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Problems concerning Erroneous Conscience

by Werner Wolbert

Conscience binds, even if it errs. Acting against erring conscience is sin, even if the action would be morally right. This is confirmed already by St. Paul when he discusses the problem of food consecrated to heathen deities: If the weak eat consecrated food (1 Cor 8,7), „their conscience, being weak, is polluted by the eating“. And about the vegetarians Paul says (Rom 14,23): „But a man who has doubts is guilty if he eats, because his action does not arise from his conviction, and anything which does not arise from conviction is sin.“ So there seems to be no reason for doubting that erring conscience binds, if this is confirmed by the New Testament. But Paul discusses only one part of the question: Somebody regards some action as forbidden which is in fact allowed. The other possibility seems to be more difficult: Regarding an action as allowed which is in fact forbidden. Here the consequences seem to be more serious than in the first case, whereas in the cases discussed by Paul the omission of an allowed action causes no harm. Of course, that cannot be said for all omissions. There are some omissions that do cause harm, if, for example, somebody refuses (for religious reasons) a blood transfusion for himself or for his child, he causes unnecessary harm. Even if omissions may cause harm, more difficulties were probably felt about the other case: committing an action regarded as right which is in fact wrong.

But in dealing with the problems of erroneous conscience, one must not be impressed only by the possible harmful consequences. One has to realize what the error of conscience is about? Not about the person's willingness to act morally, to act according to the will of God. He (she) is wrong about the content of God's claim, about the morally right action. So the error of conscience concerns the morally right action, not the morally good attitude. Otherwise the person wouldn't know (or have forgotten) the difference between morality and its opposite, his (her) error would not be a *moral* error, there wouldn't be an erring *conscience* in that case.

The problem of the harm that may be caused by a person with an erring conscience is not the only one, but perhaps the most fundamental for our moral practice. A more theoretical problem is if an error can be binding at all. The difficulty can be illustrated by a quotation from Augustine.

1. *The emperor and the proconsul*

Augustine objects against the obligation to follow one's erring conscience¹:

„The command of an inferior authority doesn't bind if it contradicts the command of the superior authority; so when the proconsul claims what the emperor forbids.“

That means: conscience doesn't bind, if it contradicts God's will. This argument is clearly fallacious, even though it haunted some (or most) medieval theologians². Only Thomas Aquinas made it clear that Augustine's argument is valid only if one can clearly distinguish between the command of the higher and lower authority. But the persons whose conscience errs is not able to distinguish between the judgment of his (her) conscience and the will of God. If he has no doubt, he cannot but recognize the will of God in the judgment of his conscience. It is impossible for the person, to get certainty about God's will independently of his conscience. Here is an important difference between divine law and secular law not realized by Augustine: the latter one can bind even the unknowing person, at least in certain cases of strict liability. But God need and will not judge nor punish us according to the criterion of strict liability. He can and will command obedience only to those commands accessible to the person. So concerning divine law one has to stress with Aquinas³: „nullus ligatur per praeceptum aliquod nisi mediante scientia illius praecepti.

With other medieval theologians Thomas distinguishes between culpable and inculpable errors. A common thesis is the following one: One should only obey an inculpably erroneous conscience, whereas a culpably erroneous conscience should not be obeyed, it has to be corrected. Theologians who stress this distinction tend to regard errors about certain actions as always culpable, for instance, the killing of an innocent. They are unable to imagine the possibility of an inculpable error about certain actions which are probably often those judged deontologically. Anyway, there cannot be a duty to correct one's conscience unless one knows about the error. And if the error is indeed culpable, the error itself is sinful, but not the action resulting from the error, commanded by the erroneous conscience.

Probably those theologians here tend to make three presuppositions not expressly reflected:

1. An error of conscience is a rare accident.
2. Erroneous conscience is understood not in the way of ignorance of one's actual duty, but like the „conscientia perplexa“⁴. In that case the person is considering at least two alternatives of

¹ Augustinus, Sermo VI de Verbis Domini, cap. 8.

² Cf. Eric D'Arcy, *Conscience and its Right to Freedom*, London ²1979, 76-86.

³ Thomas Aquinas, *De Veritate* q 17 a 3.

⁴ Cf. D.J. Billy, *The Authority of Conscience in Bonaventure and Aquinas: StMor* 31 (1993) 237-263, esp. 252f.

action; one of them may be reviewed insufficiently. The person is not able to choose the right action with certainty and may feel guilty after her decision. But the true case of an erroneous conscience is the case of ignorance when the acting person feels no doubt.

3. The contradiction between conscience and God's may be understood like a contradiction between the judgment of an individual person and the command of the Bible or the judgment of the church or some other community or majority or authority. So the judgment of the individual conscience appear as clearly erroneous and easy to correct from the point of view of those who share the latter opinion. But here one has to realize that biblical exhortations are not always unambiguous and are often difficult to adapt to the concrete situation. And the church may err as it has, for instance, even in grave matters as, for instance, in the appreciation of slavery or torture. The difficulty concerning the Bible is often illustrated by the fact that the church regards as allowed what, on the first glance, seems to be unambiguously forbidden by Jesus: swearing.

The Augustinian analogy (if used at all) would have to be explained correctly in the following way: The proconsul's command contradicts the emperor's will. But the addressee of the proconsul's command doesn't know about the emperor's will. So he has to follow the former's command. Otherwise he would actually disobey the emperor (his authorized representative), even though his action would in fact be in accordance with the emperor's will.

These considerations can help us to realize another important point which is mostly overlooked (as far as I see). If there were never any doubt about God's will or if any doubt could be resolved unambiguously, we never would have any reason to speak about or reflect on conscience, at least on antecedent conscience (as a commander and lawgiver). With consequent conscience (as judge or comforter) it is different. We experience the latter especially in the case of sin as a judge that condemns us, when we have acted well as a comforter. Of course, in the first experience conscience is more easily recognized in its forensic character. (Cf. the *daimonion* of Socrates; it warns, forbids, and condemns, but it doesn't comfort or acquit.) So the necessity to reflect on consequent conscience results mainly from the experience of sin, the necessity to reflect and discuss antecedent conscience results only from the possibility of error. This thesis can be verified by looking on the phenomenon of conscientious objection. Only the objector needs to appeal to his conscience, the person standing against the authority or against the majority. If, for example, military service is presumed to be morally right, soldiers have not to justify themselves by appealing to their conscience as the objectors must do. Their conscience is regarded as erroneous by the legislator, if he makes military service compulsory. So it has to

be stressed against some current polemics that conscientious objection or dissent is never a sign of subjectivism or relativism. On the basis of relativism one can and need not distinguish moral truth and error; on that basis it wouldn't make sense at all to speak of an *erroneous* conscience.

This can be illustrated taking a look on Bernard Mayo⁵. He is the only non-cognitivist I could find discussing problems of conscience. For Mayo the authority of a moral rule results from a sovereign decision of the individual. Moral authority like any human authority is created by agreement⁶: „The authority of a moral rule, then, appears in the agent's readiness to obey a command, derived from the rule, and issued by himself to himself.“ What does that mean for conscience?⁷ „Conscience is not, after all, a magistrate, and in listening to the voice of conscience I am not my inferior, earthly or animal nature or part of myself listening to the voice of my superior, godlike or rational nature or part.“ If that is true, if there is no superior authority we have to follow, there remains one important question Mayo cannot answer, as he himself admits⁸: How is it possible, „to adopt a wrong moral principle“?

⁵ Bernard Mayo, *Ethics and the Moral Life*, London/New York 1958, 142-180.

⁶ Ebd. 168.

⁷ Ebd. 179.

⁸ Ebd. 173.

2. Is Conscience Infallible?

When we try to know the will of God for us, conscience is the ultimate authority. In this context some moral theologians speak of the infallibility of conscience, a formula criticized by Cardinal Ratzinger⁹. Is this formula really a sign of modern subjectivism as he suspects? The formula may remind first on remarks of Kant and Fichte. In Kant's „Metaphysik der Sitten“ we read¹⁰, „that an erring conscience is an absurdity“ (daß ... ein *irrendes* Gewissen ein Unding sei). This sounds rather strange at the first glance. But when we try to understand statements like that, we sometimes wrongly presuppose that terms like ‚conscience‘ have only one and always the same meaning. For Kant ‚conscience‘ (Gewissen) is not like for Aquinas, for instance, a *iudicium ultimo-practicum*, the faculty of judging what is to be done now, a *regula proxima*. In this way of Aquinas ‚conscience‘ is understood in latin catholic manuals, for example in the manual of Prümmer¹¹: „Conscientiae vero est, iudicare in casu *particulari*, quid sit agendum vel omittendum.“ This faculty would be called by Kant, if I understand him right, practical judgment, and this of course can err, as Kant explicitly says¹²: „For in the objective judgment, if something is a duty or not, one can sometimes err; but in the subjective, if I have it compared with my practical (here judging) reason for the purpose of that judgment, I cannot err.“ So even though Kant doesn't speak of an erring conscience, he knows the phenomenon, but names it differently, speaking of an error „in the objective judgment, if something is a duty or not“. So in the „Metaphysics of Morals“ In Kant's Lecture on Ethics, on the other hand, we find a different usage¹³: „Whoever acts according to erroneous conscience, acts according conscience; if he does his, action, true, is mistaken, but cannot imputed as a crime to him.“

The Kantian example shows that ‚Gewissen‘ or ‚conscientia‘ or ‚conscience‘ do not always denote the same thing. The Kantian ‚Gewissen‘ is rather similar to what medieval theologians call ‚synderesis‘, about which Aquinas says¹⁴: „In universali quidem iudicio synderesis errorem esse non contingit.“ And in the Manual of Prümmer we read¹⁵: „Conscientia potest errare, nunquam autem synderesis.“ So if one doesn't feel offended by Aquinas' speaking of the

⁹ Joseph Kardinal Ratzinger, Wahrheit, Werte, Macht. Prüfsteine der pluralistischen Gesellschaft, Freiburg 21994, 28.

¹⁰ Immanuel Kant, Metaphysik der Sitten. Tugendlehre, A 38.

¹¹ Dominicus M. Prümmer, Manuale theologiae moralis I, Friburgi Brisgoviae 31923, 188 (n. 303),

¹² Cf. n. 10. („Denn in dem objektiven Urteile, ob etwas Pflicht sei oder nicht, kann man wohl bisweilen irren; aber im subjektiven, ob ich es mit meiner praktischen (hier richtenden) Vernunft zum Behuf jenes Urteils verglichen habe, kann ich nicht irren.“)

¹³ Paul Menzer (Ed.), Eine Vorlesung Kants über Ethik, Berlin 1924, 165. („Der einem irrenden Gewissen gemäß handelt, der handelt seinem Gewissen gemäß; tut er es aber, so ist seine Handlung zwar fehlerhaft, sie kann ihm aber nicht zum Verbrechen angerechnet werden.“)

¹⁴ Thomas Aquinas, De Veritate q 17 a 2.

¹⁵ Cf.n. 11.

infallibility of synderesis, one shouldn't be annoyed by Kant speaking of the impossibility of an erroneous conscience.

The case is more difficult with Fichte. For him, to put it shortly, a person who obeys conscience as the ultimate authority seems to act morally right automatically. In Kantian terms: a person that acts out of duty (aus Pflicht) acts according to duty (pflichtgemäß) as well. Fichte seems not to distinguish between these two levels. F. Jodl was right to object against Fichte¹⁶: „What horrible deeds can be done and have been done with the full awareness only to will one's duty!“

Now, catholic moral theologians who speak of the infallibility of conscience, of course don't share Fichte's position. Let me quote, for example B. Schüller¹⁷:

„Conscience cannot be mistaken about good and bad; what it commands to do is always the morally good, and this infallibly. The reason is that conscience is just the fundamental insight of man into the morally good. But it can be mistaken about the morally right.“

This statement seeming very clear is completely misunderstood by an Italian moralist when he criticizes¹⁸: „Such a claim of the infallibility of conscience is typical for modern subjectivism“.

We find another usage of the term ‚erroneous conscience‘ in the manual of F.X. Linsenmann who is criticized by Ratzinger as well. He distinguishes¹⁹ between a knowledge that goes astray (Wissen, das in die Irre geht) and an erroneous conscience (irriges Gewissen). In the first case, one doesn't know about one's error. One has chosen a wrong way, but unknowingly; so one has no doubts. In the second case (irriges Gewissen) I am uncertain about the rightness of my way. To quote Linsenmann²⁰: „That means erring, if one knows that one errs, and one nevertheless cannot find the right way“. Of course, Linsenmann doesn't claim the infallibility of conscience when judging on right and wrong. He only changes the terminology in a strange way: For him ‚erroneous conscience‘ is what normally is called doubting conscience or *conscientia perplexa*. But this terminology may sound less strange when we remember our former supposition that theologians critical of the authority of an erroneous conscience tend to understand it in the way of „conscientia perplexa“.

¹⁶ Friedrich Jodl, *Geschichte der Ethik II*, Reprint Stuttgart o.J., 69: „Welch entsetzliche Taten können mit dem vollen Bewußtsein, nur die Pflicht getan zu haben, getan werden und sind getan worden.“

¹⁷ Bruno Schüller, *Die Begründung sittlicher Urteile*, Düsseldorf³ 1987, 139: „Das Gewissen kann sich nicht über Gut und Böse täuschen; was es zu tun gebietet, ist immer das sittlich Gute, und zwar unfehlbar. Der Grund dafür ist, daß das Gewissen eben die Grundeinsicht eines Menschen ins sittlich Gute ist. Es kann sich jedoch über das sittlich Richtige täuschen.“

¹⁸ Livio Melina, *Morale tra crisi e rinnovamento*, Milano 1993, 85 („Una tale rivendicazione della infallibilità della coscienza morale è tipica del soggettivismo moderno“).

¹⁹ Franz Xaver Linsenmann, *Lehrbuch der Moraltheologie*, Freiburg 1878, 90-93 (§ 30).

²⁰ Ib. 92 („Das heißt irren, wenn man weiß, daß man irrt, und doch den rechten Weg nicht finden kann“).

But what is Linsenmann's real concern? The theological tradition, as already sketched, stressed the difference between superable and insuperable, culpable and inculpable error of conscience. In the latter case, it was said, one has not to follow one's conscience, but to correct the error. That may be right in principle. But one can only correct the error, if one knows about it or has at least some doubt. If in my special situation the error is insuperable, it doesn't matter, if it is culpable or not. If the resulting action is sinful, it is not because the person follows its erroneous conscience, but because the error itself is culpable. That is exactly what Linsenmann wants to stress. So, Linsenmann's clarifies the actual relevance of the distinction between superable and insuperable error, a distinction which was often stressed too much in order to avoid „subjectivism“.

On the other hand, the suspicion of subjectivism is not always unfounded. Sometimes it is overlooked that appealing to one's conscience alone is no justification because, as has been stressed, conscience may err about right or wrong. Whoever appeals to his conscience, has or should have his reasons for his conviction, even though it may be difficult for him to articulate these reasons precisely. But in reality, the appeal to conscience is sometimes irrational. And for a long time, in Germany, for instance, only irrational objectors against military service were acknowledged as conscientious objectors, those who refused to give any reasons for their decision at all. A German theologian opposed the scrutiny of those objectors with the following argument²¹: „If conscience is autonomous, there can be no general criteria to scrutinize the individual decision on its truth.“ That reminds me on a joke. A member of a jury says: „I don't care for the evidence. I prefer to make my mind up freely.“

The difficulties so far discussed don't seem to be very serious. In my opinion, they can be clarified very easily in an unprejudiced discussion. Except in the case of convictions like those of Fichte or Mayo there seems to be no real or important difference. But Jodl's observation of the horrible deeds that may result from erroneous conscience like our own first preliminary remarks in that direction may cause us to ask if there isn't left a real problem with those errors of conscience we may have overlooked? The problem may be sketched by reverting again to Cardinal Ratzinger.

²¹ Cf. Traugott Koch, *Autonomie des Gewissens als Prinzip einer evangelischen Ethik*: ZEE 29 (1985) 306-332, here 308.

3. *Did Hitler and Stalin act out of erroneous conscience?*

Cardinal Ratzinger reports²² that in a former discussion among colleagues somebody objected against the authority of erroneous conscience, that if that were true, the SS-people would have been justified because they committed their crimes with the certainty of their conscience. So one would have to be prepared to meet them in heaven after one's death. Another colleague had answered that this was in fact the case. There was no doubt for him that Hitler and his followers, deeply convinced of their cause, couldn't have acted otherwise. Though their deeds were objectively horrible, they were subjectively morally good. Since then, says Ratzinger: „I know with certainty that there is something wrong with the theory of the justifying power of the subjective conscience, that ... a concept of conscience leading to such results is wrong. The firm subjective conviction and the consequent absence of any doubt and scruple doesn't justify the human being.“

This quotation may first remind us on Abaelard's thesis that the Jews, who crucified Jesus, committed no sin because they acted out of ignorance. Abaelard's contemporaries, for example Bernard of Clairvaux, were scandalized by this thesis. And Abaelard seems to have found some pleasure in scandalizing other people. For us, after some years of a Jewish-Christian dialogue, Abaelard's thesis sounds less or no more scandalous. The case of the Nazis, of course, is different. But Abaelard's example may illustrate that, in principle, an erroneous conscience may justify a person even if the consequences of his (her) action are evil or horrible.

Before turning to the question of the Nazis theologians should perhaps not forget to check examples of erroneous conscience or erroneous moral judgments within the church. What about the Spanish *conquistadores*? They abhorred human sacrifices, but had no scruples to kill lots of innocent people. What about the inquisition, about witch-trials or the crusades? In these cases we tend to recognize that there were mitigating circumstances („They were children of their time.“) And Bernard of Clairvaux is honoured as a saint in spite of his crusade speeches. In our apologetics we use to stress the erroneous conscience of those people, the limited moral insight

²² J. Ratzinger (n. 9) 33f. („Irgendjemand warf gegen diese These ein, wenn das allgemein gelten würde, dann wären ja auch die SS-Leute gerechtfertigt und im Himmel zu suchen, die in fanatischer Überzeugung und mit einer völligen Gewissenssicherheit ihre Untaten vollbracht hatten. Ein anderer antwortete darauf mit großer Selbstverständlichkeit, so sei es in der Tat. Es bestehe überhaupt kein Zweifel, daß Hitler und seine Mittäter, zu tiefst von ihrer Sache überzeugt, gar nicht anders handeln durften und daher - bei aller objektiven Schrecklichkeit ihres Tuns - subjektiv moralisch gehandelt hätten. Da sie nun einmal ihren - wenn auch fehlgeleiteten - Gewissen folgten, müsse man ihr Handeln als für sie moralisch anerkennen und könne daher auch an ihrer ewigen Rettung nicht zweifeln. Seit jenem Gespräch weiß ich mit aller Sicherheit, daß irgendetwas an der Theorie von der rechtfertigenden Kraft des subjektiven Gewissens nicht stimmt, - daß mit anderen Worten ein Gewissensbegriff falsch ist, der zu solchen Ergebnissen führt. Das feste subjektive Überzeugtsein und das daraus folgende Fehlen von Zweifel und Skrupel rechtfertigt den Menschen nicht.“)

of their time. Whoever, on the other hand, reads the *Cautio Criminalis* of Friedrich von Spee, may have some difficulty to grant the witch-hunters an erroneous conscience. Another example: What about the dictators well disposed towards the church? I don't want to discuss these cases in detail. Those persons may be examples of an erroneous conscience. I recall a remark of Graham Greene about his „Quiet American“ in his novel of the same name: „I never knew a man who had better motives for all the trouble he caused.“

But let's now turn to Hitler and Stalin. Here H. Lübke has presented, I think, an illuminating analysis of those totalitarian phenomena²³. He characterizes the development of a fellow traveller into a fanatic follower. At first, there may be some commitment out of naive or juvenile idealism or even, on the other hand, an occasion of getting some advantage. But, later on, the person is expected to participate in political practices which violate obviously common legal and moral rules. So, finally, the initial opportunist as well as the naive idealist find themselves embroiled in a moral dilemma, that one cannot bear normally for long without getting harmed in one's self-respect. The easiest way out of this dilemma is to begin to believe in that which one, so far, out of opportunism has not contradicted. Those who were in the beginning naive idealists²⁴ „intensify their zeal in a way complementary to the increasing ruthlessness with which the totalitarian regime dismisses the common moral rules. In both cases initial moral scruples are warded off by the ideologization of consciousness - by changing one's view about what one ultimately believes to be true.“

The other possible and only morally legitimate way would be the way of consequent refusal which, of course, may imply serious harm, up to loss of freedom or life for the acting person. The stronger the intimidation in order to deter any resistance²⁵, „the more the temptation of morally sensitive people is increased to preserve one's moral integrity by the development of ideological fanaticism“. Fanaticism is the resort for those who lack the strength for resistance. By their fanaticism they gain a pseudomoral integrity. In this context it is telling that totalitarian rulers often try to cover over the traces of their misdeeds in order to conceal them before the global public. So it becomes manifest that even for political criminals there is no doubt that their crimes contradict conventional moral and legal rules²⁶.

The real fanatic, true, would have to regard such extermination of traces as superfluous. If undertaken, it would manifest the ruin of one's pseudomoral identity. In Hitler we find that

²³ Hermann Lübke, *Politischer Moralismus. Der Triumph der Gesinnung über die Urteilskraft*, Berlin ²1987.

²⁴ Ib 12 („Sie intensivieren ihren Glaubenseifer komplementär zu der zunehmenden Rücksichtslosigkeit, mit der sich das totalitäre Regime über die Regeln gemeiner Moral hinwegzusetzen beginnt. In beiden Fällen werden einsetzende moralische Selbstzweifel gebannt durch Ideologisierung des Bewußtseins - durch Änderung dessen also, was man in letzter Instanz für wahr hält.“)

²⁵ Ib.

²⁶ Cf. ib. 14.

extreme self-assertion when he in his testament still appeals for resistance against international Judaism. This example may teach us another lesson: The more radical the break with elementary traditional moral and legal rules, the stronger has to be the intensity of self-assertion by the sort of ideological belief which K.R. Popper has called „historicism“.

Now, what about the conscience of those persons? Do they really act according to their conscience? Or don't they rather silence the voice of their conscience? In the latter case they would try to justify their actions with reasons their conscience does not recognize. The need of self-justification by show trials, for instance, we detect with totalitarian rulers, may manifest that the voice of their conscience has not totally fallen silent. Consequently, those who are not impressed by the attempts of self-justification have to be liquidated, not only physically, but first morally.

After these considerations we have to ask again if there could be something wrong with the doctrine of the authority of an erroneous conscience. To meet sufficiently those reservations as expressed by Ratzinger we should be able to distinguish clearly instances of erroneous conscience from those instances of a pseudomoral integrity outlined by Lübke. But as God alone can look in the heart of human beings, we can't distinguish those different instances unambiguously. This difficulty may further be illustrated by the ambiguity of the term ‚fanatic‘. Lübke uses the term for those followers of a totalitarian ideology with a pseudomoral integrity, whereas for R.M. Hare ‚fanatic‘ denotes a person, who is prepared to bear the harmful consequences of his strange moral conviction even for himself (herself)²⁷. Hare's example is a convinced Nazi who detects his Jewish roots and is ready to be killed like any other non-Aryan person. We should not forget that religious ideologies in particular can lead to similar horrible consequences as we could observe several times in the last years. So, acting according to one's erroneous conscience may have, indeed, disastrous consequences. To avoid those consequences the formation of conscience is of the utmost importance. But that doesn't revoke the duty to obey one's conscience, because there is no other way to know the will of God ultimately for the individual person.

4. The erroneous conscience and the pure heart

Could there be other reasons do deny the ultimate authority of the erroneous conscience. One could refer to the Pope who says in „Veritatis Splendor“ (63):

„It is possible that the evil done as the result of invincible ignorance or a non-culpable error of judgment may not be imputable to the agent; but even in this case it does not cease to be an

²⁷ Cf. Richard M. Hare, *Freedom and Reason*, Oxford 1963, ch. 9.

evil, a disorder in relation to the truth about the good. Furthermore, a good act which is not recognized as such does not contribute to the moral growth of the person who performs it; it does not perfect him and it does not help to dispose him for the supreme good.“

The pope doesn't deny the duty to follow one's conscience even if it errs. But the action commanded by it has less or no moral worth. On the other hand, we read in „Gaudium et Spes“ (16) that the erroneous conscience doesn't lose its dignity. And the Pope confirms (ib.) that it loses its dignity only, if it errs culpably. Do these statements suit to each other? One historical reason for doubting the authority of the erroneous conscience may be that the problem looks different from the perspective of Franciscan voluntarism about which D.J. Billy says²⁸:

„Bonaventure's Franciscan voluntarism drives a wedge between reason's knowledge of the truth and the will's orientation toward the good. These parallel approaches to a person's one ultimate end imply that when one breaks down (as in the case of an erroneous conscience) the other continues to function and to direct the person toward the ultimate good.“

In this perspective right knowledge is not always a necessary condition for acting well. The good will is in some respect independent from right reason. For Bonaventure the *synderesis* is in the will which, if it is good, can overcome the errors of conscience. So erroneous conscience is ultimately reduced to a lack of goodwill. Ratzinger obviously thinks in a similar way when he writes²⁹: „If something is recognized or not depends always also from the will which blocks recognition or leads to it.“ If, indeed, errors of conscience are at least partly caused by lack of good will, the question arises, if there are any inculpable errors at all? Perhaps they could be only *errores facti*, but not *errores iuris*, errors about the morally relevant facts, but not about moral rules. As already mentioned, Theologians have indeed presented lists of *errores iuris* on which inculpable errors seemed impossible, for example the killing of the innocent. For our time, I mention G.E.M. Anscombe's famous remark³⁰:

„But if someone really thinks, *in advance*, that it is open to question whether such an action as procuring the judicial execution of the innocent should be quite excluded from consideration - I do not want to argue with him; he shows a corrupt mind.“

There is a serious problem with such a list of errors which are held as necessarily culpable: it will always depend on the plausibilities of the respective century, group, community etc. And the Church may take in consideration some unwelcome consequence of a list of necessarily culpable errors for the appreciation of the errors of the Church. Critics of the church will regard

²⁸ D.J. Billy, The Authority of Conscience in Bonaventure and Aquinas: *StMor* 31 (1993) 237-263, here 260.

²⁹ Ratzinger (cf. n. 9) 57 („Ob hier *etwas erkannt oder nicht erkannt wird, hängt immer auch vom Willen ab, der Erkenntnis versperrt oder zur Erkenntnis führt*. Es hängt also von einer schon gegebenen moralischen Prägung ab, die dann entweder weiter verformt oder weiter gereinigt wird.“)

³⁰ G.E.M. Anscombe, Modern Moral Philosophy, in: id. *Ethics, Religion and Politics*. Collected Philosophical Papers III, Oxford 1981, 26-42, here, 40.

and do indeed regard certain errors, for example about the moral appreciation of slavery, torture, the crusades, as a symptom of moral corruption (like Anscombe in the case of the opponents of the traditional prohibition of killing)³¹.

The position of Aquinas on the binding force of erroneous conscience is different from Bonaventure, but seems to lack consistence. On the one hand, Aquinas stresses the authority of conscience, even if it errs. Whoever acts according to his conscience does not sin. But he fails to draw the further consequence: Anybody acts well, so long as he is faithful to his conscience³². But is that really a failure of Aquinas?

According to Schockenhoff³³, Aquinas doesn't want to stress freedom at the expense of truth. And the Pope confirms: „In any event, it is always from the truth that the dignity of conscience derives.“ But is truth (or freedom) really at stake here? That a right conscience is better than an erroneous one need not to be stressed; it's a matter of course. This has to be underlined especially, if one holds a teleological theory according to which that action is right which causes more good or less harm than any other possible action. Erring conscience in that case means that some unnecessary harm or less good than possible is done. Somebody has to pay for the error. So, from the point of view of our fellow human beings, erroneous conscience is always undesirable. That is different in the case of a deontological theory: Acting against a deontological norm (considered as absolute) may avoid unnecessary harm and so be beneficent.

But the dignity of conscience concerns the agent himself, the person acting from erroneous conscience. If conscience doesn't lose its dignity, even if it errs, then the acting person doesn't lose its moral integrity. This thesis is difficult to reconcile with Bonaventure's or Ratzinger's assumption that an error of conscience results at least partly from a lack of goodwill. But the pope could nevertheless be right in assuming that such an action does not contribute to moral growth or perfection. It would have to be regarded as something morally neutral or value-free.

The difficulty with that assumption may be illustrated by a quotation from G. Sala³⁴:

„What qualifies man as good or bad, what provides him with an absolute value or disvalue, what, spoken in a Christian way, redounds to his salvation or damnation, is what is under our

³¹ Compare, for instance, Franz Buggle, *Denn sie wissen nicht, was sie glauben*, Reinbek 1992.

³² Compare S. Th. I-II q 19 a 5 with a 6.

³³ Eberhard Schockenhoff, *Das umstrittene Gewissen*, Mainz 1990, 88f.

³⁴ Giovanni Sala, *Gewissensentscheidung*, Innsbruck 1993, 53f. („Das, was den Menschen als gut oder böse qualifiziert, ihm also einen absoluten Wert bzw. Unwert verschafft, christlich gesprochen, was dem Menschen zum Heil oder zur Verdammnis gereicht, ist das, was in der Macht seiner Freiheit steht. Dies ist aber nur die Entscheidung, der Willensakt, dem Appell des Seins als gut zu gehorchen; oder widrigenfalls diesem Appell nicht zu gehorchen.“) Compare Schüller (note 17) 139: „daß man sich in völlig gleicher Weise im sittlich Guten bewährt, ob man seinem nicht irrigen oder seinem irrigen Gewissen folgt. Die Moralität eines Menschen kann nicht von seiner besseren oder schlechteren Einsicht in nicht-sittliche Sachverhalte abhängen; sie steht ganz auf der freien Selbstbestimmung des Menschen.“

control. but this is only the decision, the act of the will, to obey the appeal of Being as good or, otherwise, not to obey it.“

And concerning errors of conscience Sala says³⁵:

„Man decides for what is objectively wrong. but such an erroneous decision and action, so far the error is inculpable, does not in any way spoil the moral goodness of the subject that obeys the erroneous sentence of his conscience.“

It is not our fault as human beings that we are not equipped with infallible knowledge of the morally right and wrong. So (at least from an catholic point of view) the assumption is difficult that lack of moral perfection or of moral growth should result from lack of another perfection which is not our fault, which is not *dōE ½ìsí*, as Epictetus would say. The question of the moral value of those actions from erroneous conscience has to be answered not from the human point of view, our own or that of our fellow human beings, but from the divine point of view. And God looks in the heart of men, not on the results of our actions. He has no reason to charge us for our errors nor to ignore our sincere efforts to act right.

Conclusion

The problems concerning erroneous conscience seem to me not very difficult to solve. The difficulties of the Catholic debate result, in my opinion, from the fact, that these problems are mainly discussed in the context of dissent from the church or respectively from its magisterium. It would be better to separate these problems and to deal with them independently.

³⁵ Ib. 59. („Der Mensch entscheidet sich für das, was objektiv schlecht ist. Eine solche irrige Entscheidung und Tat aber beeinträchtigt in keiner Weise, insofern es sich um einen schuldlosen Irrtum handelt, die sittliche Güte des Subjekts, das dem irrigen Spruch seines Gewissens gehorcht.“)