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The Law of Conscience

Catholic Teaching on Conscience from Leo XIII to John Paul II

POPE BENEDICT XVI's recent trip to Britain has placed Catholic teaching on conscience again in the public eye. On his pilgrimage in September 2010, Benedict beatified the English convert John Henry Newman, among whose most famous writings are those dealing with the dignity of conscience, and the Holy Father's address to the British Parliament in Westminster Hall repeatedly referred to another Englishman important to Catholic thinking on conscience, St. Thomas More. In his Westminster Hall address, the pope suggested that More's case is particularly relevant in the midst of modern secularism, where it is often advised that Christians serving in public roles "should be required at times to act against their conscience."¹

Much of Catholic social thought on conscience, in fact, could have been written with More's case in mind. Leo XIII and Pius XI, the two popes who wrote most extensively on conscience between the First and Second Vatican Councils, beatified and canonized More in 1886 and 1935, respectively. Leo and Pius showed particular concern to defend the rights of Catholic consciences against interference from hostile civil governments, and their writings set the stage for the memorable passages in *Gaudium et Spes* and *Dig-*

nitatis Humanae in which Vatican II addressed the subject directly. The Council's treatment of conscience expands upon these popes' teaching but remains in essential continuity with the earlier tradition. Since the Council, the main focus of magisterial writings on conscience has been to defend this tradition's objective underpinnings. Magisterial teaching on the individual conscience has insisted upon its grounding in objective truth and the natural law. Neither the papal writings on conscience before or after the Council, nor the documents of Vatican II itself, can be adequately understood without grasping this connection to the natural law.

Conscience from Leo XIII to Vatican II

Leo XIII (1878–1903) is perhaps best known for his encyclical *Rerum novarum* (1891), which provided the foundation for much of later Catholic thought on issues relating to economics.² Throughout the encyclical, Leo demonstrates evident concern with the living and working conditions of the laboring classes, the possibility of social unrest and violence as a result of class disparities, and the rise of socialist movements. The threat of violent revolution and the rise of governments hostile to the Church in some parts of Europe cast a shadow over many of Leo's writings. In a number of encyclicals, Leo seeks to define the relationship between Church, State, society, and the individual Catholic. He particularly wrestles with the concept of freedom, seeking always to preserve two important principles: the freedom of Catholics to fulfill their religious duties and the sense that freedom is not absolute and must be limited by the demands of truth and justice. In doing so, he upholds what will appear again and again as an important principle of Catholic social thought, the dependence of freedom upon truth.

These themes appear already in one of Leo's earlier encyclicals, *Diuturnum* (1881), written in response to the assassination of Emperor Alexander II of Russia earlier in the year.³ In the encyclical, Leo strongly defends the rights and prerogatives of legitimate civil

authority. Such authority is necessary to maintain order and is in conformity with the divine plan. Indeed, the authority of rulers derives ultimately from God (*D*, 5, 9). Nevertheless, precisely because the authority of civil rulers comes from God, it is also limited and subject to God. Leo reminds rulers that kings themselves will someday have to “render an account to the King of kings and Lord of lords” for their governance and actions (*D*, 16). While rulers have a right to demand obedience from their subjects, they also have a corresponding duty to rule in conformity with divine decrees. Understanding the centrality of such divine decrees—the divine law—is the key to Leo’s thinking on the relationship between the Church and the State and between the individual Christian and the State. The idea of divine law appears in all his encyclicals on these subjects.

For Leo, law is understood in a straightforward way as “a fixed rule of teaching what is to be done and what is to be left undone.”⁴ Leo treats the divine law as fixed and eternal, though he also recognizes that the eternal law can have different applications in different times and places. Thus the scope of civil law is bounded by the demands of truth, justice, and the common good.⁵ The bounds of civil law, which are set by divine law, are known not only through revelation, but also through the use of reason (*ID*, 6; *L*, 7). Leo sees no essential conflict between reason and religious truth, so he uses the terms “divine law” and “natural law” interchangeably (*D*, 15).⁶ The basis of the natural law in reason will prove important for Catholic social thought, especially Catholic thought on conscience, because later documents treat conscience as a judgment of reason.⁷ Furthermore, certain arguments defending the significance of conscience, especially those in *Dignitatis Humanae*, are framed principally in terms of reason, rather than revelation.

The fixity of divine or natural law—its grounding in the eternal will of God—is essential for Leo because this fixity provides a bulwark against the abuse of earthly authority. The rights of conscience are ultimately dependent upon the fixity of divine law, for if

natural law were capable of being altered based on the will of civil lawmakers there would be no grounds for condemning oppression and abuses. In some of his encyclicals, Leo appears to show unease with democracy, but such unease comes not out of any preference for aristocracy or monarchy over republicanism. Instead it reflects Leo's opposition to certain democratic theorists who saw the law's legitimacy as emanating from the people (*D*, 5; *ID*, 18; *L*, 9–10). If law's legitimacy comes simply from the will of the majority, then, in Leo's way of thinking, rulers need not see themselves bound by justice or truth; they are bound only by the next election. Leo's cautions regarding the "caprices and opinions of the mass of the people" come because he sees in such democratic theories the risk of creating a sovereign—the democratic polity—which does not consider itself subject to divine law (*ID*, 18). If the people are seen as a state's rulers rather than a monarch, then they themselves are no less bound by natural law (*ID*, 6).

Leo does not often use the term "conscience" in his writing, but nonetheless his teachings have important implications for the rights, duties, and limits of conscience. Because human beings owe their ultimate allegiance to the divine law, they are not bound to obey civil laws that run contrary to this higher law (*D*, 15).⁸ This teaching places a limit on the duty of citizens to obey their civil rulers and also asserts what is both a right and a duty of conscience: the right and duty to obey the natural law. Here the right and the duty are so closely bound together that it is impossible to speak of one without the other. We could even speak of the citizen's right to fulfill his or her duty under divine law, a duty with which the State has no legitimate right to interfere.

Leo has a particular concern for the rights of Catholics to discharge their religious duties, a right he saw threatened in his own time and which would continue to come under attack in the twentieth century from the anticlerical regimes of Mexico and Spain, the fascist dictatorships in Germany and Italy, and the communist regimes in Eastern Europe, Cuba, China, and many other places.

In fact, in holding out a vision of how to understand true “liberty of conscience,” Leo says that it should be taken to mean “that every man in the State may follow the will of God and, from a consciousness of duty and free from every obstacle, obey His commands. This, indeed, is true liberty” (*L*, 30). For Leo, as we will see in the development of Catholic thought on the subject throughout the following century, conscience can be understood only in relation to the individual’s duty to obey divine law.

Leo is aware of certain contrary understandings of “liberty of conscience,” and he is vigorous in condemning them. In fact, his positive understanding of the liberty of conscience emerges largely out of his refutation of false notions of liberty. It is important, however, to understand that Leo does have a positive notion of freedom of conscience so that his thought is not caricatured as simply anti-liberty. Leo is only opposed to what he regards as a false understanding of liberty. Leo defines such a false notion of liberty of conscience as the belief that “everyone may, as he chooses, worship God or not” (*L*, 30). Elsewhere he attacks the idea that “all questions that concern religion are to be referred to private judgment; that everyone is free to follow whatever religion he prefers, or none at all” and that “each man’s conscience is his sole and all-sufficing guide” (*ID*, 26, 34). What Leo is attacking is a conception of conscience as value creating or law generating, conscience understood without reference to objective and universal moral standards. In other words, Leo is attacking the notion that conscience is independent of divine law or that the invocation of conscience can somehow make the dictates of divine law less than binding (*L*, 7, 10; *ID*, 26). It is important to understand how firmly grounded the rejection of such a false notion of conscience is in the history of magisterial teaching because it will be repeated in different forms by popes throughout the twentieth century, from Leo to John Paul. In fact, Leo suggests that his understanding of conscience is even more firmly grounded in the Church’s tradition by invoking in its favor the encyclical *Mirari vos*, penned by Pope Gregory XVI in 1832 (*ID*, 34).

Because Leo understands conscience as that which prompts the individual to obey divine law—even in the face of pressure to the contrary from civil authorities—he does not allow that conscience could be invoked as a reason for evading the teachings of the Church. In fact, in the encyclical *Sapientiae Christianae* (1890), he claims exactly the opposite, that the Christian conscience can and should prompt the Catholic to obey the teachings of the Church because these teachings reflect the divine law. Quoting the *Summa theologiae*, Leo argues that to do otherwise—to assent only to those teachings of the Church that one finds personally congenial—amounts to the rejection of law (*SC*, 22). In such cases, the individual is creating his or her own law and obedience becomes indistinguishable from the bald-faced assertion of one's will. Leo argues that such an understanding of liberty is foreign to Christian thought because it replaces the supremacy of the divine law with the individual's now sovereign will.

Sapientiae Christianae addresses both the rights and the duties of Christian citizens, and Leo's treatment of the subject implies that the Catholic conscience imposes unique duties upon individuals. In fact, once one has in conscience embraced the Catholic faith, then one is compelled, in conscience, to obey the teachings of the Church (*SC*, 4). Leo attempts to limit the room for evasion one might attempt to find in such teaching by insisting that this duty of obedience encompasses not only those teachings that are solemnly defined as dogma but also all doctrines proposed for belief by the Church's teaching authority (*SC*, 24). For Leo, invoking conscience as a reason for dissent from Church doctrine involves a contradiction because the Catholic conscience, by virtue of one having in conscience embraced the faith, compels obedience to it.

The encyclicals of the pontiffs succeeding Leo well into the twentieth century largely follow his treatment of conscience, religious liberty, and the natural law. In the coming years, popes would inveigh against attempts by states and individuals to place themselves outside the jurisdiction of the natural law as an attempt to

move beyond the reach of the voice of conscience. Leo had already foreseen at least one of the ways in which public figures would attempt to evade the demands of conscience, through the illegitimate separation of morality from public life. In particular, he warned against Catholics claiming to adhere privately to the teaching authority of the Church while rejecting that authority in public life. Such a line of conduct, he warned, put a “man in conflict with himself” (*ID*, 47).

Nor are the consequences of such conflict limited to individuals. Pius XI (1922–39), like his immediate predecessor Benedict XV (1914–22), saw the global conflicts that surrounded his pontificate as the consequence of attempts to exclude conscience, the herald of divine law, from the affairs of state.⁹ Having lived through World War I and witnessing the rise of bolshevism in Russia, fascism in Italy, and National Socialism in Germany, Pius’s pontificate was largely preoccupied with the threat to Christian conscience posed by these tyrannies. His letter to the Italian episcopacy, *Non abbiamo bisogno* (1931), written in response to fascist encroachments on the rights of the Church, addresses dilemmas faced by Italian Catholics under Mussolini, such as the imposition of a fascist loyalty oath that seemed to trump even one’s duty to the Church.¹⁰ Given the historical circumstances, it is hardly coincidental that Pius chose to canonize More just four years later, a decision that should be seen as a teaching on the role of Christian conscience and a reminder to the faithful of the heroic extremes to which the faith sometimes calls them.

Though under Pius the Church recognized in More a particularly inspiring example of Christian witness in the face of persecution, the pope by no means relished the thought of persecution or the distress that the circumstances of his day caused many consciences. Pius’s treatment of the fascist loyalty oath in *Non abbiamo bisogno* is particularly instructive in this regard, for he recognizes that the livelihood and survival of many Italian citizens depended upon taking the oath. He proposes as a solution that those required

to take the oath do so while making, in their consciences, a reservation such as “saving the laws of God and of the Church” (*NAB*, 59). But Pius is also careful that his advice not be construed to endorse the sort of artificial divide between public and private morality that previous popes—and Pius himself—had condemned, for he adds that such a hidden reservation must be accompanied by a firm commitment to declare so publicly “if the need of it arose” (*NAB*, 59).¹¹

Pius’s treatment of conscience with regard to the oath is instructive for a number of reasons. First, by expressing his pity for “consciences tortured by doubts,” Pius recognizes that the demands conscience makes are often far from easy; when confronted with powerful forces of injustice, fidelity to conscience can at times lead to persecution and suffering. However, the results of the abandonment of conscience are disastrous, both for the individual and society. Indeed, it is clear that Pius believed that the lack of the restraining influence of God’s law had unleashed the oppression and injury he saw brewing around him; the absence of such restraint, he says, leads to “the most atrocious barbarity.”¹² Second, Pius treats conscience in such a way as to admit no contradiction between the private convictions of Catholics and their public actions, nor between the dictates of the Christian conscience and the demands of the divine law and that of the Church. Pius is adamant that “Catholics will never be able to agree to adopt . . . ways of thinking and of acting contrary to the right of the Church” (*NAB*, 73).

This second point becomes even clearer in Pius’s letter to the German Church in response to the rise of the Third Reich, *Mit brennender Sorge* (1937). In this stirring encyclical, Pius takes particular aim at those Catholics who, while claiming membership in the Church, have disregarded her teachings, placing loyalty to their political party and the unjust laws of their state above fidelity to the Church. His words of warning to such people are stern, for he invokes the words of Christ himself: “As to those who imagine that they can reconcile exterior infidelity to one and the same Church, let them hear Our Lord’s warning:—‘He that shall deny me before

men shall be denied before the angels of God.’”¹³ One suspects that even at that time, as he neared the end of his earthly life and history neared the world’s most catastrophic war, Pius sensed that the sort of dogged fidelity to the truth shown by More would become an even more precious—and necessary—virtue.

While the tone of Pius with regard to the rights of consciences is generally more positive than that of Leo, this shift in emphasis has less to do with any substantive differences between the two pontiffs than it does with the particular threats to conscience the two men confronted. Whereas Leo’s instinct may have been to hold up a cautioning finger when the phrase “liberty of conscience” was mentioned, as in the encyclical *Libertas* (*L*, 30), Pius declares himself “happy and proud to wage the good fight for the liberty of conscience” (*NAB*, 41). But both men qualify their initial statements on the liberty of conscience in important and similar ways. Leo, as we have seen, soon arrives at a positive understanding of true liberty, and Pius defends himself from the mischaracterization some have attempted to foist upon his support for “liberty of conscience” as implying “the absolute independence of conscience and therefore absurdity in reference to a soul created and redeemed by God” (*NAB*, 41). In other encyclicals, Pius warns of the dangers of choosing only to follow some among other Catholic doctrines.¹⁴ And, though he does not use the term “conscience,” Pius criticizes any attempt to elevate the judgment of the individual—the “over-rated independence of private judgment and . . . false autonomy of human reason”—over and above the teachings of the Church, and he reiterates the notion that Christians are bound in conscience to obey the teaching and directives of the Church with regard to faith and morals.¹⁵

Papal teaching on conscience changed little in the years between Pius XI and Vatican II. Pius XII (1938–58), in *Summi pontificatus* (1939), strongly reaffirmed his predecessor’s teaching on the dignity of conscience, saying that the State must recognize the rights of conscience as “sacred and inviolable.”¹⁶ He repeated the priority

of divine law over civil law (*SP*, 53), and he deplored the evils he saw in the world around him as due to “the denial and rejection of a universal norm of morality as well for individual social life as for international relations” (*SP*, 28). He made clear that by “universal norm of morality” he meant the natural law (*SP*, 28). He later reaffirmed the right of the Church’s teaching authority to proclaim this law and to pass judgment on theological matters, a responsibility that supersedes that of any individual believer, including the individual theologian.¹⁷

John XXIII (1958–63) expressed similar sentiments to those of his predecessors in emphasizing the duty of individual Christians to “sacrifice personal whims” if called to do so by the Church’s teaching authority.¹⁸ John reaffirmed the origin of all rights and duties in the natural law¹⁹ and declared “quite inconceivable” the idea that public officials, because of the duties of their office, could be considered any less bound to the moral law.²⁰ In fact, like Pius XII before him he saw the absence of divine law and truth as leading to disaster for individuals and nations: “All evils which poison men and nations . . . have a single cause and a single source: ignorance of the truth.”²¹ Because ignorance of truth lies for John at the root of evil, both social and personal, any attempt to define conscience as independent of the truth would be unthinkable.

Vatican II

Though the magisterial documents we have surveyed thus far demonstrate a consistent way of thinking about conscience, they do not treat conscience in a systematic way. References to conscience are scattered throughout encyclicals concerned primarily not with defining conscience *per se* but with responding to the various social and political circumstances with which the Church found herself confronted. Because of this situation, we see Leo, for example, writing critically of “liberty of conscience” while Pius XI declared himself happy to fight the good fight for “liberty of conscience.” A careful

reading of the full context of the writings of the two popes shows, however, that in substance they found themselves entirely agreed. Though their vocabulary differed, both were concerned to distinguish a true sense of liberty of conscience from a false understanding of the term even if they adopted no consistent definition of the phrase itself.

Vatican II, on the other hand, came much closer to offering a definition of conscience than any popes previously had done. The Council's statements on conscience provide a fixed point of reference from which subsequent theologians—and magisterial statements on the subject—have begun their work. In one sense, this is fortunate because the Council's documents encompass many of the key considerations taken into account in previous papal discussions of conscience. On the other hand, the Council's most significant statement on conscience, paragraph 16 of *Gaudium et Spes* (1965), which I will analyze in depth, is written not in the language of systematic theology or analytic philosophy, but rather in prose that borders on poetry. The document's choice of linguistic style is natural enough as it is by design a pastoral document addressed not just to theologians, nor even to Catholics alone, but to the whole world.²² As such, its intent is to convey some sense of the beauty of the Catholic faith to all people of good will rather than to provide theologians with precise definitions. Some of the paragraph's more poetic language, however, if taken out of context, could be used to distort the Church's teaching on conscience.

In fact, a proper understanding of the teaching on conscience found in *Gaudium et Spes* must take into account not only the teachings and sensibilities found elsewhere in the document, but also the history of magisterial teaching that preceded the Council itself. Indeed, nowhere in the Council's documents can we find the suggestion that Christian moral thought is to be unmoored from the centuries of apostolic tradition that connect the Council with the Lord Jesus. The Council's other document that deals in detail with issues of conscience, its declaration on religious freedom, *Digni-*

tatis Humanae (1965), explicitly affirms the Council's intention to leave "untouched the traditional Catholic doctrine on the moral duty of men and societies toward the true religion and toward the one Church of Christ," even though, as John Courtney Murray, SJ, points out in his introduction to the declaration, it sanctions genuine doctrinal developments in continuity with tradition.²³ Likewise, *Lumen Gentium* (1964), the Council's *Dogmatic Constitution on the Church*, affirms at its very outset the Council's intention to present the Catholic faith in faithful continuity with the teachings of all previous councils.²⁴ Thus, while at times the teachings of Vatican II represent a growth and a maturing of Catholic doctrine, it would be contrary to the Council's own self-understanding to interpret its teaching as a rupture from previous Catholic tradition. The context in which we interpret the Council's statements on conscience must include, then, magisterial statements on the subject from both before and after 1965.

The above considerations should serve as a guide for how we approach the words of the Council, which deserve detailed attention. Because it will figure into all subsequent discussion of conscience, paragraph 16 of *Gaudium et Spes* is worth reproducing in full:

In the depths of his conscience, man detects a law which he does not impose upon himself, but which holds him to obedience. Always summoning him to love good and avoid evil, the voice of conscience when necessary speaks to his heart: do this, shun that. For man has in his heart a law written by God; to obey it is the very dignity of man; according to it he will be judged. (Cf. Rom 2:15–16) Conscience is the most secret core and sanctuary of man. There he is alone with God, Whose voice echoes in his depths. (Cf. Pius XII, Radio address on the correct formation of a Christian conscience in the young, March 23, 1952: AAS (1952), 271) In a wonderful manner conscience reveals that law which is fulfilled by love of God and neighbor. (Cf. Matt 22:37–40; Gal 5:14) In fidelity to conscience, Christians are joined with the rest of

men in the search for truth, and for the genuine solution to the numerous problems which arise in the life of individuals from social relationships. Hence the more right conscience holds sway, the more persons and groups turn aside from blind choice and strive to be guided by the objective norms of morality. Conscience frequently errs from invincible ignorance without losing its dignity. The same cannot be said for a man who cares but little for truth and goodness, or for a conscience which by degrees grows practically sightless as a result of habitual sin.

The Council's desire to anchor its teaching on conscience within the tradition is evident from its reference to Pius XII; much of its eloquent phrasing—such as “secret core and sanctuary of man”—is drawn from his preaching.²⁵ The clear link the Council draws between conscience and law should come as no surprise in light of the treatment of those two concepts as inseparable in the writings of Leo.

If there is a shift in emphasis between the treatment of conscience prior to the Council and that found in *Gaudium et Spes*, it is in the stress the Council places on the deeply personal dimension of conscience. Previous popes, concerned with encroachments on the religious liberty of Catholics from liberal, socialist, fascist, and Nazi regimes, had treated conscience mainly, though not exclusively, as a right that civil governments had the duty to respect. Here the Council provides an eloquent justification for respecting just such a right: conscience should be respected because it touches upon all that gives man dignity, his deeply personal relationship with God. It is in virtue of their ability freely to obey the divine law—to relate justly to God—that human beings possess their exalted dignity. The Council is saying that conscience has an interior and profoundly personal dimension, which gives rise to civil rights (*DH*, 1).

The Council's treatment of conscience as touching upon a person's innermost core in no way contradicts the papal teachings discussed above and, indeed, should come as no surprise if we con-

sider the example of More, who heard the still, penetrating voice of conscience in his heart despite the cacophony of exterior voices around him urging him to betray his Church for his king. But More's example should also caution us against an understanding of the interior dimension of the Council's description of conscience as subjectivist or isolating. For in obeying his conscience, More was not standing alone; he was standing with and for the Church and, as his subsequent canonization attests, within the communion of saints. Conscience, then, despite its deeply personal nature, should not be seen as cutting individuals off from one another or, still less, from the Church. In other words, it should not be understood in a purely subjective manner.

Indeed, the Council describes conscience as always making reference to that which is outside itself, to the objective moral law. The human conscience is the ability to detect this law and to hold oneself accountable to it. The Council in no way understands conscience as enabling the individual to create values or to evade the law; in fact, seeking more and more to be guided by "objective norms" is treated as the hallmark of conscience. This puts the Council at odds with theologians such as Paul Valadier who argues that the "consciences of individuals are themselves the sources of the teachings of local traditions."²⁶ The Council's use of the word "echoes" to describe the voice of God speaking in the depths of the individual's conscience is instructive because it implies that the conscience does not speak on its own—it is not the source of speech—but rather that it repeats the law spoken by God.

Of course, the Council is also aware of the many factors that can distort or deaden the echo of divine law. The Council treats conscience as something not limited to Christians but as binding upon all who search for the truth; it is, in other words, an extension of our rational nature. This is consistent with the equation of divine law with natural law we saw in the magisterium of Leo. But because it is dependent upon human reason, conscience is also subject to all of the weaknesses to which reason is prone. The paragraph follow-

ing the exposition of conscience in *Gaudium et Spes* acknowledges that the freedom human beings need to choose God has been damaged by sin, while the prior paragraph argues that our age, despite its technical achievements, is especially needy of the wisdom that can only come from the Holy Spirit.²⁷

The acknowledgement of the weaknesses to which human beings are subject as a result of original sin is one reason Church documents on conscience following the Council have placed such emphasis on the correct formation of conscience. *Gaudium et Spes* acknowledges this subject obliquely by quoting from Pius XII's radio address on the subject as well as by acknowledging the need for the Holy Spirit's wisdom to overcome reason's limitations. The document is pervaded by the awareness of the effects of original sin on human life (*GS*, 10, 13, 17). It also acknowledges the presence of malicious forces at work in the world: "a monumental struggle against the powers of darkness pervades the whole history of man" (*GS*, 37). These considerations help to explain how consciences fall so frequently into error, sometimes culpably so and sometimes not (*GS*, 16). This tendency to error precludes a naive understanding of conscience that would treat it as an infallible guide to truth.

While the brief but eloquent treatment of conscience in *Gaudium et Spes* represents what is likely the Council's most memorable statement on the subject, the declaration *Dignitatis Humanae* represents a more significant doctrinal development. As noted above, however, *Dignitatis Humanae*'s opening paragraph emphasizes its continuity with the Church's traditional doctrine. As such, then, the document's treatment of religious freedom must be understood more as fleshing out the implications of prior teachings than negating them. As previously noted, both Leo XIII and Pius XI had vigorously defended some version of liberty of conscience, having in mind particularly the rights of Catholics to practice their religion without interference from civil authorities. If civil leaders failed to respect such rights, they risked the wrath of God for disobeying his divine precepts. *Dignitatis Humanae* repeats the argument that free-

dom of conscience is necessary so that people may come to know God (*DH*, 3). But it also provides a different—though still compatible—basis for respecting the liberty of conscience: human dignity.

The right to religious freedom, according to the Council, stems not from the truth or error of any particular belief professed, but from the dignity of the human person, a dignity that requires persons to be free to seek the truth without coercion (*DH*, 2). The previous argument—that religious liberty should be respected so that humans can enter into a free relationship with God—is, after all, unlikely to persuade an atheist. By framing their argument for freedom of conscience in terms of human dignity, the Council Fathers appeal to reason and a sense of human nature, which they hoped would be shared by all people of good will. Putting this argument in terms of human dignity, the Council also, significantly, committed the Church to respecting and defending the religious liberty even of non-Catholics. Such a teaching presupposes a sense of the natural law, a norm to which all rational people will agree, the “highest norm of human life,” which is “eternal, objective and universal” (*DH*, 3).

In no way, then, can *Dignitatis Humanae* be construed as embracing religious relativism or the false “liberty of conscience” condemned by Leo. Instead, it embraces the positive liberty of conscience defended by Pius XI. In no way does the document diminish the right or the duty of the Church to teach, uphold, and promote the Catholic faith. The Council simply condemns any form of religious coercion and in particular that practiced by the State (*DH*, 3–4). The Council never places freedom of conscience into an artificial opposition with the truth. As Murray argued in his footnotes to *Dignitatis Humanae*, “Neither the spirit of ecumenism nor the principle of religious freedom requires that the Church refrain from stating publicly what she believes herself to be. The demands of truth are no more opposed to the demands of freedom than they are opposed to the demands of love.”²⁸

From the Council to Veritatis Splendor

As we have seen, despite changes in terminology and emphasis, the Church's teaching on conscience remained essentially the same from the late nineteenth to the mid-twentieth century. Vatican II expanded upon this teaching in significant, albeit subtle ways, especially in the new grounding it sought to provide for religious freedom in *Dignitatis Humanae*, emphasizing its basis in the natural law and the dignity of the human person. This understanding grew out of papal defenses of the Christian conscience in the face of socialist, fascist, and Nazi persecution earlier in the century. The Council's teachings, however, immediately faced another, quite different, challenge, this time from theologians who proposed an understanding of conscience largely independent of natural law. The most detailed and expansive treatment of Christian conscience by the Church's magisterium to date would come in response to this post-Conciliar challenge in the form of Pope John Paul's encyclical on moral theology, *Veritatis Splendor* (1993). John Paul would also return to More's lived example of fidelity to conscience when he declared him Patron of Statesmen and Politicians in 2000.²⁹

Pope Paul VI (1963–78), who oversaw the Council's completion and its immediate results, did not place a great personal stamp on the Church's understanding of conscience. He reaffirmed a "hermeneutic of continuity" regarding the Council's relationship to prior Church teachings, a hermeneutic we have seen present in the documents of the Council themselves.³⁰ In particular, he defended the necessity of the moral law and that law's obligatory nature, as well as the right and duty of the hierarchical Church to uphold and teach that law.³¹ In his encyclical on artificial contraception and the transmission of human life, *Humanae Vitae* (1968), the Holy Father explicitly argues that "right conscience" imposes on individuals the duty to obey the moral law.³² Conscience thus understood acts as the law's advocate, reminding individuals that in some matters they are not free simply to do what they choose

but that they must act in accord with the will of God as transmitted to them by his Church.

The encyclical *Humanae Vitae* is important in the history of Catholic teaching on conscience in the twentieth century not because of its words on the subject itself, which were neither novel nor particularly detailed, but because it provided a spur to theologians seeking to redefine the role of conscience in moral theology. James Keenan, SJ, in *A History of Catholic Moral Theology in the Twentieth Century*, documents much of this theological upheaval. According to Keenan, many theologians viewed the Church's teaching on birth control as articulated in *Casti Connubii* (1930) and then reaffirmed in *Gaudium et Spes* as contradicting the latter document's teaching on conscience (*GS*, 51).³³ In fact, he speaks of hopes raised by the document's teaching on conscience being subsequently dashed by its teaching on birth control. While it might be difficult to see how Vatican II's teaching on conscience are incompatible with the Church's teaching on birth control, Keenan's framing of the problem in terms of foiled "hope" is instructive. As Keenan documents, such hopes were based less on any of the Council's official documents than on the writings of theologians who wished the Council had steered a more radical course.

One such theologian was Bernhard Häring, whose ethical project, as Keenan describes it, was to make personal freedom the foundation for moral theology (Keenan, 93). Keenan discusses a number of other theologians of similar mindset in whose work "conscience becomes the locus for developing moral judgment" (97). The problem with the magisterium's pronouncements on birth control, in the view of such theologians, is that they presume to define an objective and universal moral law. These theologians were largely motivated by the desire to move beyond the "moral manualism" that dominated Catholic theology at the beginning of the twentieth century (1). The defining characteristic of moral manualism, as Keenan describes it, is its reliance on *rules* for moral behavior. The theologians discussed above, invoking the complexity and diversity

of individual circumstances, sought a basis for moral decision making independent of—or at least less dependent upon—moral rules. So for Häring, freedom, instead of law, became the new foundation for moral theology. Others argued for a foundation in “conscience” rather than law.

In this understanding of conscience, the Church’s teaching on birth control amounted to an extension of the moral manualist way of thinking because it condemned as wrong a whole category of acts rather than taking into account all of the individual circumstances surrounding each one of those acts. In the most extreme form of such a line of reasoning, no type of act could ever be categorically condemned or affirmed without taking into account all of the precise circumstances of the people involved. No abstract law could possibly account for every circumstance in which women and men found themselves, and, in the absence of law, “conscience” became the leading candidate for a new standard of judging right or wrong. For this reason, “conscience” was treated as functioning in opposition to moral law (121).

Proponents of this understanding of conscience argued that it was more respectful of individuals than law-based morality. Keenan credits Josef Fuchs, SJ, with shifting “the locus for finding moral truth . . . from utterances to persons” (121). The Church’s teaching on birth control was the impetus for this shift because in his research on the subject Fuchs found that the understanding of married couples involved in decisions to use or not to use birth control was “more comprehensive and more adequate than the general teachings of Rome” (121). Though the impetus for this reevaluation of morality was *Humanae Vitae*, the logic of such an argument could be applied to all moral claims, not just those involving birth control. In some cases, the consequence of such a view was the abandonment of objective moral law and the development of a new “autonomous ethics” (178). Proponents of autonomous ethics invoked the “primacy of conscience” and argued that the individual subject is the source of his or her own moral understanding. To bolster such

a view, some authors cited a passage from *Gaudium et Spes* referring to the “autonomy of earthly affairs” (179; *GS*, 36). The paragraph in question, however, deals primarily with the autonomy necessary for inquiry into science, hardly justifying an “autonomous ethics” grounded in human subjectivity.

In order to appreciate the papal reaction against autonomous ethics, it is important to realize how far-reaching its potential consequences might be. For autonomists, any Church teaching on morality—any attempt to suggest objective or universal norms of human behavior—amounts to an “imposition” on conscience and therefore a violation of human dignity (Keenan, 180). At most, in such a view, the Church could suggest some general ideals to be striven for in life, but never in a way so specific as to impose an unbending obligation on the believer.

The radical autonomy suggested by the theology of Fuchs, Häring, and others represents a significant break with the teaching of Vatican II. As noted above, the Council is at pains to emphasize that individual conscience is easily and often in error; sometimes such errors are the result of “invincible ignorance,” and thus no fault of the subject, and sometimes they are the result of sin (*GS*, 16). Individual conscience, then, for all its dignity, seems a rather flimsy foundation on which to build a moral theology. By taking such an extraordinarily negative view of the Church’s teaching authority—treating it as an imposition—such a theology denies its adherents the spiritual help the Church offers them to purify and perfect their consciences even in the face of errors and weaknesses resulting from original sin. Such a subjective view of conscience quickly becomes isolating and alienating.

As the Council defines it, conscience acts as a receiver for the divine law, which is not subjective at all, but universal, objective, and eternal (*DH*, 3). The conscience does not create its own values or its own norms; indeed, the first sentence of *Gaudium et Spes*’s paragraph on conscience emphasizes that human beings do not impose the divine law on themselves (*GS*, 16). Conscience is necessary

because human beings will face judgment, not on terms they themselves create, but on the basis of their adherence to divine law. In his commentary on *Dignitatis Humanae*, Murray is adamant that that document not be interpreted as endorsing an “autonomous” ethics:

It is worth noting that the Declaration does not base the right to the free exercise of religion on “freedom of conscience.” Nowhere does this phrase occur. And the Declaration nowhere lends its authority to the theory for which the phrase frequently stands, namely, that I have the right to do what my conscience tells me to do, simply because my conscience tells me to do it. This is a perilous theory. Its particular peril is subjectivism—the notion that, in the end, it is my conscience, and not the objective truth, which determines what is right or wrong, true or false.³⁴

Autonomous ethics amounts to a form of idolatry, as it turns the subject of the law into the lawgiver, placing the now sovereign individual in the place of God and of his Church.

A careful reading of the Council’s documents renders the sort of revolution in moral theology suggested by the theologians discussed above untenable, at least as far as conscience is concerned, for a morality of autonomy, absent Church authority, would turn us all into Henry VIII’s. The Council itself seemed aware of the risks of distorted notions of freedom. “Not a few can be found,” it warned, “who seem inclined to use the name of freedom as the pretext for refusing to submit to authority and for making light of the duty of obedience” (*DH*, 8). Among the types of authority the Council deemed necessary and legitimate was, of course, the Church’s teaching authority.³⁵ By emphasizing the deeply personal nature of conscience, the Council did not wish to endorse moral subjectivism or autonomous ethics. The experience of the previous century should have reinforced the dangers inherent in any form of morality divorced from a sense of natural law, divine judgment, and adherence to Church teaching. The decades following the Council

would see the devastating consequences of such shifts in morality as the rights of the subjective individual were used to justify legalized abortion in many Western democracies. In the absence of objective norms or any objective authority to mediate those norms—when the individual becomes the locus of his or her own morality—the rights of the strong inevitably come to infringe upon those of the weak. The Congregation for the Doctrine of the Faith (CDF) saw precisely this happening in 1974: “freedom of opinion,” it warned, was being used by some as a pretext for attacking the rights, including the right to life, of other, weaker individuals.³⁶

With the views of Häring, Fuchs, and other theologians behind them, the notion of objective morality disappeared altogether in the eyes of many prominent Catholics. Such a disappearance of objective standards is in evidence, for example, in Governor Mario M. Cuomo’s speech defending abortion “rights” at the University of Notre Dame in 1984. In the speech, Cuomo argues that he supports the Church’s teachings as a matter of private conscience but that as governor of New York he cannot “force” those same beliefs on others. He asks rhetorically if he should “make my religious values your morality.”³⁷ Implied in such a question is the assumption that morality is purely a matter of “mine” and “yours,” that moral values are subjective, and that any suggestion of a universal moral law whose precepts bind us all amounts to a tyrannical imposition. The Vatican Council had already condemned the distinction Cuomo made between personal and public morality as “among the more serious errors of our age” (*GS*, 43). For the purposes of our discussion, it is most important to see how the distortion of the Council’s teaching on conscience helped to facilitate that error in many minds.

As the above allusion to the CDF’s statement on procured abortion indicates, the Church’s hierarchy was well aware of both the confusion in moral theology that followed the Council and the deadly consequences of such confusion. The task fell mainly to John Paul to deal with those consequences. The direction John Paul’s response would take can begin to be seen in the CDF’s 1986 *In-*

struction on Christian Freedom as well as the Holy Father's address on the XXIV World Day for Peace (1991). The CDF declaration hints at problems caused by a misunderstanding of human freedom, in particular freedom understood as independent of truth—both the truth of human nature and moral truth. The document declares: “Freedom is not the liberty to do anything whatsoever.”³⁸

According to the CDF, freedom separated from truth ultimately leads to idolatry, putting oneself in the place of God: “In man's desire for freedom there is hidden the temptation to deny his own nature. Insofar as he wishes to desire everything and to be able to do everything and thus forget that he is finite and a created being, he claims to be a god.”³⁹ Finally, the document explains why the inadequately formed conscience chafes under the idea of objective moral law: “To the sinful man the law, which he cannot make part of himself, seems oppressive.”⁴⁰

The divine law made a part of oneself is how Newman, the great theologian of conscience, understood the term. Newman was to be an important source for John Paul's writings on conscience. In his “Letter Addressed to His Grace the Duke of Norfolk” (1874), Newman argued that his Catholic understanding of conscience was quite different from both the popular understanding of conscience and the Protestant use of the concept. For Newman, divine law is the absolute authority, that which God has commanded the Church to teach and all human beings to obey; this law, understood by the individual, is what Newman calls “conscience.”⁴¹ Thus, there is nothing creative in Newman's understanding of conscience; it is not the locus for the creation of values, it is simply our appropriation of the divine law. Newman's understanding of conscience does not allow for law and conscience to be set in opposition to one another, as Fuchs suggests, because to deny one would be to deny the other. Newman speaks of the supremacy of conscience—and invokes centuries of theological discussion to support his position—but he does not do so in a way that diminishes the importance of the Church's teaching authority.⁴² Because, for Newman, obeying conscience means obeying

the divine law, his instruction that one should always obey the voice of conscience amounts to the belief that one should never do what one knows to be wrong. Newman never denies the authority of the Church's magisterium to teach what is right and wrong. This teaching is what Catholics are obligated to use to form their consciences, to appropriate personally the tenets of the divine law.

An awareness of Newman's thought on conscience is important because John Paul acknowledges his influence on the subject and the Catechism uses his letter to the Duke of Norfolk as a source for its teaching on conscience.⁴³ Newman's understanding of conscience—as the individual's appropriation of divine law—underlines the importance of the correct formation of consciences, for Newman is well aware of how prone to err in moral judgments human beings are. John Paul's emphasis on the correct formation of conscience is one of the defining characteristics of his magisterium on the subject. In his message for the XXIV World Day for Peace, the pontiff speaks of "*the grave duty to form [one's] conscience*" as a prerequisite for claiming the right to act in accordance with conscience.⁴⁴ Acting in accord with one's conscience without first conforming one's conscience to the truth amounts to nothing more than "imposing one's limited personal opinion" on the world around us, something ultimately detrimental to peace and justice. In order to escape from this subjective tyranny, the Christian is obligated to use objective reason—John Paul mentions the natural law—as well as divine revelation as transmitted through the Church.

In his emphasis on the need to form consciences in conformity with objective truth, John Paul anticipates what will be a major theme of his encyclical on moral theology *Veritatis Splendor*, whose first word, indeed, is truth. One of the principle problems that *Veritatis Splendor* seeks to correct is a modern tendency to understand freedom as independent of the truth. John Paul takes note of the organized dissent within the Christian community that seeks to overturn the Church's traditional moral doctrine; behind such dissent "is the more or less obvious influence of currents of thought which

end by detaching human freedom from its essential and constitutive relationship to truth" (*VS*, 4). Those who follow such currents have abandoned the doctrine of natural law.

While the currents about which John Paul writes have implications for areas beyond conscience, such as ecclesiology, their connection to the theologies of conscience discussed above are crucial. Thus, echoing Häring's treatment of freedom as the foundation of morality, the pope speaks of modern tendencies that seek to make freedom such an absolute value as to become the "*source of values*" (*VS*, 32). The pontiff does not dispute the traditional notion that one has a duty to follow one's conscience, but, echoing Murray, he adds that when one believes that "one's moral judgment is true merely by the fact that it has its origin in conscience" the truth becomes inescapably lost (*VS*, 32). The situation is no better if social or ethnic groups become the source of values, rather than individuals; in either case, the connection between our actions and the divine law disappears (*VS*, 35). In fact, quoting the gospel, the Holy Father reminds his readers that Christ treated truth as a prerequisite for freedom: "You will know the truth, and the truth will set you free" (*VS*, 34; Jn 8:32). John Paul uses this maxim of Jesus as a point of departure for his analysis of contemporary trends in moral theology, including his analysis of conscience, the most detailed of any modern magisterial document.

In many ways, John Paul's analysis of conscience in *Veritatis Splendor* is a defense of Vatican II's treatment of conscience. John Paul notes that the paragraph on conscience in *Gaudium et Spes* begins by linking the individual, in a deeply personal way, to the natural law. There is no attempt to set the individual's freedom against law, which could only lead to the idolization of freedom. John Paul rejects a "creative" notion of moral conscience, in which the conscience creates moral values rather than obeying the law of God, as contrary to the teaching of the Church (*VS*, 54). To understand why moral theology cannot elevate the individual's conscience to such an absolute level, we need only remember the doctrine of original sin and the role of sin

and evil in the present world (*VS*, 1, 62). The doctrine of original sin reminds us that our wills and intellects are flawed, so if we wish to find God—or our own fulfillment—we will need to reach beyond ourselves; the individual’s subjective consciousness cannot be the final source of values.

John Paul next notes that the Council’s paragraph on conscience links obedience to the law of God and judgment (*VS*, 55). A corollary of the “creative” understanding of conscience is removal of moral weight from individual choices, which can no longer be considered objectively right or wrong. In the absence of the objective moral law, mere “decisions” replace “judgments.” Some authors are not so bold as to deny the idea of moral judgment entirely, but, according to the pontiff, they sometimes emphasize contingent circumstances and “exceptions” to the rule to such an extent as to empty the moral law of meaningful practical content (*VS*, 56).

Drawing on biblical imagery and language, as well as that of St. Bonaventure, John Paul emphasizes the dialogue involved in heeding conscience. A “dialogue” with oneself amounts to a monologue and is thus alienating and isolating. The voice of conscience, on the other hand, should open the individual up to the mystery of God (*VS*, 58). Conscience is incapable of becoming a voice of moral transformation if it remains its own source. Openness to God does not mean that conscience loses the personal and individual character alluded to in *Gaudium et Spes*. On the contrary, conscience is charged with making practical judgments about the moral law and its obligations in the most personal and specific circumstances of a person’s life (*VS*, 59). These judgments, however, can never be separated from their origin in the natural law or the divine imperative to obey that law (*VS*, 60). In a sense, then, the conscience can be thought of as the means by which individuals translate the demands of the moral law into the practical judgments and choices of everyday life.

In the final section of the encyclical’s treatment of conscience, John Paul returns to the imperative to form our own consciences correctly and well, in conformity with objective truth. The forma-

tion of consciences is necessary because of the real possibility of error, which, as the Council taught, is sometimes the result of the individual's own sinfulness and other times results from "invincible ignorance," or circumstances beyond the control of the individual in question (*VS*, 62). Here, as elsewhere, the pope urges Christians not to be hindered by a false notion of autonomy and freedom. He reminds readers that the teachings of the Church are indispensable in the formation of a conscience in conformity with truth because the Church articulates and teaches the natural law, which is reinforced through revelation (*VS*, 64; *DH*, 14). The formation of conscience is not easy, not just because of our own weaknesses but also because of the many false doctrines with which we are confronted in the modern world; John Paul urges Catholics to look to the teachings of the magisterium as a help in this often difficult task (*VS*, 64). Indeed, we might be reminded of the teachings of Leo XIII, that those who accept the Catholic faith in conscience are consequently obligated, in conscience, to obedience to that faith (*SC*, 4).⁴⁵ The rights of conscience, which the Church defends, correspond with the duty of Christians to see that their consciences are truthfully formed.

Conclusion

It is perhaps this holding together of rights and duties, freedom and truth, law and liberty, that represents the true genius of the Catholic understanding of conscience. From Leo XIII to John Paul II, popes have spoken out against distortions of this understanding that have set the above principles against each other rather than treating them as necessarily related and, indeed, dependent one upon the other. Without a basis in objective truth, freedom devolves into the tyranny of the strong over the weak; without its center in the natural law, conscience loses its ability to serve as a guide. As Murray observed, "No man may plead 'rights' in the face of the truth or claim 'freedom' from the moral law."⁴⁶ A threat to the moral law is a threat to freedom.

Much of the Church's teaching on conscience over the past century has come in the face of just such threats. Leo and Pius XI articulated both the rights and duties of the Catholic conscience as they saw those rights being violated. Vatican II, with violence to the rights of conscience a current reality in some parts of the world and not far in the past in others, provided a new articulation of the Church's teaching on conscience and committed itself to defend the human rights of non-Catholics, even as it reaffirmed the Church's prerogative to call all people to the fulfillment of their loftiest religious duties. And John Paul offered spirited defense of both of these commitments—to freedom and to truth—in *Veritatis Splendor*. Perhaps it should come as a consolation, then, when facing current and future threats to Christian freedom and Christian conscience that, out of peril and even persecution, the voice of God still echoes in men's hearts, prompting them to speak the truth and, like Thomas More, to rise to the highest heights of nobility.

Notes

1. Benedict XVI, "Meeting with the Representatives of British Society, Including the Diplomatic Corps, Politicians, Academics and Business Leaders" (2010). All papal addresses and magisterial documents hereafter cited can be accessed in their English translations on the Vatican website, <http://www.vatican.va>.
2. Leo XIII, *Rerum novarum* (1891).
3. Leo XIII, *Diuturnum* (1881), 2. Hereafter cited in text as "D."
4. Leo XIII, *Libertas* (1888), 7. Hereafter cited in text as "L."
5. Leo XIII, *Immortale Dei* (1885), 18. Hereafter cited in text as "ID."
6. Cf. John Paul II, *Veritatis splendor* (1993), 44.
7. *Catechism of the Catholic Church* (New York: Doubleday, 1995), 1778.
8. Cf. Leo XIII, *Sapientiae Christianae* (1890), 10. Hereafter cited in text as "SC."
9. Cf. Benedict XV, *Pacem Dei munus pulcherrimum* (1920), 14.
10. Pius XI, *Non abbiamo bisogno* (1931), 56–59. Hereafter cited in text as "NAB."
11. Cf. *Gaudium et Spes*, Vatican Council II (1965), 43. And cf. John Paul II, *Christifideles laici* (1988), 59.
12. Pius XI, *Divini Redemptoris* (1937), 21.
13. Pius XI, *Mit brennender Sorge* (1937), 21; Cf. Lk 12:9.
14. Pius XI, *Ubi arcano Dei consilio* (1922), 60.

15. Pius XI, *Casti Connubii* (1930), 104.
16. Pius XII, *Summi Pontificatus* (1939), 66. Hereafter cited in text as “SP.”
17. Pius XII, *Humani Generis* (1950), 20–21.
18. John XXIII, *Ad Petri Cathedram* (1959), 120.
19. John XXIII, *Pacem in Terris* (1963), 8.
20. *Ibid.*, 81–82.
21. John XXIII, *Ad Petri Cathedram*, 6.
22. *Gaudium et Spes*, 2.
23. *Dignitatis Humanae*, Vatican Council II (1965), 1. Hereafter cited in text as “DH”; For Murray’s introduction, see Walter M. Abbott, *The Documents of Vatican II*, (New York: Herder and Herder, 1966), 672–74.
24. *Lumen Gentium*, Vatican Council II (1964), 1.
25. Pius XII, “Radiomessaggio di sua Santità Pio XII in occasione della ‘Giornata della Famiglia’” (1952).
26. James F. Keenan, *A History of Catholic Moral Theology in the Twentieth Century: From Confessing Sins to Liberating Consciences* (New York: Continuum, 2010), 47.
27. *Gaudium et Spes*, 17, 15. Hereafter cited in text as “GS.”
28. Murray in Abbott, 677, n. 3.
29. John Paul II, *E sancti Thomae Mori* (2000).
30. Paul VI, *Ecclesiam Suam* (1964), 47.
31. *Ibid.*, 51, 114.
32. Paul VI, *Humanae Vitae* (1968), 10.
33. Keenan, 97–98, hereafter cited in text.
34. Murray in Abbott, 679, n. 5.
35. *Dei Verbum*, Vatican Council II (1965), 10.
36. *Declaration on Procured Abortion*, Congregation for the Doctrine of the Faith (1974), 2.
37. Mario Cuomo, “Religious Belief and Public Morality: A Catholic Governor’s Perspective” (1984). Available at <http://archives.nd.edu/research/texts/cuomo.htm>.
38. *Instruction on Christian Freedom and Liberation*, Congregation for the Doctrine of the Faith (1986), 26.
39. *Ibid.*, 37.
40. *Ibid.*, 54.
41. John Henry Cardinal Newman, *Conscience, Consensus, and the Development of Doctrine*, ed. James Gaffney (New York: Image Books, 1992), 448.
42. *Ibid.*, 455–56.
43. John Paul II, *Veritatis Splendor*, 34. Hereafter cited in text as “VS”; *Catechism of the Catholic Church*, 1778.
44. John Paul II, “XXIV World Day for Peace Message” (1991).
45. Cf. Murray in Abbott, 694–95, n. 58.
46. *Ibid.*, 676, n. 3.