

Conditions of Morality — Law and Conscience

*These notes are derived from Catholic Morality by Fr. John Laux.
Section I, Chapter I-B: Law, and I-C: Conscience, pp 10-20.*

There are three **Necessary Conditions of Morality**

- **Freedom of the will** — Ability to act
- **Law** — External norm of morality
- **Conscience** — Internal norm of morality

Law in General

Laws are systems of rules given by a legitimate authority to regulate behavior.

Precepts are commandment or orders intended as authoritative rules, as in 'Precepts of the Catholic Church'.

- **Natural Law** — Inherent Laws and rights, not conferred by legislation, but bestowed by God, nature, or reason. Natural laws are eternal and apply to all people for all time. They can be discerned by reason without the aid of revelation.
- **Positive Law** — Laws or rights that are bestowed by a legitimate authority. Positive laws bind specific groups of peoples, under a particular authority, during a particular time.
- Positive Laws can be either Human or Divine
 - **Human Laws** include Civil Law, Common Law, Statutory Law, Case Law, International Law, Criminal Law, Constitutional Law, etc.
 - **Divine Laws** Law that God has made known to man by way of scriptures and revelation, such as Ten Commandments, Mosaic Laws.

Natural Law

Natural Law is light of natural reason, written on every human heart. It draws us to good and away from evil, towards the will of God.

Natural law is supported by Scripture, but is distinct from scriptures and has been recognized by many pagans (Sophocles, Confucius, etc.)

Natural law is foundation of all other laws. Positive laws that contradict natural law are unjust. Natural laws are eternal, unchanging, flow from Divine Will and Divine Reason, are binding on all men at all times,

Natural Law involves:

- **Precepts** — Fundamental rules of Morality,
- **Immediate conclusions** — Specific rules based on Precepts of Morality
- **Remote conclusions** — Rules based on precepts that are not obvious or difficult to discern

Precepts of Natural Law

- Man's relationship to God - Worship God and do his will
- Man's responsibility to himself - Control our sensual appetites
- Man's responsibility to neighbor - Do unto others as we'd have them do unto us.
- Honor they mother and father and recognize legitimate authority

Immediate Conclusions of Natural Law

Examples of Immediate conclusions are most Ten Commandments (all except 3rd commandment, keep Sabbath day holy.) Immediate conclusions are discernable to all with basic reasoning abilities.

Remote Conclusions of Natural Law

Examples of Remote conclusions are indissolubility of marriage, unlawfulness of private revenge, etc. Remote conclusions require careful and precise reasoning and ignorance can be excusable in some circumstances.

Divine Positive Law

- Made known by supernatural revelation, especially in Holy Scriptures
- More clear and complete than natural law
- Necessary to explain parts of natural law that are difficult to discern

Old Testament Laws

- Patriarchal Laws in effect during Genesis
- Mosaic laws include 1) **ceremonial**, 2) **judicial**, 3) **moral precepts**
- Ceremonial laws ceased to have binding force after time of Christ (he came to "fulfill, not destroy"), but he did not contradict moral precepts
- Ten Commandments: Meaning of Decalogue is 'Ten Words'

New Testament laws

- Counsels of Perfection
- Sermon on the Mount
- Institution of Sacraments

Human Positive Law

Human laws are based on three legitimate authorities

- **Parental authority** — related to welfare of children
- **Catholic Church** — laws bind only those who are baptized
- **State** — power of state to make laws is derived from God

Examples of Human Positive Law

- **Civil Law** — Deals with rights and duties of individuals. Contrast to Criminal Law
- **Common Law/Case Law** — Law made by judges, arising by precedent, rather than legislative authorities. Example: 'Common law marriage'

- **Statutory Law** — Written Laws made by legislatures, kings, or regulatory bodies
- **Canon Law** — Body of statutory laws made by Church authorities relating to governance of the church and spiritual matters. **Canons** were rules adopted by the Councils and has developed gradually over time.
- **Bylaws** — Rule established by a civic organization to rule itself.

Conscience

Conscience is the judgment of our reason with regard to the morality, goodness, or badness of an act.

- **True or Correct Conscience** — Enables us to judging the right course of action and compels us to act based on lawful authority.
- **False or Erroneous Conscience** — Judgment of the intellect that decides from false principles, that something is lawful, which in fact is unlawful
- **Erroneous, Vincibly Ignorant** — See above; error occurs in a capacity where the person/intellect should have known
- **Erroneous, Invincibly Ignorant** — See above; error occurs in a capacity where the person/intellect had no ability to be informed of true principles
- **Certain Conscience** —Speaks with assurance but can be erroneous. We are bound to follow a sure conscience, even if it is erroneous.
- **Doubtful Conscience** — Doubts the good or evil of an act done or omitted. We are bound to clear doubt before acting.
- **Scrupulous Conscience** — Judges an action to be morally evil when in fact it is not.

Means for forming a Correct Conscience:

- Truthfulness
- Repress passions, especially pride and impurity
- Examine conscience daily
- Frequent confession, occasional retreat

Rules for determining duties when laws are conflicting

- Natural law takes precedence over positive laws
- Divine law takes precedence over human laws
- Claims of justice are higher than those of charity (debts before almsgiving)
- Professional duties are higher than personal duties (doctors, policemen, etc.)
- Salvation of souls is higher than protection of human life (martyrs)

Temptation is the incitement to choose some personal satisfaction in place of the will of God.