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## Complicating Conscience, Refreshing Discontent

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Diametros nr 47, 50-63

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2016

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## COMPLICATING CONSCIENCE, REFRESHING DISCONTENT

– Paul J. Medeiros –

**Abstract.** The 19<sup>th</sup> Century New England author Thoreau provides an approach to conscience and unjust laws approximating that given by St. Thomas Aquinas in *Summa Theologiae*. But the portrait of conscience given by Thoreau in the 1848 oration “Civil Disobedience” is incomplete. Thoreau’s approach is solved by accepting insights given in Part I and Part I-II of *Summa Theologiae*. Allowing St. Thomas’ insights requires reform of Thoreau’s civil disobedience and conscientious objection. But Thoreau’s arguments are given new life.

**Keywords:** conscience, natural law, rationality, civil disobedience, conscientious objection, plantation slavery.

### Introduction

The 19<sup>th</sup>-century New England author Henry Thoreau is celebrated worldwide for the literary contemplation of nature expressed in novels, orations, and journals. Scholarly contributions to recent academic titles, *Thoreauvian Modernities* and *Thoreau’s Importance to Philosophy*, justify what is also a personal belief shared among Americans: Thoreau’s compositions give us valuable, intellectual ideas and philosophical visions. At the same time, according to editors of *Thoreau’s Importance*, there is reluctance in academic philosophy to embrace Thoreau as among the contributors to the worldwide philosophy tradition.<sup>1</sup>

This academic reluctance is thought-worthy: the author’s literary arguments, admired for intellectual insight, also express clear, deliberate commitments to traditional moral concepts like intellect, conscience, humanity, virtue, and passion. What is more, the author may give us what are unique approaches and reasonings on moral issues. Among the contributions of Thoreau are carefully composed, moral arguments in orations like *Civil Disobedience* and *Life Without Principle*.<sup>2</sup> In short, Thoreau’s moral thought is, for some, not to be ignored by academic philosophy. Nor should Americans ignore the author’s moral, philosophical

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<sup>1</sup> Furtak, Ellsworth, Reid [2012].

<sup>2</sup> Thoreau [1906a].

use of what are Christian insights.<sup>3</sup> Those with some background in Catholic moral philosophy will observe the author's philosophical concepts are also concepts defined in traditional works such as *Summa Theologiae*. Recently, American scholars propose that Thoreau offers us Aristotelian virtue ethics;<sup>4</sup> now, there is evidence Thoreau's contributions, including the oration for civil disobedience and conscientious objection, may be brought to philosophical life in terms given by St. Thomas.

It is true Thoreau's commitment to philosophical idealism results in conclusions in areas of moral life that are different from conclusions given by St. Thomas. For example, whereas, in *Civil Disobedience*, Thoreau announces that civil law does not contribute to virtue, St. Thomas's moral philosophy in *Treatise on Law* describes how civil law does. Disagreement between the idealism of Thoreau and the moral philosophy of St. Thomas, especially in the area of law, alights on the complex relationship between human rationality and the common good. For the idealism of Thoreau, the common good pursued by civil law and government is often a fiction to be ignored, if only because, for Thoreau, the 19<sup>th</sup>-century New England people are not living what is human life;<sup>5</sup> the better guide for conduct must be what Thoreau calls conscience.

One approach to exploring Thoreau's idealism and its kinship with Catholic moral thought is to begin from the concept of conscience and Thoreau's justification of civil disobedience and conscientious objection. One result of this interpretation may be that the ethics and moral philosophy of Thoreau are perceived as, in essence, belonging to philosophy. What this composition especially aims to show is that Thoreau's idealism carries what, for St. Thomas, is a suitable commitment to conscience and that the New England author leaves unsolved two observations: All people possess a conscience and Some people do not possess a conscience. In what follows, the loss of conscience perceived by Thoreau in mid-19<sup>th</sup>-century America is to be explained by insights of St. Thomas: that Conscience is an act of the intellect and Acts of conscience may be erroneous. For anyone thinking like St. Thomas, the loss of conscience and also erroneous conscience may be fully understood in light of intellectual and moral habits, prudence, justice, temperance and fortitude, and their contraries.

The remainder of this paper aims to elaborate the interpretation of Thoreau's idealism in terms given by St. Thomas. In the end, Thoreau's civil disobedi-

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<sup>3</sup> *Ibidem*, p. 362, 372-373.

<sup>4</sup> Cafaro [2004].

<sup>5</sup> Thoreau [1906b] p. 100-102.

ce and conscientious objection are portrayed in a new light, expressive of Thoreau's rationalism and Christian belief. The new interpretation complicates Thoreau's concept of conscience and refreshes his remarkable discontent.

### **To Act by Conscience**

Thoreau's discussion of conscience occurs in the 1848 oration, delivered in Concord, Massachusetts, and published in 1862 as *Civil Disobedience*. Like most of Thoreau's compositions, the oration has a specific aim, audience, and setting. The aim is to argue for the proposition that citizens ought to act, or omit to act, from conscience when civil laws are severely unjust. This is the argument for what Thoreau calls civil disobedience: acting intentionally against particular civil laws perceived by conscience to be unjust.<sup>6</sup> The audience is fellow town of Concord citizens, who are also citizens of the Commonwealth of Massachusetts; in the oration, the author emphatically concludes conscientious citizens should divest themselves from the Commonwealth and from the US government. This is the argument for what is conscientious objection: the moral obligation to divest one's participation of unjust government and organizations.<sup>7</sup> The historic setting of the oration is the opposition in New England towns and cities to plantation slavery and to proposed civil laws of Massachusetts and the US mandating that citizens deliver the fugitives of plantation slavery to federal agents. Thoreau has also in mind civil laws conscripting citizens into the federal military. For philosophy, what is of first importance is Thoreau's deliberate invocation of conscience throughout the oration: plantation slavery and military conscription are contrary to conscience, we always and only ought to abide by conscience, and what makes new laws severely unjust is that they require citizens to act without regard for conscience and without regard for humanity in other persons.

The portrait of conscience given by Thoreau he takes to be shared with his audience, some of whom are also contributors to the Abolitionist and Transcendentalist literature. Conscience, Thoreau asserts, is a universal human ability of the intellect to distinguish what is truly good from what is immoral.<sup>8</sup> Thoreau further proposes that we may distinguish the areas of human life where individual conscience ought to be sovereign from areas where calculation is acceptable. The reader may also infer from what the author says that citizens using conscience on moral questions will come to the same conclusions and insights: for example, that

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<sup>6</sup> Thoreau [1906a] p. 368.

<sup>7</sup> Ibidem, p. 369.

<sup>8</sup> Ibidem, p. 358.

plantation slavery is immoral.<sup>9</sup> But what is philosophically unique about Thoreau's oration is the special insistence that the persons of conscience must act assertively and without regard for consequences. Thoreau thus intends to speak to reform-minded citizens who reason to wait-out injustices like plantation slavery. The bond of conscience-and-action makes Thoreau's oration revolutionary and provocative.

But also discontented. Thoreau asserts that Some people do not possess a conscience.<sup>10</sup> This claim is similar to generalizations given in the celebrated novel *Walden*: that New England people are morally asleep, or inauthentic, or unobservant.<sup>11</sup> As in *Walden*, Thoreau clearly intends his observation to encompass a diverse population of citizens: factory workers, gentlemen farmers and their lady spouses, manual laborers, and conscripted soldiers. In short, for Thoreau, a wealthy master and a needy servant alike live contrary to conscience. Accordingly, a significant aim of Thoreau's moral philosophy is to account for the loss of conscience and urge that human life should be committed to conscience. The loss of conscience, for him, results from acting contrary to conscientious perceptions about what is good.<sup>12</sup> The author also proposes that the loss of one's conscience is the beginning of the loss of one's humanity: that without a conscience, we no longer live as human beings, but as "machines"<sup>13</sup> and "operatives."<sup>14</sup> Surprising for those who explore Thoreau's literary environmentalism, the moral core of Thoreau's 1848 oration is the call to live what for him is the authentic human life: rationality disposed for worldly action.

Thoreau can be placed within the world philosophy tradition. But this invitation does not mean that Thoreau's idealism is without unanswered questions. One objection is that the generalization about New England citizens being morally asleep is not only dire and hasty; the author may give us no licit reason that it is true. Alternative portrayals are more plausible and hopeful: it may be that most New England people live by consciences that are also erroneous consciences, or it may be that most people live by their conscience, but rarely do consciences consider state and federal issues. To conclude, the moral crisis Thoreau perceives may be significantly misconstrued. The author's formal logic suggests this conclusion:

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<sup>9</sup> Ibidem, p. 360, 385.

<sup>10</sup> Ibidem, p. 362-363.

<sup>11</sup> Thoreau [1906b] p. 6-9, 100-102.

<sup>12</sup> Thoreau [1906a] p. 371.

<sup>13</sup> Ibidem, p. 359.

<sup>14</sup> Thoreau [1906b] p. 29.

in the oration, Thoreau asserts contradictory premises: All humans possess a conscience and Some humans do not possess a conscience. The universality of conscience recommends to us its normative significance for everyone, as well as its infallible power. Whereas people's moral turpitude tells us that conscience may be easily ignored in favor of other guides. Together these ideas make no sense. To wit, if conscience is a universal, available guide, as Thoreau and the community of the Abolitionists and Transcendentalists claim, then what is plausible, and in keeping with idealism, is to also claim that All humans act by conscience. Thoreau claims just the opposite. His portrait of conscience suffers to account for why people ever act contrary to conscience.

By the concept of conscience one may discern unexpected convergences between the idealism of Thoreau and the moral philosophy of St. Thomas. Insights given by St. Thomas solve the unanswered question and prove to deepen and complicate Thoreau's moral reasoning.

### **Conscience as Act**

St. Thomas gives an interpretation of conscience in Part I, Question 79 of *Summa Theologiae*, as part of the inquiry into the human essence. In article 13, St. Thomas identifies conscience not as an ability or power, as an author like Thoreau appears to hold, but as an act of the intellectual power. The evidence given for this unique idea is the scientific insight that conscience may always be "set aside." I may admit or I may ignore conscience. Similarly, in Part I, Question 87, article 1, St. Thomas asserts that an act is knowable by the intellect, whereas a power is not knowable; which is to say that conscience is something we encounter in our minds and, for this reason, must possess the being of an act. So, for St. Thomas, conscience has what is characteristic of an act, that it may be encountered and known, or encountered and ignored; for him, conscience must be among the several acts of the intellect grasping truth. The etymology of the term conscience, as well as popular insights about conscience, indicate for St. Thomas that conscience is especially the act of applying knowledge to evaluate unknown human actions. In Part I-II, the areas of knowledge that are applied in the act of conscience turn out to be principles and directives expressed in natural law, in civil law, in customs and, also, in the divine law.

What is novel is the proposal that conscience is act, not power. This idea repudiates what may be the view of authors like Thoreau who perceive conscience as a divine, infallible power issuing moral insights we must follow accordingly. For the community of New England, the transcendentalist philosophers, it is at the least a hypothesis that conscience is divinity within us. But Thoreau also assumes

what St. Thomas claims: conscience is an activity of my practical reason, or the right reason, determining the suitable action for a chosen end. For example, Thoreau declares, “The only obligation which I have a right to assume is to do at any time what I think right,” and thus proclaims his ownership of the thinking act.<sup>15</sup> So, for Thoreau as for St. Thomas, conscience is always an act of my intellect alongside other acts, and since for St. Thomas good intellectual and moral acts issue from good habits, the act of conscience may be fully understood in light of what is given in *Treatise on Human Actions* and in *Treatise on Virtues*.

St. Thomas indicates in Question 79, articles 12 and 13, of Part I of *Summa Theologiae*, that there exists a natural virtue of the intellect contributing to the act of conscience: the excellence in grasping first practical principles without any inquiry. Because this natural virtue does not serve for the application of knowledge but only for grasping what is good immediately, it must be prior to, and contained in, any act of conscience, just as the virtue of understanding, for St. Thomas, is prior to, and contained in, any scientific activity.<sup>16</sup> Alongside the natural virtue are what St. Thomas calls “many habits” contributing to the act of conscience, among which must be good, intellectual habits like science and prudence, as well as moral habits like justice, temperance, and fortitude. Chief among all these is likely to be prudence, the intellectual habit of discovering the suitable action, because this virtue pertains most to what the act of conscience is about. These intellectual virtues and moral virtues, for St. Thomas, are acquired through guided direction and experience. It must follow from what is given in *Treatise on Virtues* that, for St. Thomas, some persons will be virtuous in the act of conscience and that these persons are readily prepared to apply knowledge of what is good to unknown actions and to command themselves to act or omit to act accordingly. Whereas, for anyone thinking like St. Thomas, it is also possible for human persons not to be in possession of the virtues needed and sufficient for the act of conscience. For such persons, the young, the needy, and the uneducated, the act of conscience will be too difficult to be carried out, or it will not be commanded, or it will harbor erroneous knowledge. What is clear is that, for St. Thomas, the possible causes of an imperfect act of conscience are many, and that, for St. Thomas, good actions resulting from acts of conscience require the contributions of both intellectual virtues and moral virtues, as stated in Question 58.

To conclude, *Summa Theologiae* offers a solution to Thoreau’s puzzle about the universality of conscience and moral turpitude. To state that all people possess

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<sup>15</sup> Thoreau [1906a] p. 358.

<sup>16</sup> Aquinas [1947] I, Q. 57, 58.

a conscience is for Thoreau to state that all people have an intellectual power, or mind, which, among other things, conducts acts of conscience. But without the contributions of intellectual and moral virtues gained by guidance and experience, the act of applying knowledge to action is as significantly hindered as to be absent or erroneous, especially with respect to complex circumstances requiring prudence and wisdom, like plantation slavery, federal laws, and international justice. So, Thoreau may indeed claim that all people possess a conscience and some people possess no conscience: the conscience is lost because good habits among the people are unformed, or immature, or carry false knowledge.

This new portrait of conscience is corroborated by the discussion of erroneous conscience given by St. Thomas in Part I-II, Question 19. There, St. Thomas defines an erroneous act of conscience as due to false knowledge carried in the act. For example, if a person conscientiously applies US free speech laws in a foreign city, then the person carries what are not suitable laws for public conduct, or if a person conscientiously abides by false moral rules given by his or her mother, then the person carries what are false, incoherent rules. In these examples, for St. Thomas, the intellect is erroneous, but the will is good in abiding by what intellect deems good. It follows, for anyone thinking like St. Thomas, that there is some good in an act done with erroneous conscience; the person wills justly. In articles 5 and 6, St. Thomas does not have an occasion to consider the great variety of erroneous conscience acts where the will errs or where passions disrupt reasoning, such as the incontinent conscience, or the continent conscience, or the imprudent act of conscience, or the militant act of conscience, or the unperceptive act of conscience, and so forth. What guides the insight of St. Thomas is the scriptural and Church authority: that conscience is always to be admitted and followed. For St. Thomas, the Church authority is St. Paul in *Letter to Romans*: “‘all that is not of faith,’ i.e., all that is against conscience, ‘is sin.’”<sup>17</sup> The stringent commitment expressed by St. Thomas to heed the act of conscience is exactly what Thoreau wishes to urge in the oration *Civil Disobedience*. The possibility that conscience, in essence, is grounded in faith was unknown to Thoreau. But admitting St. Thomas’s insight requires anyone thinking like Thoreau to revise the arguments for civil disobedience and conscientious objection in light of faith.

### **No Faith in Civil Laws**

To understand the dearth of conscience as the dearth of intellectual and moral virtues is in keeping with Thoreau’s overall moral argument given in *Civil*

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<sup>17</sup> Ibidem, I-II, Q. 19, a. 5.

*Disobedience* and in *Walden*. Among other things, the author perceives citizens of 19<sup>th</sup>-century New England to be excessively prudent, desperate, inauthentic, unobservant of nature, foolish about Heaven and happiness, and insufficiently contemplative.<sup>18</sup> For these reasons, American scholars like Phil Cafaro astutely perceive that the environmentalist author Thoreau gives us a virtue ethics.<sup>19</sup> But if we accept, for Thoreau, insights given by St. Thomas to solve a lapse in the author's portrait of conscience, then we will next see the argument for civil law that Thoreau intends to disclaim and that St. Thomas offers in *Treatise on Law*: civil laws, expressing promulgations for the will in subordination to the common good, contribute directions to virtue, including those virtues needed for the acts of conscience.<sup>20</sup> In short, for St. Thomas, civil laws are needed to gather intellectual and moral virtues; and, as principles contributing to virtue, civil laws cannot be relinquished without relinquishing conscience. For his part, Thoreau announces: "law never made man a whit more just."<sup>21</sup>

It may be useful to recognize this debate as approximating the guiding inquiry of Plato's *Crito*, in which Socrates and Crito explore whether it is just to act contrary to civil law.<sup>22</sup> Crito does not believe that the imprisoned Socrates should abide by the Athenian decree, as it is an unjust decree. Crito instead urges one's commitment to friends and family. Awaiting execution, Socrates defends the life-long, paternal contributions of civil law and obedience to civil law as part of rationality. St. Thomas is Socrates; Thoreau appears to be on the side of Crito. The issue is this: either the debt to civil law in building good habits of conscience justifies ongoing obedience to civil laws, even unjust laws, or, once conscience is sufficiently virtuous, as Thoreau and Crito may claim, one may act as one's conscience deems fit.

What is clear is that, for St. Thomas, as for Plato's Socrates, all persons ought to remain faithful to civil laws because everyone should be faithful to their chosen community. This claim imports to us the intrinsic relation between the act of conscience and the communities to which we belong. The belonging together of conscience and community is evident as one stitches together diverse areas of *Summa Theologiae*. In Part I-II, Questions 90-97, St. Thomas reveals that knowledge applied by the act of conscience is knowledge acquired through civil

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<sup>18</sup> Thoreau [1906a] p. 364-365; [1906b] p. 6-8, 100, 103-106.

<sup>19</sup> Cafaro [2004].

<sup>20</sup> Aquinas [1947] I-II, Q. 95, a.1 and Q. 96, a. 3.

<sup>21</sup> Thoreau [1906a] p. 358.

<sup>22</sup> Plato [1989] p. 117-129.

laws, but also from natural law, from customs, and divine law. In each instance, the area of knowledge is knowledge subordinate to a shared, ultimate end, the civil community, the network of living creatures, the generations of people, and the orderly universe, and what the knowledge consists in are general and particular directives suited for the end shared. So, what I do when I admit the act of conscience is that I will to act for a common good which I already deem good to belong to; if I will no such belonging, then I can have no conscience. In some areas of life, for St. Thomas, people require expressed guidance to inform their consciences; in other areas of life, natural reasoning gives direction. Either way, I pursue a belonging that I choose and is greater than me.

Accordingly, the addition of St. Thomas's conscience complicates Thoreau's moral vision and arguments for civil disobedience and conscientious objection. Two distinct reasons from St. Thomas justify renewed faith in civil law: civil laws direct us to virtues needed or sufficient for conscientious rationality, and civil laws also inform our conscience with directions to apply on our own. In fact, Thoreau's arguments are brought fully to life by admitting these insights; Thoreau's discontent with unjust laws is improved without relinquishing the stringent commitment to conscience.

### **An Infusion of Faith**

Civil disobedience is Thoreau's term for deliberately and immediately acting contrary to what unjust civil law requires. The author has in mind state and federal laws enforcing plantation slavery, but the argument also applies to civil laws of particular institutions. For example, the author tells the audience that he conscientiously refuses to pay a tax collected annually for the local church.<sup>23</sup> Thoreau's argument for civil disobedience rests on two premises: All people possess a conscience and All consciences discern good from evil. Furthermore, Thoreau asserts that people fulfill the human essence, humanity, insofar as they act according to conscientious reason; therefore, the author urges his audience to act contrary to civil laws deemed by conscience to be unjust and inhumane. In the case of the local church tax, what is unjust and inhumane is to demand membership in an organization; so, the author refuses the tax. Today, we know that the author's family gave shelter on what is called the underground railroad for fugitive slaves. So, whereas Thoreau's literary arguments may lead us to think of refusals and destructive acts of civil disobedience, what are envisioned are acts such as

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<sup>23</sup> Thoreau [1906a] p. 374.

inviting a fugitive to take refuge in the basement and assisting fugitives on their way to areas without slavery laws.

Conscientious objection is not a term of Thoreau's, but it is an idea to which the author gives special attention in *Civil Disobedience*.<sup>24</sup> Given that we aim to fulfill our human essence and given that severe injustice takes away humanity, it is imperative for Thoreau to have nothing to do with unjust government and organizations. Here, the author prudently distinguishes ordinary injustices that are intrinsic to administrative government from gross injustices that are formed of greed and malice. Plantation slavery and military conscription are for Thoreau such injustices. Thus, *Civil Disobedience* envisions how it would be to divest one's whole life from state and federal governments invested in inhumane slavery: the conscientious person must give up wealth, property, and civil liberties; and, in the end, accept imprisonment. Thoreau offers a statement reminiscent of Plato's Socrates: "the true place for a just man is also a prison."<sup>25</sup>

What is unidentified in Thoreau's powerful argument is the knowledge, or "principles," applied when anyone conscientiously acts contrary to civil law or divests oneself of gross injustice.<sup>26</sup> If conscience is not an infallible, intellectual power issuing judgments, then we and Thoreau must admit that knowledge comes from some source besides the civil law in question, such as natural reason, or another area of civil law, or home culture, or sacred scripture. This is what the philosophy of St. Thomas tells us, as given in the inquiry exploring the essence of law in Part I-II of *Summa Theologiae*. In Question 96, article 4, titled "Whether a Human Law Binds a Man in Conscience," St. Thomas claims that civil law is not "binding" for conscience whenever the civil law lacks any part of the fourfold essence of law. However, for anyone thinking like St. Thomas, most persons are not in a position of authority to determine by natural reason that civil law lacks the essence of law. For example, article 1 of Question 96 states that among the four characteristics of law is that law directs the will to the common good, which "comprises many things"; yet, for St. Thomas, only the appointed legislator is in a position to evaluate the fittingness of a civil law to the common good.<sup>27</sup> Nonetheless, at least four approaches to unjust laws are found in *Treatise on Law*. All four identify an area of human knowledge that may tell us that a civil law is unjust and, moreover, justify actions of civil disobedience and conscientious objection.

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<sup>24</sup> Ibidem, p. 370-375.

<sup>25</sup> Ibidem, p. 370.

<sup>26</sup> Ibidem.

<sup>27</sup> Aquinas [1947] I-II, Q. 90, a. 3 and Q. 96, a. 6.

The first approach is contained in Question 96, article 6, titled “Whether he who is under a law may act beside the letter of the law?” For St. Thomas, all civil laws conceived among humans are deductions of natural law, thought in view of the common good; so, it seems for anyone thinking like Thoreau plausible that, by natural law, any person may perceive that a civil law is not subordinate to its proper end and what action would be so subordinate. If this were so, then, by natural law, a person may always conscientiously act contrary to civil law, unjust or just. On the other hand, as ordinary persons do not stand in view of the common good, for St. Thomas, this hope is false. In Question 96, article 6, St. Thomas offers one exception: the civil laws that are made temporarily unjust by emergency. In such cases, he claims, it is possible for ordinary persons to act contrary to, or to refrain from, the unjust civil law and all civil laws; what knowledge allows people to act as such can only be natural law and the common good among the people in emergency. For example, with a hurricane impending, local citizens may, in good conscience, reason out measures to protect property and life; measures otherwise unlawful.

The second approach to unjust law, for St. Thomas, is contained in Question 96, article 5, titled “Whether all are subject to the law?” St. Thomas states that there are two circumstances in which a person may not be subject to civil laws: either one may be subject to higher order of civil law or, being a foreigner, one may be subject to the civil law of a different community altogether. These unique circumstances may allow us to perceive injustice and to act otherwise. For example, rather than obey what seems to me to be an unjust town law, it may be possible to obey the civil law of the empire of which both the town and I are subordinate members. Or, rather than obey what seems to me to be an unjust town law, I abide instead by the civil laws of an institution or another town. Of course, the possibility of abiding by civil laws of a different community must be due to having such membership. In sum, there are two approaches, for St. Thomas, in which a person may not observe unjust civil laws by obeying a different set of civil laws.

The third approach is stated expressly by St. Thomas in Question 97, article 3: rather than obey the unjust law, we may do, with good conscience, what custom tells us to do. Custom, we learn in article 3, carries the binding force of civil law whenever custom occurs as an established habit or activity the end of which is the common good. Significantly, St. Thomas proposes that lawlike customs may serve ordinary people as a test of civil law, showing civil law to be unjust wherever it is contrary to obedience to custom. For example, if civil law prohibits people from being friendly where custom requires friendliness, people can know the civil law to be unjust; by conscience, the precept of custom should be applied and followed.

The fourth approach to unjust law, for St. Thomas, is stated in Question 96, article 4, titled “Whether human law binds a man in conscience.” Here, St. Thomas considers those instances of injustice where civil law commands what is contrary to the divine law. In such conflicts, St. Thomas claims, we ought to obey the divine law, the end of which is everlasting Happiness. Promulgated by God, the divine law infinitely surpasses civil law in perfection; and thus, for anyone thinking like St. Thomas, the divine law expressed in sacred scripture provides infallible guidance. For example, civil laws in pursuit of the common good sometimes direct citizens to limit friendliness among citizens; whereas, the divine law exhorts love among neighbors. So, the conscientious person, acting by the divine law, may perceive and act contrary to unjust civil laws without hindrance.

In short, for St. Thomas, acts of conscience are acts infused by knowledge of what it means to be faithful to a community. St. Thomas indicates, in Part I, Question 79, that “conscience” is so named because it denotes concomitant applied knowledge. Despite its external basis, conscience, for St. Thomas, always ought to be admitted because it is one’s own reason having already apprehended and proposed what is ultimately good; for example, that it is good to belong to this community which promulgates civil laws I now ought to apply. In every case, for St. Thomas, the act of conscience is the act of admitting one’s belonging into one’s reasons for acting; it is the essence of right reason. Habitually, conscientious reasoning is the virtue prudence. On the other hand, to follow a dictate of reason toward a common good that one’s reason has not yet proposed as good would be imprudent and foolish. For St. Thomas, civil disobedience and conscientious objection are possible moral responses to unjust civil laws; but these actions and omissions require genuine, rational, willed commitment to a common good pursued by natural law, or by higher civil laws, or by custom, or by the divine law.

The elaborate account of conscience given by St. Thomas provides remedies that refresh Thoreau’s discontent, which for some is merely citizen angst. Giving content to conscience allows Thoreau to claim that All people possess a conscience and Not all persons act by conscience, and to assert that what is morally questionable are militias, organizations, and industries to which people ally themselves conscientiously, but which conflict or ruin good intellectual habits. Indeed, the celebrated oration debunks the town of Concord, the American Revolution, the US Marines, the Commonwealth, and the Federal government; all important areas of faith. The new interpretation of Thoreau also allows philosophers to better focus on what the author does propose to ally to. There are three commitments of faith evident in Thoreau. First, it is possible for anyone thinking like Thoreau to profoundly commit oneself to the common good of the divine law and to abide by the

divine law in all one's conscientious acts and actions; and not to act according to civil laws perceived unjust from the perspective offered by the divine law. In *Civil Disobedience*, for example, Thoreau proposes that the Bible is the true source of legislation, and the author incorporates into the oration gospel parables such as "he that would save his life, in such a case, shall lose it."<sup>28</sup> Second, for the communitarian idealism professed by Thoreau, historic Concord harbors a higher rank of civil law than does the state and federal government. Accordingly, one may always claim to abide by Concord town laws. Among the reasons why town law may perhaps be of higher rank than state and federal laws are that the body of civil laws is more perfect and the common good more substantial.

Third, in *Civil Disobedience*, the author gives an allegory of injustice which shows that the author especially perceives natural law as a counterpoint to unjust civil law.<sup>29</sup> Thoreau offers an image of two persons afloat in deep water: one keeps afloat using a wooden board that belongs to the other one who struggles; the wooden board has been allocated by civil law. Thoreau asserts: One ought to return the wooden board to him who it belongs to, at all costs. Here, Thoreau expresses what for St. Thomas is a natural commitment to rationality. Among the precepts of knowledge according to St. Thomas's concept of natural law are principles that pursue rationality: Do not take what belongs to another, and Give to others their due. Significantly, the allegory provided by Thoreau describes the circumstance of emergency, where, for anyone thinking like St. Thomas, natural law may, in fact, have priority over unjust law. Thoreau's allegory also shows that, for him, the natural commitment to humanity, a common good shared among humans, is to be subordinate to the natural commitment to rationality, a common good shared with immortal God and rational creatures. In other words, for Thoreau, it is not as important that human life be preserved, but that rationality be fulfilled. The author Thoreau is thus faithfully, conscientiously committed to the community of rational beings. What is surprising is that the author intends the allegory to describe the circumstances of plantation slavery and New England citizens.

The approach Thoreau does not accept is the approach to injustice depending on the guidance of custom. This is the moral philosophy given in *Walden*. To follow custom seems to the author living in 19<sup>th</sup>-century New England to hinder the life of the intellect.<sup>30</sup> *Walden* collaborates with *Civil Disobedience* in envisioning a higher purpose to human life in poetic rationality, contemplation, and wisdom.

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<sup>28</sup> Thoreau [1906a] p. 385–386, 362.

<sup>29</sup> Ibidem, p. 361.

<sup>30</sup> Thoreau [1906b] p. 9–11.

To conclude, Thoreau's moral arguments may use the portrait of conscientious reasoning given by St. Thomas. The improvement is considerable because the poetic author's moral thought is no longer objectionable in the way perceived by scholars like R. Solomon in *Continental Philosophy Since 1750*: that conscience portrays a fictitious, transcendental self, justifying any variety of commitments. The author must relinquish the reification of conscience in favor of the act of conscience informed by principles of three or four different sources, and the author must relinquish the summary dismissal of civil law expressed once or twice in *Civil Disobedience* in favor of the doctrine of intellectual and moral habits shaped by civil law. Given the significant limits on individual, natural reasoning foreseen by St. Thomas, it is nonetheless true that conscientious, human conduct must often be conducted in faithful relation to civil bodies, to ethnic cultures, and to blessed churches.

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