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Two Views of Conscience for the Australian People

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Two Views of Conscience for the Australian People

Abstract

Australian democracy has recently seen a new emphasis on 'conscience votes' in parliament. However, despite this increasing awareness, the Australian media, public and governments have failed to examine closely the concept of a 'conscience vote', and the important question of what conscience really is. I will examine a number of statements made by politicians, media commentators and other groups surrounding conscience votes to show the problems that emerge from lacking a clear account of conscience. From this, I will outline two different classical views of conscience: that of Bishop Joseph Butler and that of St. Thomas Aquinas, and show the implications for politicians of adopting either view. I will suggest that the contemporary Australian usage of conscience has more in common with Butler than Aquinas, but that the Thomistic view could serve to better inform both the contemporary Australian usage, and Butler's views. I will briefly suggest some ways that adopting the Thomistic view of conscience would impact on the Australian democratic system, and explain the problems with a philosophical view that upholds the primacy of conscience and fails to appeal to external moral truth.

Two Views of Conscience for the Australian People

Matthew Beard

Australian democracy has recently seen a new emphasis on ‘conscience votes’ in parliament. Although no conscience votes were actually *held* by the last federal government, public awareness of the notion has increased, with the NSW state parliament holding a conscience vote in September 2010 on the *Adoption Amendment (Same Sex Couples) Bill, 2010*, (hereafter *Same Sex Couples*) and increasing calls for Prime Minister Julia Gillard to call a conscience vote on the issue of same-sex marriage. Further discussion about the nature and purpose of conscience votes arose when Joe Hockey announced that he would call a conscience vote on the ETS issue if elected leader of the Liberal Party in 2009, and in discussion of the Victorian *Abortion Law Reform Bill, 2008*.

However, despite this increasing awareness, the Australian media, public and governments have failed to examine closely the concept of a ‘conscience vote’, and the important question of what conscience really is. I will examine a number of statements made by politicians, media commentators and other groups surrounding conscience votes to show the problems that emerge from lacking a clear account of conscience. From this, I will outline two different classical views of conscience: that of Bishop Joseph Butler and that of St. Thomas Aquinas, and show the implications for politicians of adopting either view. I will suggest that the contemporary Australian usage of conscience has more in common with Butler than Aquinas, but that the Thomistic view could serve to better inform both the contemporary Australian usage, and Butler’s views. I will briefly suggest some ways that adopting the Thomistic view of conscience would impact on the Australian democratic system, and explain the problems with a philosophical view that upholds the primacy of conscience and fails to appeal to external moral truth.

1: Discussion Surrounding Conscience Votes

In this section I will focus on a number of recent comments about various conscience vote issues including the NSW vote on *Same Sex Couples*, and the calls for a federal conscience vote on gay marriage. From these I will try to uncover some common ground between the three different discussions, which I will use to understand the contemporary Australian usage of conscience.

Conscience vote is here understood as “the rare vote in parliament, in which members are not obliged by the parties to follow a party line, but vote according to their own moral, political, religious or social beliefs.”¹ Typically, conscience votes are reserved for contentious, politically difficult – usually social/moral – issues on which the parties do not have a clear policy.² This idea was echoed by NSW Opposition Leader Barry O’Farrell when he allowed a conscience vote surrounding *Same Sex Couples*, he remarked “[t]he liberal party has a tradition of allowing conscience votes where there is no party line that must be

¹ *The Penguin Macquarie Dictionary of Australian Politics*, (Ringwood, Victoria: Penguin Books, 1988), p. 86

² Deirdre McKeown and Rob Lundie, ‘Conscience Votes During the Howard Government 1996-2007’, *Politics and Public Administration Section*, Research Paper no. 20 2008-09, 2009

Accessed from: http://www.apf.gov.au/library/pubs/rp/2008-09/09rp20.htm#_ftnref4 [1 Nov, 2010]

followed”.³ So, a conscience vote is not a typical vote; it is employed only in extraordinary circumstances, and refers to when a politician does not have to vote alongside her party, and is encouraged to make a decision based on whatever is most important to her surrounding the issue. Thus, the question that needs to be asked is ‘on what grounds should a politician make her decision during a conscience vote?’ These grounds will give insight into the nature of conscience.

Discussing the question of gay marriage in Australia, the Independent MP Andrew Wilkie remarked “Why on earth won’t the Prime Minister agree to a conscience vote? [...] We know 62 per cent of Australians support same sex marriage, we know now that 78 per cent of Australians support a conscience vote in the parliament on same sex marriage.”⁴ Wilkie appeared frustrated that a conscience vote was being denied, seemingly because, to his mind, a conscience vote would be more representative of the Australian public than usual parliamentary voting: “I think it’s virtually unexplainable how the Prime Minister can be so prepared so consistently to be out of step with the will of the people.”⁵ Clover Moore, Lord Mayor of Sydney, who introduced *Same Sex Couples* to state parliament says of conscience votes that they “allow all members of Parliament to consider their communities’ wish[es]”.⁶ By voting in any other way “the MP is not representing the electorate’s wishes but following their own personal views”,⁷ and although this may not be immoral, it places the politician in a difficult position. The suggestion here is that popular consensus should be a consideration when making a decision of conscience; an MP’s constituency should govern, at least to an extent, her conscience; the political conscience vote allows an MP to represent her local electorate, rather than her political party.⁸

Another method of conscience voting is for a politician to “look only to their (sic.) own sense of right and wrong and vote according to their own conscience. That may be a carefully articulated and principled outlook or perhaps a more case-by-case approach, maybe involving getting in touch with their feelings on the day.”⁹ Basically, conscience voting becomes a medium through which a politician is entitled to act on *personal belief*. Julia Gillard echoed such sentiments when speaking of calling a conscience vote on territory rights to legalise euthanasia, saying “The Labor Party has previously allowed MPs to express their views on this issue with a conscience vote”.¹⁰ Significant here is the phrase “*express their*

³ Ani Lamont, ‘Libs Granted Conscience Vote on Relationship Register’, *Star Observer*, 5 May, 2010-11-01
Accessed from: <http://www.starobserver.com.au/news/2010/05/05/libbs-granted-conscience-vote-on-relationship-register/24881> [1 Nov, 2010]

⁴ Emma Rodgers, ‘Wilkie calls for gay marriage conscience vote’, *ABC News*, 22nd Oct, 2010
Accessed from: <http://www.abc.net.au/news/stories/2010/10/22/3045375.htm> [1 Nov, 2010]

⁵ *Ibid.*

⁶ Clover Moore, Accessed from: www.freevote.org.au [2 Nov, 2010]

⁷ Dr. Steven Tudor, ‘Conscience Votes and the Victorian Law Reform Bill’, *La Trobe University*
Accessed from: <http://www.latrobe.edu.au/news/articles/2008/opinion/conscience-votes-and-the-victorian-abortion-law-reform-bill> [2 Nov, 2010]

⁸ In this case, it should be asked whether a commitment to ‘conscience voting’ entails a commitment to conscience in general. This was questioned in the case of the Victorian *Abortion Law Reform Act*, where National MP Julian McGauran argues that “the very parliamentarians who hold dear their right to exercise a conscience vote on this issue did not hesitate to smite the right of doctors and nurses to exercise their conscience on the same matter.” See: ‘Matters of Public Interest, Victoria: Abortion Law Reform Act’, *Government of Australia Parliamentary Debates*, Senate Hansard, Wed, 19 August, 2010.

⁹ *Ibid.*

¹⁰ ‘PM vows right-to-die conscience vote’, *AAP*, Sept. 20, 2010
Accessed from: <http://www.sbs.com.au/news/article/1357646/PM-vows-right-to-die-conscience-vote> [2 Nov, 2010]

views". On this account, conscience voting affords an MP the opportunity to vote in accord her own opinion of what is right.

A conflict begins to emerge here between community/public interest and the MP's personal opinion of the good. Although sometimes an MP will be elected because of her consistency with the community views, there are cases where an individual is elected on the popularity of her party, not her own personal views. Thus, when given an opportunity to diverge from her party (or where her party has no policy), the commitment of the politician is difficult, on the contemporary Australian account, to discern. The reason for this is because contemporary Australian usage of the term conscience shows no consistent understanding of what conscience *is* on which to build its account of how conscience votes ought to be applied: conscience is seen as, varyingly, a 'different way' of approaching voting, a way for MP's to represent local constituencies rather than the party, a non-partisan voting method, 'moral' judgement in politics, or a way for individual politicians to support their own personal views. However, none of this serves to inform the true nature of conscience, nor does it lend aid to the MP trying to decide whether to vote based on her local electorate, or on her own personal beliefs. In what follows, I will present two different accounts of conscience, and demonstrate how they both serve to inform the MP's action.

2: Two Versions of Conscience

Although I have said that this section aims to provide MP's with two versions of conscience that could lend assistance in decision making, I will only endorse one position here: the Thomistic account of conscience. Philosophical analysis of both accounts will make my reasons for doing so clear: I believe that the Thomistic account offers a much richer version of conscience, which is both (i) more philosophically persuasive, and (ii) offers politicians a clearer method of decision-making, providing a clear solution to the conflict raised above (between personal and public belief).

A: Bishop Joseph Butler

Joseph Butler was an Anglican bishop living from the 1692-1752, whose philosophical project was to discover "what is meant by the nature of man, when it is said that virtue consists in following, and vice in deviating from it."¹¹ His view of conscience, therefore, is based in his account of human nature, which aimed to re-write the egoist view of nature that was the legacy of Thomas Hobbes. Butler argued that conscience must be obeyed "because it is a law [...] my nature [carrying] its own authority with it."¹² Moral obligations, for Butler, derive from human nature, and knowing who one is *qua* human, one's conscience will inform a person how to act with virtue.¹³ The obligation to perform a morally good action and the feeling of motivation to do so come entirely from within the individual and are a result of a person's nature *qua* human. So, Butler argues that both the moral demand of

¹¹ R.G. Frey, 'Butler, Joseph', *Routledge Encyclopedia of Philosophy*
 Accessed from: <http://www.rep.routledge.com.ipacez.nd.edu.au/article/DB012SECT2> [May 29, 2009]

¹² Peter Fuss, 'Conscience', *Ethics*, University of Chicago Press, Vol.74 No.2, 1964, p.111

¹³ Butler remarks: "obligations of virtue shown, and motives to the practice of it enforced from a review of the Nature of Man are to be considered as an appeal to each particular person's heart and natural conscience" See: Joseph Butler, *Fifteen Sermons preached at the Rolls Chapel*, (Knapton, 1726), p.27, Accessed from: http://books.google.com.au/books?id=RmUAAAAAMAAJ&printsec=frontcover&dq=joseph+butler&hl=en&ei=lf0bTeHDGormvQPY2vj5DQ&sa=X&oi=book_result&ct=result&resnum=1&ved=0CCcQ6AEwAA#v=onepage&q&f=false [30 Dec, 2010]

conscience and the feeling to respond to such a demand come from within the person. This (and more) can be learned by reading further in the *Sermon on Human Nature*.

Since then our inward feelings and the perceptions we receive from our external senses are equally real, to argue from the former to life and conduct is as little liable to exception as to argue from the latter to absolute speculative truth. A man can as little doubt whether his eyes were given to him to see with as he can doubt of the truth of the science of Optics, deduced from ocular experiments.¹⁴

Here, Butler discusses the validity of extracting truths about human nature from internal intuition of how a human should behave. It is, for Butler, valid to determine that the eyes were designed to provide vision, from the intuited sense that “eyes see”, rather than to require an empirical examination of the behaviour and makeup of the eye in order to reach the same conclusion. From this, Butler suggests humans have similar intuitions about behaviour, and these internal senses are sufficient to inform human behaviour. This intuition is, for Butler, conscience; it is a kind of ‘moral sense’. He argues that it is equally valid to construct a set of moral norms based solely on the demands of conscience as it is to rationally formulate a series of moral principles based on experience and deduction, and which can then be used to advise the conscience. For Butler, the latter process is arbitrary: sense data is sufficient.

Butler is a teleologist. For him, it is “good” to behave in consistency with the demands of our nature. Butler argues that “every man is naturally a law unto himself; that everyone may find within himself the rule of right, and obligations to follow it.”¹⁵ It is not difficult to see similarities with the thought of the more widely known Immanuel Kant, but where Kant would argue that the categorical imperative applies to every rational being equally simply through reason of their being rational, Butler’s conception of conscience “does not speak in general rules or formulas”.¹⁶ Martin McGuire sees Butler’s view of conscience as “a sort of magistrate.”¹⁷ As such, Butler’s conception cannot be seen to function in the same way that Kantian ethics does as it does not apply universally. It is a personal intuition, coming from within the person, and based in her nature.¹⁸

However, Butler makes clear that although the moral sense is not universal, it has power over the person as if it were: it carries absolute authority over the individual.

Thus that principle which we survey, and either approve or disapprove our own heart, temper and actions is not to be considered as what is, in its turn, to have some influence; which may be said of every passion of the lowest appetites: but likewise as being superior, as from its very nature manifestly claiming superiority over all other [passions]... This is a constituent part of the idea, that is, of the faculty itself; and to preside and govern, from the very economy and constitution of man belongs to it. Had

¹⁴ *Ibid.*

¹⁵ *Ibid.*, p.32

¹⁶ Fuss, *op. cit.*, p. 111

¹⁷ Martin C. McGuire, ‘On Conscience’, *The Journal of Philosophy*, Journal of Philosophy Inc., Vol.60 No.10, 1963, p.253

¹⁸ I will later raise the question of whether an intuition like this can stem ‘purely’ from human nature, separate from particular experiences.

it strength as it has right, had it power as it has manifest authority, it would absolutely govern the world¹⁹

Moral sense is not to be confused with other appetitive senses. It is to be seen as superior to these things simply because its nature is superior to the other passions.²⁰ It comes from ‘human nature’, not from our ‘animal nature’. Interesting also, is the final sentence where Butler suggests that the conscience would serve as an external moral law if it were not limited to the individual. However, as each individual has a conscience which is “manifestly superior”, a single conscience cannot claim universal power, but the conscience acts in the same way as a moral law, simply on an individual rather than universal level. So, Butler “show[s] men that they have a moral faculty which tells them their duties”,²¹ and suggests that these duties derive from human nature, known subjectively.

A politician acting under Butler’s account of conscience will approach an issue and, upon considering it, examine her moral sense response. If it is favourable, she ought to (according to Butler) vote in favour of the issue. Thus, Butler’s argument suggests that in a conflict between the beliefs of an MP’s constituency and her own beliefs, she ought to (and will) uphold the view of her own personal conscience. To do otherwise would be unnatural for her.

B: St. Thomas Aquinas

In Aquinas, “conscience is introduced as the rational application to present contingent circumstances of the first principles of practical reason.”²² That is, conscience is the rational *process* whereby a person intuits basic goods in a situation and weighs them up against her subjective desire for a particular good, and then decides either to act or not to act based on the rational decision of whether her desire for a particular good is consistent with her intuition of basic goods. On this point it is evident (and important to note) that conscience is not a faculty, or simply a sense (as in Butler’s theory), but an act; conscience “implies the relation of knowledge [of the good] to something [particular situation].”²³

As I have said, for Aquinas, conscience is an *act* in that it “implies the relation of knowledge to something.” The question of conscience is an epistemological one: namely, how humans dispositionally intuit the good, and, through repeatedly acting in (in)consistency with that intuition, come to know (or believe they know) the moral law.

The process of conscience is outlined by Aquinas in *De Veritate* where he argues:

[In situations] whereby we deliberate what ought to be done or examine what has been done, it is a habit of practical reason that is applied, namely the habit of *synderesis* and the habit of wisdom through which higher reason is perfected and the habit of science through which lower reason is perfected, whether all together or one

¹⁹ Butler, *op. cit.*, pp.41-42

²⁰ I will return to the circularity of this argument later to examine its validity

²¹ D. Daiches Raphael, ‘Bishop Butler’s View of Conscience’, *Philosophy*, Cambridge University Press, Vol.24 No.90, 1949, p.219

²² Thomas Aquinas, trans & ed. Ralph McInerny, *Selected Writings*, (Victoria: Penguin Books, 1998), p.217

²³ St. Thomas Aquinas, *Summa Theologica*, I, Q.79-13

Accessed from: <http://www.newadvent.org/summa.htm> [May 31, 2009]

alone should be applied. By these habits we examine what we have done and deliberate about what is to be done²⁴

Synderesis is defined in *Summa Theologica* where Aquinas writes “synderesis is said to incite to good and murmur at evil, inasmuch through first principles we proceed to discover, and judge of what we have discovered. It is therefore clear that synderesis is [...] a natural habit.”²⁵ Synderesis is, for Aquinas, a dispositional habit of practical reason; it is an aspect of all people which allows them to intuit those things that are intrinsically good: “an immediate, non-inferential grasp of principles, the foremost of which is that one ought to do good and avoid evil.”²⁶ Synderesis is the means with which persons can intuit the good, the “spark of consciousness”,²⁷ without which we would have no conception of goodness or evil to help us determine our actions. Furthermore “in the universal judgement of synderesis error cannot occur”²⁸; the intuition of synderesis is infallible. Put simply, synderesis is the intelligibility of the first principle of practical reason (“good is to be done and pursued, and evil avoided.”)²⁹ and the basic human goods, which are those things that perfect human nature (in the sense Butler alludes to with his account of virtue).

The other habits Aquinas mentions are those of wisdom and science, and these, in combination with synderesis, make up Thomas’ conception of conscience. Aquinas considers a habit to be “something a man can exercise at will”³⁰, as regards wisdom; the habit of the higher part of reason, Thomas considers this to be philosophic and divine knowledge that cannot come through experience;³¹ whilst science the habit of the lower part of reason refers to the ability to deduce from experience, as Aquinas writes in *Summa Theologica*:

[I]n man himself it is manifest that the common sense which is higher than the proper sense, although it is but one faculty, knows everything apprehended by the five outward senses, and some other things which no outer sense knows; for example, the difference between white and sweet.³²

Conscience is a more complex process. For Aquinas, an act of conscience “include[s] the perception of the principles of morality [synderesis]; their application in the given circumstances by practical discernment of reason and goods [wisdom]; and finally judgement about concrete acts yet to be performed or already performed [science].”³³ Essentially, conscience is the act by which universal first principles of morality are provided by synderesis in order to help judge a particular situation, as seen in the following example:

- Evil must always be avoided (a first principle grasped by synderesis)

²⁴ Aquinas, *De Veritate*, Q.17-1 in Ralph McInerney, *Selected Writings of St. Thomas Aquinas*, (London: Penguin, 1998)

²⁵ Aquinas, *Summa Theologica*, I, Q.79-12

²⁶ Stephen J. Pope, *The Ethics of Aquinas*, (Washington D.C.: Georgetown University Press, 2002), p.40. Note that New Natural Law (as developed by Germain Grisez, John Finnis & Joseph Boyle) will replace “do good and avoid evil” with “good is to be done and pursued, and evil avoided.”

²⁷ Phillip the Chancellor, *Summa de Bono, Treatise on Conscience*, I-A, in T. Potts, *Conscience in Medieval Philosophy*, (Cambridge: Cambridge University Press, 1980), p.95

²⁸ Aquinas, *De Veritate*, 17-2

²⁹ St. Thomas Aquinas, *Summa Theologica*, I-II, Q.94-2 accessed from:

<http://www.newadvent.org/summa/2094.htm> [21, Sept, 2010]

³⁰ Pope, *op. cit.*, p.143

³¹ *Ibid.*, p.146

³² Aquinas, *Summa Theologica*, I, Q.57-2

³³ *Catechism of the Catholic Church*, (Homebush: Society of St. Paul, 1994), p.1780

- Adultery is evil (forbidden by God [habit of wisdom])
- Therefore, the act of adultery must be avoided (application of a judgement of conscience [deductively through habit of science])³⁴

To make clearer Aquinas' view of conscience, it may be helpful to explain the distinction between wisdom, science and synderesis by calling them the 'moral, practical and natural conscience'.³⁵ The natural conscience (or synderesis) is simply the underlying, foundational knowledge from which any kind of moral knowledge or judgement emerges. Without synderesis, terms such as 'right' and 'wrong' would defy meaning to humans – natural conscience provides avenue for humans to begin reasoning about right and wrong by making us aware of the basic rule of action: "good is to be done and pursued, and evil avoided".³⁶ This is the basic knowledge afforded to us by our natural conscience. From here, humans need more guidance as to (a) what is good or evil (so it can be done and pursued or avoided), and (b) what behaviour will instantiate goodness or avoid evil in specific circumstances. Only natural conscience combined with both A and B will allow a person to decide how to act in a specific circumstance (judgement of conscience).

Requirement A refers to a 'moral conscience' or, in Aquinas' words, wisdom. The knowledge of what good and evil actually are. Some may argue (as section 1 suggested) that this knowledge stems from religious beliefs, feeling, or social consensus, informed by rational reflection on the basic awareness provided by synderesis. However, once a person comes to have an idea of what good and evil are, she must still decide what the best course of action is to bring good about in specific circumstances. This is the role of the practical conscience, which Aquinas calls 'science'. Here, the knowledge that X is good, and good should be done, is applied to the specific situation, where a person deduces the way in which X can be done based on the nuances of her circumstances. Practical conscience then, on the above example, will make the deduction that if (i) good is to be done and pursued and evil avoided, (ii) adultery is evil, and (iii) sleeping with this person would constitute adultery, then (iv) I ought not to sleep with this person. This entire process – whereby the natural, moral and practical consciences (properly understood as synderesis, wisdom and science) collaborate in determining best action is what Aquinas understands to be an 'act of conscience'.

So, for Aquinas, the politician experiencing a conflict between what one believes to be right, and what the public believes to be right, an MP should, simply, do what is right according to her best judgement of conscience. Now, obviously the question becomes one of what is right, but Aquinas will explain how a person makes a judgement in that regard (based on the above example): it will be a rational judgement based on what is known about human nature through wisdom, and how this knowledge should be applied to the particular situation. Once this decision is made, a politician should act in accord with that judgement, regardless of what her constituency thinks, because Aquinas argues that "[A man] sins more if he does not do what his conscience dictates, while his conscience lasts, since it is more binding than [any other source]."³⁷ Aquinas believes that conscience is binding because to disobey ones

³⁴ This example is taken from Luc Thomas Somme OP, 'The Infallibility, Impeccability and Indestructibility of Synderesis', *Studies in Christian Ethics*, Vol. 19 No.3, 2006, p.407

³⁵ Although, of course, such a distinction should be understood as purely explanatory; humans have only one conscience, to which each of these aspects contributes. They do not, in themselves, constitute independent (or, for that matter, dependent) consciences.

³⁶ Germain Grisez, 'The First Principle of Practical Reason: A Commentary on the *Summa Theologiae*, 1-2 Question 94, Article 2', *Natural Law Forum*, Vol.10, 1965, pp.168

³⁷ *De Veritate*, Q.17-V

conscience is to do what one manifestly believes to be wrong. Therefore, the politician vote in accord with what she believes to be right.

C: Critical & Comparative Analysis

I find a number of problems with Joseph Butler's theory: the first critique is quite straightforward, and is raised by Alasdair MacIntyre in *A Short History of Ethics*. The point, quite simply, is that Butler's argument is circular, and fails to enjoin conscientious judgements to moral principles.

[H]ow do we know which actions are enjoined and which proscribed? Here the argument becomes entirely obscure because it is circular. I ought to perform those actions which will satisfy my nature as a rational and moral being; my nature as a rational and moral being is defined by reference to my adherence to certain principles; and those principles demand obedience because the actions which they enjoin will as a matter of fact satisfy my nature as a rational and moral being.³⁸

This objection raises a more substantive question: how does Butler's conscience access any objective moral truth? One answer may be that 'there is no objective moral truth', but such an argument will be of little help to the MP trying to discern between her beliefs and those of her constituency. Butler suggests that conscience directs toward acts that are consistent with human nature because it is a *part* of human nature. However, this doesn't answer the question how/why a person would act against their conscience. It is overly simplistic and appeals to a human nature that it fails to prove.

Butler places absolute supremacy in a person's conscience. However, he is unable to show precisely what actions are permissible and which are not based in human nature, and he is also unable to explain how the conscience is able to do as much; he simply believes that our experience of human nature shows us that it does. However, this fails to explain how the conscience can be misguided and do wrong, considering "Butler [holds] that any man reflecting in a calm and cool hour simply knows what is right and wrong."³⁹ It is my opinion that Butler is confusing the complex and fallible conscience with Aquinas' synderesis, which is infallible.

I believe that Butler has confused the idea of a morally binding conscience (as Aquinas holds it to be) with that of a morally supreme, law-giving conscience. Butler's concept of conscience is such that there is "[n]o clash between duty and interest"⁴⁰ because he believes conscience is based entirely in the way humans should act as rational, moral beings. This is a problem for Butler because, as MacIntyre later points out

I may, although Butler judges this to be the exception rather than the rule, find that duty and interest do not precisely coincide, so far as life in this present world is concerned [...] Thus the satisfaction of my nature as a reasonable and moral being is not precisely coincident with my happiness in any empirical sense. How then does the criterion of duty manifest itself?⁴¹

³⁸ Alasdair MacIntyre, *A Short History of Ethics*, (London: Routledge, 2007), p.160

³⁹ Fuss, *op. cit.*, p.111

⁴⁰ MacIntyre, *op. cit.*, p.160

⁴¹ *Ibid.*

This contradiction demonstrates the problem with Butler's view of a supremely authoritative conscience as sole ground for morality; whereas Aquinas would say that the event of a conflict between desire and synderesis is where the judgement of conscience previously outlined takes place. The scenario that raises most difficulty for Butler (conflict between natural desire and perceived duty) is the exact focus of Aquinas' theory of conscience.

3. The Importance of External Moral Truth

It is my belief that the Thomistic account of conscience has largely been lost in the increasing moral relativism of today's society. An appeal to objective truth is difficult when personal beliefs are seen as simply unquestionable. However, as I have shown, making personal beliefs equivalent to objective truth makes a politician's job extremely difficult when it comes to casting a conscience vote. If her opinion is no more right or wrong than anyone else's, why should her decision be vote-worthy? Her role as elected representative will be of limited help in answering this question, because she may well have been elected on the mandate of party policy.

However, despite the problems with such an account, I believe that the current Australian view of conscience is closer to that of Butler than to that of Aquinas. It is based in a feeling or belief about right and wrong, as Stephen Tudor suggests in remarking that politicians may decide how to vote on conscience simply by "getting in touch with their feelings on the day." As such, Australian democracy is at risk of losing touch with objective truth when making decisions based on conscience. Because of this, I believe it is important to re-assert the necessity of a moral law outside of individual conscience.

From what we have seen of Aquinas, "conscience is taken to be pre-eminently the application of natural law principles to particular actions."⁴² I want to focus on the fact that conscience applies to particular actions. Conscience, it seems, is able to determine what is good in a particular situation with the advice of synderesis, and thus, the act of conscience is inherently an epistemological question of how we know the good. However, there is a marked difference between knowing the good and dictating the good, which is the role that Butler seems to have assigned to conscience. Analogically, if my mind is able to intuit the basic laws of mathematics a priori (for example; laws of addition and subtraction), it does not follow that because this intuition is prompted by the mind that those laws which the mind intuits originated there. The laws of mathematics are discovered by the mind by way of its understanding of basic logical laws; which do not apply only to the mind, but are fundamental first principles for the universe as a whole. It seems that synderesis operates in much the same way; it intuits the first principles of practical reason in the same way that theoretical reason understands basic logical principles. These first principles are then used as a judge for all decisions that follow, as Eric D'Arcy says in *Conscience and It's Right to Freedom*:

One does not deduce all the truths of metaphysics from the principle of non-contradiction; it is, rather, the formal principle which controls and governs all our syllogizing. So in the practical order, the principle "Good must be done and evil

⁴² McInerny, *Ethica Thomistica*, (Washington D.C.: The Catholic University of America Press, 1997), p.105

avoided” is not one from which we deduce all the precepts of the natural law; it is the formal principle which governs all “practical” syllogisms.⁴³

Not only does D’Arcy here compare the principles of synderesis to the first principles of theoretical reason, but he also, importantly, limits synderesis to such; we cannot derive all principles from synderesis (as this would leave no role for wisdom), rather, all actions will act in congruency with this principle, the major premise of synderesis. What we can say of synderesis then is that insofar as it is infallible, it will always intuit the basic ground of the moral law, such as “nothing prohibited by the law of God is to be done.”⁴⁴ The conscience however, can, through the combination of synderesis, wisdom and science *know* the moral law in a way that synderesis never can. However, though a well shaped conscience will know the moral law, it will never invent it; it will only derive it following the murmurs and first principles of synderesis, and the promptings of wisdom and science.

It would, however, be untrue to say that because conscience only intuits moral law and does not shape it; that conscience plays a purely superfluous role in morality. Conscience is the way by which (as has been discussed) persons are able to know the moral law. Without the act of conscience there would be no moral or immoral actions, because the moral law would be manifestly unknowable, and therefore all actions would be excusable on the grounds of epistemic ignorance, as “[n]o-one is bound by a law save by one means alone: knowledge of that law.”⁴⁵ So, though Butler is incorrect in asserting that conscience is a sufficient ground for moral norms, it is true to say that conscience plays a necessary role in morality.

For conscience to function effectively, it must, necessarily, make appeal to external truth as the basis of (or, at least, justification for) conscientious judgement. The current situation, where the primacy of conscience has (at least in common thinking) triumphed over appeals to universal, objective moral truth, places conscience at dire risk at being misunderstood and re-conceptualised to the point where the term loses all meaning.

This threat could be overcome were people to adopt a Thomistic account of conscience, which respects objective truth and demands it be sought in moral decision-making. However, such an account of conscience would have some significant ramifications on Australian democracy. The first consequence would be that politicians, under a moral imperative to do what they believed to be right, would be less inclined to vote along partisan lines at all times, and a policy that forbade members from ‘crossing the floor’ (such as the ALP have), would be considered positively unethical. This would likely see a diminishing in the dominance of both the major parties, and the emergence of smaller, like-minded groups. Otherwise, it may see the rise of more independent MP’s being elected, and increased bipartisanship, where politicians united based on where they stood on each particular issue, rather than under the banner of whichever party they had been represented under. Under such a system, *every* vote would be a conscience vote!

The Thomistic conscience would refuse to allow ideological compromise, meaning that debate and reflection would be increased during parliament. Of course, this may decrease the amount of day-to-day work that government could see to (a possible drawback of a morally conscious government). It would also mean that citizens would be less inclined to

⁴³ Eric D’Arcy, *Conscience and It’s Right to Freedom*, (London: Sheed and Ward Ltd., 1961), pp.208-209

⁴⁴ *De Veritate*, Q.17-II

⁴⁵ D’Arcy, *op. cit.*, p.95

demand a politician to vote in accord with their beliefs – politicians would be elected more on their capacity as moral decision-makers, and less on their existing opinions. Such a view is idealistic, and some will argue that it paints a picture of a government that is ‘all talk, no action’; and to some extent this is true. However, it would also mean that politicians and citizens alike could be confident in the integrity of the government, and in its capacity to reflect on how to best reflect truth through governance.

The current issue with conscience, I have suggested, is that contemporary usage implies two different functions for the conscience vote – to represent the local community or minority interests, or to express one’s own personal opinion. These two purposes can easily come into conflict, placing an MP in a very difficult situation, because, in a context where conscience is given primacy over, or entirely replaces, moral truth, the MP has no real reason to place either her own, nor her constituency’s conscience over the other. A Thomistic understanding reverts conscience to a role that is informative of, rather than equivalent to, moral truth, and as such, gives the MP some guide to action: because conscience is the best judgement about what the right thing to do in a situation is, it must always be followed, because “it is logically impossible that one could be aware that one's present judgment of conscience is mistaken, setting oneself against one's own firm judgment of conscience is setting oneself against the goods of truth and reasonableness, and that cannot fail to be wrong.”⁴⁶ As such, the Thomistic account provides a solution to the conflict that arises from the two views of conscience that are currently prevalent amongst the Australian people.

⁴⁶ John Finnis, ‘Aquinas’ Moral, Political & Legal Philosophy’, *Stanford Encyclopedia of Philosophy*, 2005
Accessed from: <http://plato.stanford.edu/entries/aquinas-moral-political/#Con> [30 Dec 2010]