only what we must believe, but also what we must do if we are to attain our final happiness, which is in God.

Even one who is without faith can, if he uses his reason rightly and thinks things out to their logical conclusions, see that such things as we have instanced — divorce, the use of contraceptives, and the rest — however profitable or pleasurable in the short run, are ultimately destructive of human society, and consequently in themselves wrong.

To sum up what has already been said. Objectively, that is relatively to the final standard of morality, my conscience is true when its judgements accord with that standard, and false when they differ from it (scrupulous and lax are but different forms of the false conscience). Subjectively, that is, as regards my own state of mind, my conscience is certain that what I am doing is lawful, or it is doubtful. The complete and perfect standard for action here and now is, therefore, a right conscience, which means one that is both true by the final standard and certain that an action is lawful before it is carried out.

The important question that now remains to be discussed is: How can I arrive at this certainty that, by acting in this manner here and now rather than that, I shall be acting rightly?

PRUDENT CERTAINTY OF CONSCIENCE.

Someone will at once say: "But surely in some cases, I can't be quite certain that my action is really the right one? "If you mean by "quite certain/" only the kind of certainty that you have, say, that "two and two make four", of that "if you put your hand into boiling water it will be scalded", then it must be granted that in some cases you cannot be "quite certain". But before acting you not only can be, but must be "quite certain," with what is called a moral, practical, or, let us say, a prudent

certainty. This last term will perhaps best serve our purpose here, because we have all along been speaking of “moral” acts, and to use the word again may cause confusion; and in current speech “practically certain” often means — even if it should not — “not really certain at all.”

The certainty which we are here speaking of is not one which will exclude all, even theoretical, doubt, but one that will exclude any reasonable or prudent doubt; and we therefore call it a prudent certainty.

After all, it is this kind of certainty which we consider sufficient in taking some decision of vital importance when it is not a moral issue precisely that is at stake, but, say, the safety of our own lives or the lives of those we love.

Suppose I have to decide where to send my wife and children in order that they may be safe from air raids. I choose a house in the country, in some valley where there are no large ports, munition factories, or aerodromes in the neighbourhood, and send them there. I know that it still remains possible that a bomb may fall there, yet I do not say that I am sending them to a doubtfully safe area — that is what I am expressly avoiding. I say that I am sending them where I have no reasonable or prudent doubt about their security, where I am certain, therefore, they will be safe.

Or again, my life itself may depend on my accepting as true the word of an old, and trusted friend. I know that, although he has never done so in the fifty years I have known him, he may be deceiving me this time. A speculative doubt remains; yet I say without hesitation that I am certain he is telling me the truth, and make my decision accordingly.

It is this kind of certainty that we can have and must reach, directly or indirectly, about the lawfulness of any action before we act — not a certainty that precludes any possible speculative doubt, but one that precludes any reasonable or prudent doubt. How, then, are we to arrive at it?

In the first place, if there is time to do so, the simplest and most effective way of removing the doubt is to ask the advice of some other person of sound judgement and upright character. If such a person tells me that in his considered judgement such and such a course of action is the right one, this removes my doubt and makes me certain that in acting thus I shall be acting rightly.

But of course, cases must arise in which I must act at once, without having time to consult anyone; and then if I cannot decide the point directly from my existing knowledge, I must arrive at the requisite certainty indirectly, by applying one or other of what theologians call the reflex principles. These are certain general principles, clear in themselves and universally accepted as valid, which throw, as it were, a reflected light upon the obscure point and so make it clear.

A list of the chief of these reflex principles, with a few examples to illustrate their application in practice, may now be given.

1. In doubt, we must stand for the side on which the presumption lies. This principle is the most general in application, and examples are best given under the subsequent headings, which are actual, but more precise indications of the side on which the presumption will lie.
2. A really doubtful law cannot impose a certain obligation. This brings us to the borders of a vast controversy, which we cannot here enter into, but the principle as here stated is safe, if we add an important qualification: it can only be applied when no more than the lawfulness or unlawfulness of an act is at issue. Where the validity of sacraments, something necessary to salvation, the certain rights of our neighbour or the danger of causing him serious loss, spiritual or temporal, is involved,

the safer course must be followed (for example, to administer baptism, I can never use, say, lavender water, which is doubtful matter, when pure water is at hand, nor allow someone to drink a fluid while the slightest doubt remains whether it may not be poison).

A “doubtful law” here means, of course, one about which I am in doubt as to whether it is in force at all, or whether, if it is in force, it applies to my present case. The law that I must be fasting to receive Holy Communion is in itself certain; but it is a “doubtful law” to me, here and now, if I am not sure whether a drink I had in the night was taken actually before or after midnight, and therefore I am certain that I may go to Holy Communion. [Fasting from midnight was Catholic law up until 1955. Only one hour’s fast is mandated by current discipline, but you can readily see the relevance of the example.]

3. In doubt, the position of the possessor is the better one. This is, in effect, the same as the axiom: “possession is nine points of the law.” I must not take from someone else’s shelf a book I suspect he has purloined from me unless my name on the fly-leaf, or other evident sign, establishes the fact that it is mine. But, of course, the mere retaining of property gives me no right to it if I am conscious I did not justly acquire it.

4. In doubt, a crime is not to be presumed, but needs to be proved.

5. In doubt, the accused must have the benefit of the doubt. These two principles are clear enough, but one illustration may be of use. I am in doubt whether I am positively obliged to inform a superior of some misdemeanour committed by someone else, or to reveal some fact damaging to my neighbour’s character. By applying these principles, I conclude that it will not be wrong for me in this case to keep silence.

6. In doubt, the presumption is that what was done was validly done. I am in doubt whether I made clear in confession the exact nature of a sin of which I needed to accuse myself. I made my confession as best I could at the time; therefore, I decide that I made the point clear enough and need not reopen the matter.

7. In doubt, the presumption lies on the side of the superior. If, therefore, my parents, my parish priest, or my headmaster, tell me to do something, I may presume that what they tell me to do may lawfully be done, until the contrary is proved.

8. In doubt, one must judge by what ordinarily happens. I am in doubt whether it would be right for me to accept a third glass of wine, which I am offered. If I know by experience that a third glass disturbs the complete use of my reason, I must refuse. If on the other hand it is usually quite undisturbed after a third or even a fourth, I may lawfully accept.

9. In doubt, favours are to be interpreted generously and burdens are to be restricted as far as possible. I am spending Friday in a diocese where the abstinence has been dispensed by the bishop, though it is not dispensed in the diocese where I live, and am doubtful whether the dispensation extends to a visitor like myself. I say to myself that this dispensation is a favour, so I may presume I am included in it for the day. [All Catholics are obliged to do some act of penance on a Friday, even though in many places abstinence from meat is no longer obligatory.] Another example. Canon 815, of the Code of Canon Law of 1917, permits those who have been laid up for a full month without immediate prospect of recovery to receive, with the confessor’s permission, “some medicine, or something by way of drink” before Holy Communion. The doubt at once arose as to whether “some medicine” means “some liquid medicine” only, as the following clause might seem to imply. But

this concession is by way of a favour, therefore, moralists conclude, the words “some medicine” may be understood as permitting even medicine in solid form to be taken in such cases before Holy Communion. [By the way, since Vatican II, permission has been granted for medicines to be taken by the sick, as needed, at any time prior to the reception of Holy Communion. The Church asks for an effort of an intense spiritual preparation for receiving the Sacrament.]

One or other of these principles ought to serve to clear up any practical doubt we may have about how we may lawfully act. But it must be repeated that they are only to be applied when immediate action is called for and we cannot take advice, or by any other means see clearly what we ought to do. But if by consultation, reading, memory of similar cases or by any other direct means we have already reached a certainty as to what must be done here and now, then this dictate of our conscience is the standard by which we must act.

We have been speaking here about how we are to distinguish between what is lawful or unlawful in our actions. Is it then enough for a Christian to aim only at avoiding what is clearly unlawful, to have the determination not to commit sin while claiming the liberty to do anything that is not certainly sinful? Such a standard of life is not only an unworthy ideal: it is in practice impossible, human nature being what it is in its fallen state. When the wind and the current are against us, we must direct our boat towards a point higher up the stream if we wish even to cross it to a point directly opposite.

Our Lord condemned the scribes and Pharisees for binding “insupportable burdens” on men’s shoulders, and the moral theologian tries to provide confessors, and any who are likely to be consulted on matters of conscience, with principles on which they can direct men in the narrow path of salvation without making an intolerable burden of the yoke of Christ, which He said was sweet and light. But while they may declare such and such a course free from sin — for example, going for a walk when one might go to the evening service on a Sunday — they may yet urge another course as being more to God’s honour, more generous and meriting a higher degree of grace and glory for him who pursues it; and charity binds them to do so whenever they prudently can.

“If you would enter into life, keep the commandments,” Our Lord said; yet in the sermon on the mount He required, as a condition of entering the kingdom of heaven, a justice greater than that of the scribes, the observance of the commandments not merely according to the letter, but according to the interior spirit, which is the spirit of love. “You have not received the spirit of bondage again in fear, but you have received the adoption of sons,” Saint Paul writes; and so he urges us to “walk in love as Christ has loved us.”

The fear of the Lord is indeed the “beginning of wisdom,”
but only love is the “fulfilling of the law.”
