

Conscience in ethics and the contemporary crisis of authority

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1. The voice of conscience

1.1 What conscience is not

I keep a lady in my car. From the dashboard she instructs me on which way I should go in life. “In three kilometres turn left,” she commands. “Turn around,” she pleads. “Coming up, on your right, you have arrived,” she advises. She is, of course, a global positioning satellite navigator and I would be lost without her calm voice telling me where to go. She can be wrong at times, due to mechanical faults or wrong information, especially about new developments on the roads. Sometimes I ignore her or switch her off. But usually I obey her; and I have found that when I fail to do so, due to inattention or a belief that I know better than her, I am usually sorry later.

In lots of ways conscience might seem to function like my satellite navigator and so we might call her *Conscientia*. Though I will argue that conscience is, in the most important respects, *not* like a satellite navigator, many people think it is just like that: a sort of angelic voice distinct from our own reasoning which comes, as it were, from outside us, even if we hear it inside our head or heart; it is generally trust-worthy, but we must nonetheless decide to obey it or not. Cardinal Newman, “whose life and work could be called one great commentary on the question of conscience”,¹ might have encouraged such a view when he called conscience – at its best – a messenger of God, ‘the aboriginal Vicar of Christ’.² Newman’s influence at Vatican II is evidenced in the citation of this text in the *Catechism* of the Council³ and in the Council’s poetic description of conscience as a ‘voice’ of God, echoing in the depths or core or sanctuary of the human person.

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. Conscience is the most secret core and sanctuary of a man. There he is alone with God, Whose voice echoes in his depths.⁴

Whatever these passages mean, they clearly do not mean that conscience is a divine or diabolical voice that intrudes into our ordinary reasoning processes, commanding or complaining, and that acts as a rival with our own moral thinking. If we experience such voices we should probably see a doctor or an exorcist! Were conscience really a voice from outside our reasoning it would play no part in philosophical ethics and there might be some kind of double truth in moral theology: my merely-human practical reason tells me to do X, but my divine voice says to do Y not X.⁵

Ockhamite voluntarism led much Christian moral theology down just such a blind alley after the high scholastic period.⁶ On this account

the human will was a purely autonomous power, completely indeterminate and free. Its regulation came not from practical reason, or the intellect directing it from within, but from law, as an extrinsic principle obligating and constraining it. Here too, the idea of law was radically deformed. Whereas St Thomas Aquinas saw law as an ‘ordinance of reason,’ that is, reason’s own internal illumination and direction of the will, in Ockham’s scheme law emerges as a gratuitous and arbitrary check upon the will. Obedience thus replaces prudence as the chief cardinal virtue. The virtues themselves, seen by Aquinas as ‘excellences’ or powers informing and educating the passions from within, are downgraded. They now exercise the negative function of repressing the passions and keeping them out of the will’s way in its obedience to the law.⁷

Various schools of thought – laxists and rigourists, probabilists, probabiorists and equi-probabilists – gave different legal interpretations and diverse cases, but once the law applicable to the particular case was known it was thought that there was nothing more to do than conform. *Magisterium* became the satellite navigator and the rôle of conscience was to hear, interpret and obey this externally-imposed law.

Many theologians and pastors today are heirs to this. For some the solution to the contemporary crisis of moral authority is to keep calling for submission to the navigator *Magisterium*. Moral tax-lawyers, on the other hand, try to find ways around the navigator or ways to ‘sail as close to the wind as possible’ without actually breaking the moral law. They ask: how far can you go? How much can you get away with before it becomes (seriously) sinful? Can you do a little bit of abortion or embryo experimentation or euthanasia without breaking the moral law or reclassify some abortion or embryo experimentation or euthanasia as something else and thereby avoid the law? What both approaches have in common with the late schoolmen is a view of the magisterium as a voice external to conscience which commands things to which conscience is not naturally disposed; if conscience cannot find a way around such commands it must simply acquiesce to the law-giver or disobey and take the consequences.

Freud’s view of conscience as a psychic policeman, the inner remnant of childhood authority figures, and Nietzsche’s view of conscience as a social policeman, the construct of a controlling community, both continued to posit a kind of internal war between conscience as an alien legal voice and the freedom of the agent to disobey. Enlightenment liberalism and existentialism likewise enhanced the rôle of the free subject – now not only over and against institutions such as church and state, but also vis-à-vis God and nature. Thus Newman warned as early as 1875 that the idea of conscience was fast degeberating into “an Englishman’s prerogative, to be his own master in all things”.⁸ Revelation, tradition, community, even reason itself, were increasingly seen as rivals with the free agent. Instead of being informed by right reason purified by Church teaching, conscience was now about personal choice over and against all constraints. In modernity autonomy trumps all, morality is merely a power game, and agents are consumers in the value-free market.

By the 1960s conscience had become something like strong feeling, intuition or sincere opinion – what Allan Bloom called “the all-purpose ungrounded ground of moral determination, sufficient at its slightest rumbling to discredit all other obligations or loyalties”.⁹ To appeal to conscience was to foreclose all further discussion and to claim an immunity to reasoned argument or the moral law. In Catholic circles “a certain allergic aversion to law shifted the centre of gravity in moral theology away from law and toward personal freedom, the individual subject and conscience.”¹⁰ ‘Follow your conscience’ came to be code for pursuing personal preferences or reasonings *over and against* the teachings of Christ and the Church in areas of sexuality, bioethics, remarriage and reception of the Eucharist.¹¹ “Here one’s conscience, anchored in genuine, authentic feeling, becomes the highest court of appeal”¹² – it is infallible. The language of *the primacy of conscience*, unknown to the tradition, more often implied contest with the Church rather than with the spirit of the age or the surrounding culture.¹³ Sophisticated consciences yielded judgments in accord with the *New York Times* than *L’Osservatore Romano*.

By 1993 Pope John Paul II could sum up the ‘blind alley’ down which the conscience idea had been taken in the West:

The individual conscience is accorded the status of a supreme tribunal of moral judgment which hands down categorical and infallible decisions about good and evil. To the affirmation that one has a duty to follow one’s conscience is unduly added the affirmation that one’s moral judgment is true merely by the fact that it has its origin in the conscience. But in this way the inescapable claims of truth disappear, yielding their place to a criterion of sincerity, authenticity and ‘being at peace with oneself,’ so much so that some have come to adopt a radically subjectivist conception of moral judgment.¹⁴

As the Pope explained, this is not the Christian conception of conscience at all. It is, rather, as his collaborator and eventual successor observed, “a cloak thrown over human subjectivity, allowing man to elude the clutches of reality and to hide from it.”¹⁵

1.2 What conscience is: a little history

Well, if conscience is not this, what is it? The classical account of conscience begins by reflecting upon the universal experience of agency: that I *can* choose and that I *can* reflect upon past choices; and that in doing so I can judge rationally present possibilities and past choices. I have a sense of responsibility, of accountability, of self-possession in my present and future decisionmaking and in reflection upon my past decisions and actions. We may call this human capacity to know and choose the good and this human activity of thinking practically and choosing well ‘conscience’.

The Old Testament has no word for ‘conscience’, but it does speak of the true *heart* (*lêb*) that interiorizes the divine law. God converts the hard of heart and recreates the heart anew. Some Old Testament figures experience God calling them to live his will or Law; at other times they experience him probing or judging their hearts.¹⁶ The shame of sinful Adam and Eve and the repeated remorse of Israel are amongst many Biblical examples of what was later called a retrospective judgment of conscience.¹⁷ The Eden story also describes well the process of self-justification or blame-shifting that commonly occurs when people find their heart judging them sinful.¹⁸ Jesus built on the idea of the right or pure or single heart that allows a man to judge justly and act authentically.¹⁹

In the Septuagint translation of the Book of Job the Hebrew word ‘heart’ is translated with the Greek word *συνειδησις* (27:6).²⁰ In the Wisdom literature the guilty *συνειδησις* of the unrepentant man adds to his misfortunes (*Wis* 17:11). Such texts echoed the philosophical wisdom of the Græco-Roman world where some, such as the Stoics, called *συνειδησις* the human faculty of right decision-making in harmony with the eternal world-plan or *λογος*. For these writers this *natural law* of the *λογος* would only be accurately discerned by the man with the virtuous habit or human excellence of *Φρονησις*.

St Paul was heir to both these Hebrew-Christian and Græco-Roman traditions. Some thirty times in his epistles and discourses he uses the term *συνειδησις* interchangeably with *καρδια* which English-language bibles commonly translate as *conscience* and *heart*. For Paul conscience is *not* some special faculty different from the rest of human thinking and choosing, nor is it some secret wisdom given only to a few. Rather it is the human capacity to know and choose the good, the mind thinking morally and the will acting responsibly. Thus for Paul:

- ✘ *συνειδησις* is universal knowledge of God’s law (e.g. 2 Cor 4:2; Rom chs 1 & 2)
- ✘ *συνειδησις* is also experienced as an inner tribunal guiding, accusing or approving outer behaviour, in prospect or retrospect (e.g. *Acts* 24:16; 2 *Cor* 1:12-14; *Rom* 2:14-15; 9:1; 2 *Tim* 1:3; *Heb* 13:18)
- ✘ the judgments of *συνειδησις*, like other acts of the human mind, can be accurate (1 *Tim* 1:5) but can also be mistaken, for the mind and will can be weak or corrupt; conscience may falsely accuse us or remain silent when it ought to speak (e.g. 1 *Cor* ch 8 & 10:23-30; *Tit* 1:15; *Heb* 10:22) so that we “practise cunning and tamper with God’s word” (2 *Cor* 4:2); it may even be so stifled as to be inoperative (1 *Tim* 1:19; 4:2; cf. *Mt* 6:22-23)
- ✘ the redeeming work of Christ and the action of the Holy Spirit heal, instruct and renew the human mind and will, including *συνειδησις*, so that we can “put on the mind of Christ” (1 *Cor* ch 2; *Rom* 9:1; 12:2; *Heb* 9:14)
- ✘ *συνειδησις* must be honoured even if erring (e.g. 1 *Cor* 10:23-30; *Rom* ch 14).²¹

These themes, only very sketchy in Paul, were further developed in the Patristic period by Sts Jerome, Augustine and John Chrysostom amongst others.²² By this time the term *συνειδησις* had been mis-transliterated into Latin as *synderesis*. Augustine taught that God shares his saving truth with human beings through the illumination of their *synderesis*. However, ever since the Fall human beings have been inclined to errors of judgment, temptations, weakness of will, and thus to sin; they would not seek their genuine good without the tutelage of God's law, moderating habits and the grace granted through Christ's saving death – all of which were, he thought, only reliably communicated by the Church. Any tension between the individual's conscience and the Church was, for Augustine, evidence of our fallen natures. The Christian would always seek to 'put on the mind of Christ' by bringing his *synderesis* into line with the Sacred Scriptures and Tradition.

In the scholastic and pre-modern eras Peter Lombard, Stephen Langton, Philip the Chancellor and Sts Bonaventure, Thomas Aquinas and Alphonsus Ligouri all wrote on *synderesis*, *conscientia* and *prudencia*.²³ Bonaventure followed Augustine and Lombard, teaching that "conscience does not command things on its own authority, but commands them as coming from God's authority, like a herald when he proclaims the edict of the king. This is why conscience has binding force."²⁴ Aquinas added a good deal of Aristotle, by providing: first, a theory of practical reason by which primary moral principles or 'natural laws' are known by reflecting upon human nature and choice (*synderesis*), secondary principles are derived, and these are applied in choice (*conscientia*); secondly, a moral psychology of virtues both natural and infused which integrate, moderate and direct character, especially that virtue most essential to right-reasoning in moral matters, *prudencia*; and finally, a theology of grace and beatitude which clarifies, motivates and enables agents to pursue rightly their final good. *Conscientia*, for Aquinas, is the immediate or proximate norm of morality, that last, best judgment by which a person of right reason seeks to apply objective moral truth to his own choices.²⁵

While the concept of conscience played only a minor rôle in Aquinas' moral theory, in the early modern period it was "hoisted to new heights" and a whole, lengthy tract was devoted to it in the manuals, while the rôles of practical reason and prudence were diminished. Soon "all roads, in the moral world, led to conscience."²⁶ Thus conscience was to feature especially often in the documents of the Second Vatican Council. In *Gaudium et spes* the Council sought to make its focal point "man himself, whole and entire, body and soul, heart and conscience, mind and will."²⁷ Amongst the aspects of "heart and conscience" identified by the Council are that:

- ✘ all are bound to seek, embrace and live the truth faithfully;²⁸
- ✘ conscience is experienced by human beings as an inner sanctuary or tribunal, rather than something external to them,²⁹ yet it mediates a universal and objective moral law which is given rather than invented;³⁰
- ✘ conscience summons the agent to inscribe the divine law in every aspect of life by seeking good and avoiding evil, by loving God and neighbour, and by keeping the commandments and all universal norms of morality;³¹
- ✘ conscience is common to all human beings, not just Christians, and the experience of and obedience to conscience is "the very dignity of man", a dignity the Gospel protects;³²
- ✘ the moral law and the particular judgments of conscience bind the human person,³³ so that human beings will be judged according to how they formed and followed their conscience;³⁴
- ✘ agents sometimes experience "anxiety", "contradictions" and "imbalances" within conscience and conscience may err blamelessly out of "invincible ignorance" or by being blamefully corrupted;³⁵

- ✘ claims of personal freedom or of obedience to civil laws or superiors do not excuse a failure to abide by the universal principles of good conscience,³⁶
- ✘ conscience must be properly formed and educated by ensuring it is “dutifully conformed to the divine law itself and submissive toward the Church’s teaching office, which authentically interprets that law in the light of the Gospel”;³⁷ and
- ✘ freedom of conscience, especially in religious matters, must be respected by civil authorities and people not be coerced into any religious practice.³⁸

1.3 Three acts of conscience

In its summary of the teaching of the Second Vatican Council on conscience, the *Catechism of the Catholic Church* distinguishes three acts or dimensions of conscience: the perception of the principles of morality; their application in the given circumstances by practical discernment of reasons and goods; and, finally, judgment about concrete acts yet to be performed or already performed.³⁹ These require a little unpacking.

The first act of the conscience, identified in the *Catechism* with *synderesis*, is what I call Conscience-1:⁴⁰ the perception of basic human goods and the most basic principles of morality. I have already noted texts from Paul, the Fathers, Aquinas, Newman and Vatican II that presume a very high – some might say even romanticized – doctrine of Conscience-1 as a voice or vicar or sanctuary of God. These authors presume a long tradition of reflection on what we call today “the first principles of the natural law”: basic principles of practical reason accessible to all people of good will and right reason.

The highest norm of human life is the divine law – eternal, objective and universal – whereby God orders, directs and governs the entire universe and all the ways of the human community by a plan conceived in wisdom and love. Man has been made by God to participate in this law, with the result that, under the gentle disposition of divine Providence, he can come to perceive ever more fully the truth that is unchanging. Wherefore every man has the duty, and therefore the right, to seek the truth in matters religious in order that he may with prudence form for himself right and true judgments of conscience, under use of all suitable means.⁴¹

Because of their ‘givenness’ the principles of Conscience-1 provide us with bases both for self-criticism and for social criticism, so that when our passions or self-interest or social pressures incline us in one direction, these principles may suggest another. Far from being a cause for the subjectivism of those who think conscience means “doing my own thing” or the relativism of those who think it means “doing what the group does”, Conscience-1 is actually the beginnings of an antidote to these.

Conscience-2 involves further practical reasoning towards more particular moral principles and their application to given circumstances. It therefore requires certain habits of mind, especially *prudence in deliberation*. Some readers of the tradition, including some readers of St Thomas Aquinas, have suggested that this is the primary or only meaning of the word conscience: they equate conscience with prudence.⁴² Others have suggested, I think persuasively, that the habitually prudent operation of the mind when applying principles to circumstances is only one act of the complex of acts of conscience and as a *habitus* of mind should be distinguished from the *acts* of the mind in practical reasoning.⁴³ Prudence, we might say, is really an adjective (a quality of the virtuous mind) and especially an adverb (a quality of virtuous doing), while conscience is really a noun (the mind thinking practically) and especially (as I will amplify below) a *verb* (doing practical reasoning toward good action).

In Conscience-2’s process of *deliberatio* the mind often faces temptations, dilemmas and confusion.⁴⁴ It is here that conflicts of conscience occur and, as I will argue later in this paper, it is here that any tension between the teachings of the magisterium and other parts of one’s moral reasoning

process arises. To reason well at this level requires qualities such as foresight, sensitivity and seriousness about moral reasoning and discernment: and for these qualities to be present conscience must not only be well-informed but *well-formed*.

Morality is not just a mind game. Its purpose, the ancients insisted, is choice: the choice of some real action by a real person in real circumstances. Thus Conscience-3 is our best judgment “about concrete acts yet to be performed or already performed”. When theologians such as St Thomas used the word *conscientia* it was usually in this sense. This explains why, unlike the manualists and to the surprise of some modern readers, St Thomas did not bother to provide a treatise specifically on conscience in the *Summa theologiae*: the tracts on natural law, practical reasoning and the virtue of prudence sufficed for his purposes.

Conscience-3 is only worthy of respect when it can bite, i.e. when it can tell us to do what we might otherwise be disinclined to do, or *vice versa*, or when it can give us cause for remorse about something we have already done or failed to do. Once again, there is plenty of ground for error here. Thus while insisting that we must follow our last, best judgment of conscience as the proximate norm of action, St Thomas wrote so much about how we might ensure such a judgment is a reliable application of moral truth. He would, I think, have been bewildered by contemporary talk of ‘the primacy of conscience’ or the primacy of any intellective operation. Just as the value of memory is in remembering accurately, so the value of conscience, for Thomas, is in yielding the right choice. Truth always had primacy for him.⁴⁵

The Catholic view of conscience presupposes an optimistic view of human capacities to discern the good and ultimately, I would suggest, a theological position on the way man discerns God’s will even after the Fall. The reason for this optimism is that God is the creator of the human mind and the origin of the ‘natural law’ of human beings, that God purifies and confirms that natural reasoning through revelation, and that God redeems the human mind through His healing grace. But if conscience is reduced from objective God-given principles to subjective sincerity or from shared God-given principles to private ones, it is hard to see why we would take people’s consciences so seriously or how we could have any real moral conversation – let alone consensus – with people different to us. Too often in recent years those desperate for moral education or advice have been fobbed off with “follow your conscience” or indulged with “do what you think is best”. Too often in international forums human rights documents have become weapons *against* the rights of some people and apparently innocent words code sinister meanings. Without shared objective principles, appeal to conscientious belief degenerates into window-dressing for the raw expression of preference or power. And we have no way of knowing whether our conscience is well-formed or not, well-functioning or not, accurate or disastrously off-course.

1.4 The authority of conscience

Thus when the documents of the Second Vatican Council use the term conscience 52 times and its *Catechism* also, both texts presume a long history and complex content not necessarily shared by many users of the word conscience or spokesmen for the Council’s ‘spirit’. Nor does the concept of the ‘infallibility’ or ‘primacy’ of conscience appear anywhere in the Council’s texts. On the contrary, for all its celebration of the dignity of conscience, the Council always qualified the word conscience with adjectives such as ‘right’, ‘upright’, ‘correct’, ‘well-formed’ or ‘Christian’ – allowing, by implication, that not a few consciences are confused, deformed or otherwise misleading, and that there is some other standard by which that might be judged which has ‘primacy’.⁴⁶ The Council pointed out that conscience often goes wrong, sometimes ‘invincibly’ (i.e. by no fault of the agent and so without losing its dignity) but at other times ‘voluntarily’ (i.e. due to negligence or vice, in which case conscience is degraded).

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.⁴⁷

Two thousand years before, St Paul had made the same point in rather more colourful language: those of corrupt conscience are *good for nothing*.

To the pure all things are pure, but to the corrupt and unbelieving nothing is pure. Their very mind and conscience [συνείδησις] are corrupted. They profess to know God, but they deny him by their actions. They are detestable, disobedient, unfit for any good work. (*Tit* 1:15-16)

In the tradition that followed Paul conscience, like any intellectual ability, could err because the human mind can be more or less mature, experienced, trained, healthy, sophisticated, imaginative, prudent, integrated with passion etc. As a result conscience can be more or less sensitive, realistic, impartial, wise... The self-evidence of *per se nota* goods and principles is therefore no simple matter,⁴⁸ let alone the derivation of secondary principles and their subsequent application, and people's thinking in these matters can be clouded or corrupted. Conscience is only *right conscience* when it *accurately* mediates and applies that universal natural law which participates in the divine law; it is erroneous when it does not. Thus, as I have suggested above, it may be more helpful to think of conscience as a *verb* (a doing word), describing the human mind thinking practically towards good or godly choices, rather than reifying it as a noun, a faculty or voice with divine qualities.⁴⁹

Despite the tendency of conscience to error, the Church maintains its high view of the dignity of conscience. From this several things follow:

- ✘ that we must do our best to *cultivate a well-formed and well-informed conscience* in ourselves and those we influence;
- ✘ that we must *take responsibility for our actions* and thus always seek seriously to discern what is the right choice to make;
- ✘ that we should *seek to resolve doubt* rather than act upon it;
- ✘ that we must *follow the last and best judgment of our conscience* even if, unbeknownst to us, it is objectively in error;
- ✘ that we must do so *in all humility*, aware that our choice may be wrong and so be ready, if we later realize it is, to repent and start afresh; and
- ✘ that we should *avoid coercing people's consciences*: people should, if possible, be persuaded rather than forced to live well and so be given a certain latitude for moral choice; we should expect and tolerate some differences of moral opinion.⁵⁰

Such reverence for persons and so for their “heart and conscience” is perfectly consistent with denying that conscience is infallible or that it has “primacy” over truth or faith or the teachings of Christ and his Church. As we will see, the magisterium seeks to enable conscience to achieve a more reliable mediation and application of moral truth: it is always the objective moral truth of the moral law and of the Gospel which has primacy and only this which can be infallible.

2. The voice of the magisterium

2.1 What is ‘magisterium’?

‘Magisterium’ refers to the teaching authority of the Church, restating or unfolding the implications of Christ’s teaching.⁵¹

The task of authentically interpreting the word of God, whether written or handed on, has been entrusted exclusively to the living magisterium of the Church, whose authority is exercised in the name of Jesus Christ. This magisterium is not above the word of God, but serves it, teaching only what has been handed on, listening to it devoutly, guarding it scrupulously and explaining it faithfully in accord with a divine commission and with the help of the Holy Spirit, it draws from this one deposit of faith everything which it presents for belief as divinely revealed.⁵²

Where do Christians get this idea from? The Christian notion of magisterium begins with certain claims about the reliability of the Church: as Paul put it, the Church is “the pillar and bulwark of truth” (1 *Tim* 3:15). These claims were based upon Jesus’ own promises to be with his Church always:

Now the eleven disciples went to Galilee, to the mountain to which Jesus had directed them. When they saw him, they worshiped him; but some doubted. And Jesus came and said to them, “All authority in heaven and on earth has been given to me. Go therefore and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit, and teaching them to obey everything that I have commanded you. And remember, I am with you always, to the end of the age.” (*Mt* 28:16-20)⁵³

Interestingly – given the recent controversy about whether the Church can teach infallibly in morals or only in matters of faith – Jesus’ departing charge here is not to teach the nations Christology or Soteriology or even Fundamental Moral Theology, but rather to teach them his commandments. In promising to be ‘present’ to his Church he is promising the Holy Spirit to guard its veracity:

I will pray the Father, and he will send you another Counsellor, to be with you for ever, even the Spirit of Truth... When the Counsellor comes, whom I shall send you from the Father, the very Spirit of Truth, he will bear witness to me...When the Spirit of Truth comes, he will guide you into all truth... (*Jn* 14:16f; 15:26; 16:13 etc.)

Thus in their various epistles the apostolic generation set the trend of Church leaders offering a great deal of advice not merely on matters of ‘faith’ but also on the living out that faith in daily life, sometimes offering only their own opinions, but at other times claiming to teach with the authority of Christ or the Holy Spirit.⁵⁴ Thereafter Christians continued to rely upon certain authoritative guardians and interpreters of the Gospel. I will not examine the evolution of this reliance here: it is long and fascinating, and has been detailed by students of the history of the magisterium.⁵⁵ On Francis Sullivan’s view, for instance, Christians came to see that genuine Christian faith entailed trust in the reliability of the Church as the mediator of that faith; this in turn entails the notion that the propositions in which the Church’s normative faith is expressed are true:

I do not see how one can hold that the Church is really ‘maintained in the truth’ by the Holy Spirit, and at the same time hold that the Church could oblige its members to confess their faith in propositions which would actually be not merely human, partial, limited, capable of more adequate expression, culturally conditioned, etc., but downright false. In other words the indefectibility of the Church in the truth requires that its normative confession of faith be expressed in propositions which, for all their inevitable limitations, are still true.⁵⁶

Thus by the time of Vatican II the Church could assert that Christ’s faithful ought to give the unconditional obedience of faith (*obsequium fidei*) to all that it proposes as certainly true.⁵⁷

How is this magisterium operationalised? In *Lumen gentium* Vatican II identified several modes of *infallible* teaching.⁵⁸ The first is by the People of God when, united with their bishops, they manifest universal agreement on some matter of faith and morals. Next it is exercised by the bishops in their ‘extraordinary magisterium’ when together in an ecumenical council they teach that something is to be held definitively and absolutely. Next it is employed by the bishops in their ‘ordinary magisterium’ when they teach something in common to be held definitively and absolutely. Also it is exercised by the pope who in his ‘extraordinary magisterium’ proclaims some doctrine in an absolute decision. And finally it is employed by the pope in the ‘ordinary magisterium’ of his definitions in conformity with revelation transmitted integrally through the tradition or held by him in common with the bishops.

Of course to say that the Church is infallible in these situations is not to say that it is omniscient or inerrant in everything it says and does. In addition to infallible magisterial teaching there are the much more common pronouncements by various Church bodies or leaders proposed with a lesser degree of authority or more tentatively. Such teachings must be taken very seriously by believers out of respect for the Church as an inspired teacher; but they do not command the unconditional ‘obedience of faith’, only some degree of ‘religious assent’. What degree depends upon who teaches and when and how.

Unlike the unconditional obedience of faith, such religious assent is provisional: while *prima facie* true, there is the possibility that what is proposed might be mistaken or in need of considerable qualification and development. Thus when a person’s own reasons against a particular non-infallible teaching are so convincing to him that he cannot give an honest interior assent to the teaching, he nonetheless remains a Catholic.⁵⁹ On the other hand, it must also be recognized that some teachings not yet infallibly defined do in fact belong to the core of our tradition and may well in the future be the object of an infallible determination.⁶⁰ If unsure of their own conclusions, believers will therefore be inclined to follow even a non-definitive teaching until such time as they can clarify their own best judgment of what faith and reason require of them.

2.2 Examples of moral magisterium

What are some examples of magisterial teaching on moral matters of such high authority that they are infallible? In the Synoptic Gospels we hear Jesus repeatedly confirm the authority of the decalogue:

As he was setting out on a journey, a man ran up and knelt before him, and asked him, “Good Master, what must I do to inherit eternal life?” Jesus said to him... “You know the commandments: You shall not murder; You shall not commit adultery; You shall not steal; You shall not bear false witness; You shall not defraud; Honour your father and mother.” He said to him, “Teacher, I have kept all these since my youth.” Jesus looked at him and loved him. (*Mk 10:17-21 et par*)

Paul, again, pulls no punches: irreligion, unchastity, theft, greed and so on are inconsistent with the life of God’s kingdom.⁶¹ The continuing authority of the Decalogue was then confirmed by many of the Fathers, Popes and Councils of the Church.

There are many such passages in the Scriptures as in the Sacred Tradition. An example of the latter is the Council of Trent’s *anathema* against polygamy.⁶² More recently the Second Vatican Council condemned in no uncertain terms attacks on human life and dignity, the failure to share with the needy, and the use of weapons of mass destruction against whole population centres.⁶³ Rather than offering any definitions of moral dogmas in *Veritatis splendor* (1993), Pope John Paul II recalled examples of moral matters long taught definitively by the magisterium.⁶⁴ Having laid this groundwork, John Paul then explicated three moral ‘dogmas’ in his sequel on bioethics, *Evangelium vitae* (1995). Here he was careful to cite the texts from Vatican II regarding the papal and episcopal magisterium in moral matters, and to use the language of Petrine authority. The clearest exercise of the highest level of papal magisterium was with respect to the *grave immorality of the direct and voluntary killing of the innocent*.⁶⁵ John Paul then applied this teaching to two pressing bioethical concerns. The Church’s teaching *that direct abortion always constitutes a grave moral disorder* was, he argued, “based upon the natural law and upon the written Word of God”, “taught by the ordinary and universal magisterium”, confirmed by “the doctrinal and disciplinary tradition of the Church”, asserted “with the unanimous agreement of the bishops”, and now defined with “the authority which Christ conferred upon Peter and his Successors”.⁶⁶ Likewise the Church’s teaching *that euthanasia is a grave violation of the law of God* was, he said, “based upon the natural law and upon the written word of God”, “transmitted by the Church’s Tradition and taught by the ordinary and universal magisterium”, and now “confirmed” by him in his Petrine office of

confirming the brethren and in his office as a bishop “in communion with the Bishops of the Catholic Church”.⁶⁷

This list of examples of the Church claiming to teach definitively in morals is by no means exhaustive. But it gives some sense of the range of matters to which Christ and his Church have turned their mind and voice.

2.3 Conscience *versus* the magisterium after Vatican II

Around the time of Vatican II the influential *peritus* Karl Rahner wrote an essay on the subject of ‘The Catholic conscience’⁶⁸ in which he explained that conscience is the proximate source of moral obligation, and so must be followed even when it is in fact mistaken; but that we must form our conscience rightly and avoid confusing it with mere subjective inclination or personal preference.⁶⁹ Moral maturity for Christians requires keeping the commandments given to us by God and proclaimed by the Church through her ordinary or extraordinary magisterium, and never appealing to conscience to make an exception for oneself.⁷⁰ If we realized that as Christians under the cross we may well meet situations in which we must either sacrifice everything or lose our soul, then we would not look for private exceptions and our confessors would not use evasions like ‘follow your conscience’ when there is some hard if sensitive teaching needed.⁷¹ Rahner concluded by observing that if in our sinful world God’s law seems unrealistic, the trouble is not with God’s law but with the world!

The early Rahner wrote on the verge of a new age in which Christian ethics faced challenges from many quarters, not least from within the Church. Vatican II sought to restate and update Catholic moral teaching.⁷² Though aware of the growing threat of individualism and relativism, the Council fathers were optimistic to the point of naïveté about how their words would be received. Many took up the Council’s views on the dignity and liberty of conscience with greater enthusiasm than they did its teaching on the duty to inform conscience and exercise that liberty in accord with moral absolutes known to right reason and proclaimed by the magisterium.⁷³

The Council had barely closed when Paul VI’s encyclical on birth control, *Humanae vitae* (1968), met a hostile reception even among many clergy and theologians. A group of American theologians, led by Charles Curran, asserted that Catholics might properly ‘dissent’ from Church teaching on contraception and ‘follow their conscience instead’. Curran soon taught that Catholics could legitimately dissent from many moral teachings of the Church.⁷⁴ Philip Keane suggested that pretty well anything goes in the area of sexuality as long as it accords with personal conscience: contraception, fornication, homosexual relations, extra-marital sex...⁷⁵ Hans Küng dismissed all of Vatican II’s statements about the magisterium as having theological “feet of clay”.⁷⁶ Even Rahner seemed to ‘cross the floor’ on the matter of the Church’s ordinary authority in morals and the supposed conflict with the liberty or primacy of conscience.⁷⁷ The stage was set for the polarisation of moral theology for the following quarter-century, as contending schools responded to “the crisis of ’68”, a crisis at least in part over the meaning of moral conscience, its implications for decisionmaking and its relationship to the magisterium of Christ and the Church.

In the 1970s a number of theologians proceeded to deny that the Scriptures, the Tradition and the hierarchy have any ‘strong’ magisterium in moral matters.⁷⁸ The ‘situationists’ echoed the contemporary exaltation of human freedom and rejection of appeals to nature, reason, authority or any objective standards: what matters, in the end, is whether the person’s ‘heart is in the right place’.⁷⁹ The ‘proportionalists’ asserted that the rôle of conscience was to identify and balance the upsides and downsides of options and that the Church could propose some ‘rules of thumb’ for this balancing act, but no moral absolutes.⁸⁰ Timothy O’Connell, in his popular textbook *Principles for a Catholic Morality*, suggested that conscience is infallible at the most basic level of a sense of moral

responsibility and of fundamental moral principles.⁸¹ Once we move to specifics, however, people can disagree or make mistakes and so the Church can be helpful as a counsellor. Conscience, however, always has primacy over the magisterium. While Catholics believe the Holy Spirit guides the Church “to some extent”, the Church, he explained, is more the ‘whore of Babylon’ than ‘the unblemished bride of Christ’.⁸² Though the Church might in theory be able to teach infallibly in morals, it never has done so. It has only ever taught in moral matters with its ordinary teaching authority and any ordinary teaching of the Church is “susceptible to error and therefore fallible”.⁸³

Similarly, Francis Sullivan in his book *Magisterium* asserted that even if very general principles of morality *could* be solemnly defined—and he was unsure that they could be—they would be so general as to be largely uninformative. More concrete moral norms such as, presumably, those against contraception, abortion, euthanasia and homosexual acts, are “not among the truths which God has revealed to us for the sake of our salvation, nor can they be strictly deduced from any such truths”. Indeed such matters “do not admit of irreversible determination” and “are not proper matter for irreformable teaching”. Sullivan’s reasoning “rules out not only the possibility of the infallible definition of such a norm, but also the claim that such a norm has ever been, or could be, infallibly taught by the ordinary universal magisterium”.⁸⁴

We are all well aware of how thoroughly this 1970s-80s style of moral thinking filtered down through many of our societies, even if it was rarely dressed up in the highfalutin language of ‘ontic evils’ and ‘authenticity’. In a slightly more sophisticated form it was taught to a generation of priests, religious and lay theology students. It will take some time to recover a more Catholic sense of conscience and authority.

3. Conscience in post-modernity

3.1 Rome responds

In *Ethics After Babel* Jeffrey Stout, a non-believer, deplored the “nearly complete breakdown of fruitful dialogue between secular philosophical thought and the religious traditions”, suggesting that this had impoverished both. It was, he believed, the result not only of secular moral philosophers adopting “tropes and fetishes” that virtually preclude such conversation but also of theology failing to offer anything that might make an educated public sit up and listen.

To gain a hearing in our culture, theology has often assumed a voice not its own and found itself merely repeating the bromides of secular intellectuals in transparently figurative speech... Meanwhile, secular intellectuals have largely stopped paying attention. They don’t need to be told, *by theologians*, that Genesis is mythical, that nobody knows much about the historical Jesus, that it’s morally imperative to side with the oppressed, or that birth control is morally permissible. The explanation for the eclipse of religious ethics in recent secular moral philosophy may therefore be... that academic theologians have increasingly given the impression of saying nothing atheists don’t already know.⁸⁵

Other commentators complained that much modern moral theology was merely the ethics of ‘the world’ dressed up in religious poetry, “a series of platitudes ranging from the inane to the incoherent”, a mixture of the trivial and the sentimental, a middle-class God who was ‘therapeutic nice-guy’ commanding nothing and comfortable with our compromises. These authors called for a radical recommitment to the *distinctively Christian* in ethics, and for Christians to be willing to be ‘prophetic’, ‘counter-cultural’, the advocates of a genuinely *alternative* lifestyle.⁸⁶

John Paul II took the opportunity of the 25th anniversary of *Humanae vitae* to publish his groundbreaking encyclical *Veritatis splendor*.⁸⁷ Here he reasserted the teaching of Vatican II that Christ and the Church can, have and do teach definitively in moral matters, and that a well-formed Christian conscience will be informed by such authoritative teaching. Here one ought to proceed with personal obedience of faith, submitting one’s experience, insights and wishes to the judgment

of the Gospel, prepared to reform oneself according to the mind of Christ authentically transmitted by the Church. Conscience is indeed the proximate norm of personal morality, but its dignity and authority “derive from the *truth* about moral good and evil, which it is called to listen to and to express.” Conscience is not infallible and sincerity cannot establish the moral truth of a judgment of conscience; freedom of conscience is never freedom *from* the truth but always and only freedom *in* the truth. The magisterium does not bring to the conscience truths which are extraneous to it, but serves the Christian conscience by highlighting and clarifying those truths which a well-formed conscience ought already to possess. A well-formed Christian conscience will seek to be both more objective about morality and truer to the Christian tradition than any morality based on sincerity or balancing acts can deliver.⁸⁸

In previous documents the Congregation for the Doctrine of the Faith had taught that the magisterium has the task of “discerning, by means of judgments normative for the consciences of believers, those acts which in themselves conform to the demands of faith and foster their expression in life and those acts which, on the contrary, are incompatible with such demands because intrinsically evil.”⁸⁹ Now John Paul II explored further the vocation of the theologian and the limits to dissent.⁹⁰ In *Ad tuendam fidem* (1998) he identified three categories of doctrines to be believed by the faithful. The first are those doctrines of faith and morals “contained in the Word of God, written or handed down, and defined with a solemn judgment as divinely revealed truths by the Roman Pontiff when he speaks *ex cathedra* or by the College of Bishops gathered in council, or infallibly proposed for belief by the ordinary and universal Magisterium.”⁹¹ The CDF pointed out that such doctrines “require the assent of theological faith by all the faithful” and “whoever obstinately places them in doubt or denies them falls under the censure of heresy”. The Congregation gave as an example of such a teaching in the moral sphere the first matter defined in *Evangelium vitae* – “the doctrine on the grave immorality of direct and voluntary killing of an innocent human being”.⁹²

The second category of doctrines identified in *Ad tuendam fidem* is everything else “definitively proposed by the Church regarding faith and morals” including “all those teachings belonging to the dogmatic or moral area, which are necessary for faithfully keeping and expounding the deposit of faith, even if they have not been proposed by the Magisterium of the Church as formally revealed.” All the faithful are required to give “firm and definitive assent to these truths” and “whoever denies them would be rejecting a truth of Catholic doctrine and would therefore no longer be in full communion with the Catholic Church.” In this class the CDF included Catholic teaching on the illicitness of euthanasia, prostitution and fornication; abortion presumably falls under this category as well, if not under the first category.

The third class of doctrines are those teachings on faith and morals presented as true or at least sure, but not solemnly defined or definitively proposed by the magisterium, to which “religious submission of will and intellect” are required; a proposition contrary to those doctrines might be qualified as erroneous, rash or dangerous.

3.2 Continuing division over moral conscience and authority

Cardinal Ratzinger opened his 1991 lecture on “Conscience and Truth” by observing that conscience has become the core issue in contemporary Catholic moral theology. As the bulwark of freedom, it supposedly confers on the agent a kind of private infallibility vis-à-vis any other authority.⁹³ But to say conscience is infallible is, he points out, contradictory, since any two persons’ consciences may differ on a particular point. The “traumatic aversion” some have to what they take to be ‘preconciliar’ Catholicism’s faith-as-encumbrance affects their whole understanding of conscience and magisterium. For them conscience is an escape hatch from a demanding religion – a religion they are very loath to preach or counsel.⁹⁴

When a fellow academic posited that even the Nazis were saints because they ‘followed their conscience’, Ratzinger was “absolutely certain that there is something wrong with the theory of the justifying power of the subjective conscience”.⁹⁵ His exploration of ancient Scripture and modern psychology, Socrates and Newman, confirmed his intuition that the notion needed to be thoroughly purified. Why does the Psalmist beg pardon for hidden or unknown faults? Because “the loss of the ability to see one’s guilt, the falling silent of conscience in so many areas, is a more dangerous illness of the soul than guilt that is recognized.”⁹⁶ The Pharisee’s good works are undoubtedly good; the problem is that “he knows not his guilt”; he has a completely clear conscience when he should not. And “this silence of his conscience makes it impossible for God and men to penetrate his carapace – whereas the cry of conscience that torments the tax collector opens him to receive truth and love.”⁹⁷

Thus Ratzinger argued that it is wrong “to identify man’s conscience with the self-awareness of the ego, with his subjective certainty about himself and his moral conduct.”⁹⁸ Such a reduction does not liberate but enslaves, making us totally dependent on personal taste or prevailing opinions.

To identify conscience with a superficial state of conviction is to equate it with a certainty that merely seems rational, a certainty woven from self-righteousness, conformism and intellectual laziness. Conscience is degraded to a mechanism that produces excuses for one’s conduct, although in reality conscience is meant to make the subject transparent to the divine... The reduction of conscience to a subjective certainty means the removal of truth... [It] lulls man in false security and ultimately abandons him to solitude in a pathless wasteland.⁹⁹

Thus while a person’s last, best judgment binds him at the moment of acting, this must not mean “a canonization of subjectivity.”¹⁰⁰ While it is never wrong to follow such a judgment, “guilt may very well consist in arriving at such perverse convictions”.¹⁰¹

The Catholic Church is far from alone today in facing *polarisation* over the meaning and rôles of conscience and authority. It runs deep in modern society and has touched all religions.¹⁰² On the one hand, there are those who think that if only people would attend more carefully and receptively to the magisterium instead of the *zeitgeist*, all would be well. The faithful should be willing to obey and their leaders to lead, and both should reject the me-generation obsession with ‘doing it my way’. Real *conscience* is the driver obeying the ecclesial satellite navigator, *Magisterium*, who tells us to turn left or right in the next 500 metres if we want to get to the only destination that matters. At the opposite pole are those who argue that conscience must have ‘primacy’. On this account, Vatican II opened up a new space for Catholics to follow their own lights, rather than rely too heavily on their pastors. A renewed appreciation of personal experience and interpretation, of individual goals and the freedom to pursue such goals without interference. *Conscience* may listen to the ecclesial satellite navigator, *Magisterium*, but it must be willing to ignore it and make decisions for oneself.¹⁰³

It is interesting just how much these ‘opposite’ poles actually have in common. Both are convinced the other has betrayed Vatican II and endangers the Church’s future. And both view the magisterium as an authority external to, indeed often a rival to, personal conscience – as did the Ockhamists, the casuists and the Enlightenment champions of freedom from the old authorities before them. In the last part of my paper I want to examine whether the best of ‘post-modern’ ethics might offer any ways forward.¹⁰⁴

3.3 A communitarian rapprochement between conscience and magisterium

The first comes from a major move in contemporary ethical theory known as communitarianism.¹⁰⁵ The very word *conscientia* might well point us in this direction: for it means, literally, *to think with*, and the *with* might refer to some moral community or tradition of fellow seekers after truth. Ratzinger noted in 1991 that conscience should appear “as a window that makes

it possible for man to see the truth that is *common* to us all, the truth that is our basis and sustains us... that makes possible a *shared* knowledge that could generate a *shared* will and a *shared* responsibility.”¹⁰⁶ Communitarians such as Alasdair MacIntyre and Charles Taylor complain that the autonomous ethics of modernity often fail to take seriously the extent to which community and tradition shape people’s identity and values. Even our most private goals and life-plans are inevitably interrelated with those of others. More fundamentally, our sense of who we are and what matters to us largely comes with our ties to family, work-place, party, nation, culture and, of course, church. Some of these ties are chosen, others simply ‘received’. Pre-existing rôle-models (such as Christ and the saints) and social practices (such as how we worship God and respect and care for others) are relied upon in our moral thinking or emulated in our acting, and a great deal depends on what kinds of moral communities we belong to.

While the modern emphasis upon autonomy has helpfully encouraged individuality, initiative and respect, it has also had very real costs in terms of emotional distress, normative ambivalence and political paralysis: relationships are fractured, the young disoriented, and for all their freedom many people feel powerless and resentful. In such situations communities like the Church can call people back into relationships and practices which help to knit them together and give them a sense of identity and destiny. The common good requires a shared vision and life-style, handed down within the community and protected by certain authoritative figures or mechanisms.

Are our beliefs and practices therefore purely arbitrary? Or can there be some more rational standard by which to judge all this ecclesial baggage? In the next section I will suggest that there are in fact some objective standards. But we must also allow that *some* of it can be put down to these more ‘cultural’, shifting, particular aspects of the Church’s life-history. Communities, like individuals, face a range of moral options. Some will be excluded by sound moral reasoning and especially by revelation and the constitutive traditions of the group: intentionally killing the innocent, mutilation, unjust discrimination, vengefulness, disrespect for conscience, and so on. Others will be preferred on the basis of the particular history and culture of the group. Thus from among the range of reasonable options even self-consciously ‘pluralistic’ communities do not choose randomly or value-neutrally: they stand for and against certain things, and they do this by their prayer and worship, their scriptures and creeds, and, of course, their moral codes and common projects.

Thus even Sullivan observes that the faith of the Church is normative for the individual who wishes to belong to it: Christianity is not a pick-and-choose religion.

As the act of faith is free, so is the choice to belong to the community of Christian faith. No one can be forced to be a Christian against his or her will. But, on the other hand, once the free choice to be a member of the Church has been made, one is not free to choose one’s own confession of faith, or to choose which articles of the Christian faith one will accept, which one will reject. The Christian Church has never understood itself as a collection of individualistic believers, each free to pick and choose among the various items offered for belief.¹⁰⁷

While one might want to nuance Sullivan’s claim that people are free to come and go with respect to faith and Church membership, he is surely right to say that once a person has chosen (and been chosen) to belong, certain practices ‘come with the package’, so to speak. If you are pro-abortion, pro-euthanasia and pro-cloning the Catholic Church is not for you; or – better – since the Catholic Church *is* for you, you should convert to being anti-abortion, anti-euthanasia, anti-cloning and pro-life and love, pro- the sick and disabled, and pro- the theology of the body. Documents such as the *Catechism* thus function as an authoritative articulation of ‘the Catholic story’. To be part of the Church is not only to believe certain things but also to live in certain ways. *Orthopraxis* expresses *orthodoxy*.

3.4 A practical reason rapprochement between conscience and magisterium

The communitarian movement might be thought to reduce magisterium to culture and conscience to a social construct. Recent approaches ‘practical reason’ are therefore a useful complement. Here the very word *conscientia* again provides a hint: for it means to reason (morally) *with knowledge* and not merely on the basis of opinions or fashions. Certain goods are the ends of human nature and provide the reasons for all human actions: life, health, friendship, creativity, leisure, beauty, truth, faith, integrity, and so on.¹⁰⁸ These goods are equally fundamental and intrinsically good; none is merely a means to the others; each is worthy of being cherished and revered in every life and choice; fully realised in all human lives, they constitute flourishing. The fundamental maxim that ‘the good is to be sought and done and the evil avoided’ can thus be specified as a series of underived basic principles such as “be concerned for the transmission and preservation of life, refine and develop the riches of the material world, cultivate social life, seek truth, practise good, contemplate beauty... serve God, honour parents...” – the very list of primary principles outlined by John Paul II in *Veritatis splendor*.¹⁰⁹ This requires an openness to all human goods, even those not directly pursued, and never choosing directly against participation by anyone in any of them.¹¹⁰ With further reflection a series of intermediate principles of morality can be derived. This is the ‘natural’ law written, as St Paul put it, “even on the hearts of pagans” and Christian faith recalls and confirms it.¹¹¹ Because revelation affects the whole way we understand God, each other, the world and ourselves, it inevitably colours the application of these ‘natural’ principles and brings some new norms. The Church comes in such a context as teacher-counsellor, helping us to grow.¹¹² Conscience needs such assistance to reach maturity;¹¹³ people are not born moral adults and some never achieve such maturity.

Morality, then, is no imposition of some external authority such as the Church, but an internal pattern of life which challenges us to be more reasonable, mature, flourishing. The magisterium is *not* some external source of moral thinking with which private conscience must grapple: it *informs* conscience much like a soul informs a body, giving it its shape and direction from within. Any apparent conflict between conscience and magisterium is therefore either a conflict between what I am convinced is right and some other view, in which case, generally speaking, I must favour of the first; or, more likely, it is a conflict *within* my conscience between some received magisterial norm and some other part(s) of my moral reasoning (including other received norms). If what is at stake is some moral truth taught with a high degree of authority and certainty, the believer in that authority will either follow it or be confused. When he does not know for sure whether or not what is taught is a matter of faith, he properly gives that proposition his conditional or religious assent because it very well *might* be.¹¹⁴

Of course, when the Church ventures to teach non-definitively, this *may* represent a first stage in the development, deeper articulation or authoritative application of the faith and morals of the Church; or it may also represent a false start. Here the believer must assent to the Church’s non-infallible pronouncements as to all else he knows and do his best to reason and discern. His goal will not be to argue oneself out of following some Church-given norm or to ‘limit the moral tax’ payable to God, but rather to embrace the moral vision proposed by Christ and the Church and to seek to resolve any uncertainties before making an important decision.

This is quite different to situations of disagreement with the Church not as teacher but as *governor*. The Church may make executive decisions with which some members disagree. Sometimes there will be penalties for disobedience, as in any community. In this case the disagreement, if any, is between the agent and those with *governing* authority in his ecclesial community, not a conflict of *conscience* which always occurs *within* the agent between different goods or precepts or sources.¹¹⁵ Here we touch upon questions such as the scope and limits of the Church’s temporal authority, the authority of its prudential decisions, and the tensions between the holiness of the Church and the actions of its diverse members.¹¹⁶

4. Where to from here?

Already in 1969 the then-Father Joseph Ratzinger expressed concern that false interpretations of *Gaudium et Spes* §16 on conscience were leading to a separation of freedom from truth, and that this might lead to all sorts of aberrations in the name of ‘creative conscience’.¹¹⁷ The warning was prophetic. His great friend Pope John Paul II was to devote much of his magisterium to recovering a true sense of conscience as a bridge between freedom and truth, and the now-Pope Benedict XVI is already doing the same.

In this paper I have sketched some traditional and recent views of conscience, its rôle in ethics and its relationship to sources of moral authority such as Scripture, Tradition and Church hierarchy. I have questioned the common claim that the Church cannot or does not teach definitively in moral matters. I have suggested that most cases of supposed conflict between conscience and magisterium represent a confusion about the nature of conscience or of authority or both. In the face of continuing polarisation I have outlined two complementary ways forward in ethical reflection: one which sees magisterium as the moral authority of a person’s community which shapes his identity and conscience; the other which sees moral magisterium as authoritative teachings properly internalised in the conscience of the believer as a practical reasoner. On neither of these accounts can conscience be seen as autonomous of or a rival to the magisterium; on neither can there be some battle for ‘primacy’ between conscience and magisterium. Both of these accounts are more easily reconciled with Christian tradition than recent views of conscience as a kind of satellite navigator, a voice distinct from moral reasoning, or that see magisterium as the satellite navigator, a voice external to the believer’s personal conscience.

The Church post-*Veritatis splendor* is still struggling to recover a Catholic sense of conscience and authority. The task is essentially an evangelical and catechetical one,¹¹⁸ and one especially urgent in the Western World where misconceptions about conscience have been commonplace, leading to many disastrous personal decisions and the deaths of millions. That there could still be Catholic institutions in some places performing or collaborating in abortion, in vitro fertilization, sterilisation or euthanasia beggars belief. That there are still Catholic theologians and pastors supporting these or similar practices means there is still much to do to recover a sense of the true ecclesial vocations of the theologian and the pastor.¹¹⁹ That there are still Catholic politicians and voters willing to cooperate in those evils means they have a faulty sense of the connections between conscience, truth and authority, whether ecclesial or civil. Wrong views of conscience have also been pastorally ruinous, resulting in diffidence about evangelisation and catechesis, a decline in the practice of Confession and the abuse of Holy Communion.¹²⁰

Without an accurate understanding of Christian conscience it can never be reliably at the service of the culture of life and love or of the growth of individuals in holiness. But even when we get this right, there will still be much to do in properly forming and informing our own and others’ consciences and in drawing conclusions in the face of the complex contemporary dilemmas – in bioethics as elsewhere. Further, thoroughgoing philosophical and theological analysis is required, for instance, on questions such as conscientious biolaw-making, conscientious objection and co-operation in evil¹²¹ – questions to which the present volume of essays will now turn.

1 JOSEPH CARDINAL RATZINGER, “Conscience and truth,” *Values in a Time of Upheaval* (New York: Crossroad / Ignatius, 2006) (hereafter ‘C&T’), 75-100 at 84; see also *On Conscience* (San Francisco: Ignatius, 2007). This lecture was first given in English at the Tenth Workshop for Bishops in Dallas Texas in February 1991 and was published in RUSSELL SMITH (ed), *Catholic Conscience: Foundation and Formation* (Braintree MA: Pope John XXIII Medical-Moral Research Center, 1991), 7-27 and republished in JOHN M HASS (ed), *Crisis of Conscience* (New York: Crossroad, 1996), 1-20. The present English translation by Brian McNeil is, however, a retranslation of the German version “Wenn du Freiden willst, achte das Gewissen jades Menschen: Gewissen und Wahrheit,”

- Wahrheit, Werte, Macht: Prüfsteine der pluralistischen Gesellschaft (3rd ed, Freiburg i.Br., 1995), 27-62, and differs in several places.
- 2 JOHN HENRY CARDINAL NEWMAN, “A Letter Addressed to His Grace the Duke of Norfolk on the Occasion of Mr Gladstone’s Recent Expostulation” (1875) in *Certain Difficulties Felt By Anglicans in Catholic Teaching Considered* (Vol. 2, Westminster: Christian Classics, 1969), 246. On the meaning of this letter see: JOHN FINNIS, “Conscience in the Letter to the Duke of Norfolk,” in Ian Ker and Alan G. Hill (eds.), *Newman after a Hundred Years* (OUP, 1990) 401-418; GEORGE CARDINAL PELL, “Conscience: ‘the aboriginal Vicar of Christ’,” *Be Not Afraid – Collected Writing* (ed. T. Livingstone, Sydney: Duffy & Snellgrove, 2004), 283-300, and “Newman and the drama of true and false conscience,” LUMEN Christi Institute, University of Chicago, 20 October 2004 [unpublished]; JOSEPH CARDINAL RATZINGER, *Presentation on the Occasion of the First Centenary of the Death of Cardinal John Henry Newman*, Rome, 28 April 1990; C&T, 84-90.
- 3 *The Catechism of the Catholic Church* (1994) (hereafter ‘CCC’) §1778
- 4 VATICAN II, *Gaudium et spes* §16. Also in: JOHN PAUL II, *Veritatis Splendor: Regarding Certain Fundamental Questions of the Church’s Moral Teaching* (1993) (hereafter ‘VS’) §54.
- 5 In VS §56 John Paul II noted a similar kind of ‘double truth’ operative in attempts to legitimize supposedly ‘pastoral’ solutions to moral dilemmas contrary to objective moral truth and also in seeking personal exceptions in conscience from universally binding norms.
- 6 TERENCE KENNEDY, *Doers of the Word*. Vol. 1: *Tracing Humanity’s Ascent to the Living God* (London: St Paul’s, 1996), ch 5; SERVAIS PINCKAERS OP, *Les sources de la morale chrétienne* (Fribourg: UP, 1985; Eng. trans. M Noble, Washington DC: CUAP, 1995), chs 10, 11, 12 and 14.
- 7 DAVID BOHR, *In Christ a New Creation: Revised Catholic Moral Tradition* (Huntington: Our Sunday Visitor, 1998), 174. cf. ALASDAIR MACINTYRE, *Whose Justice? Which Rationality?* (Notre Dame UP, 1988), 183-208; PINCKAERS, *Sources*, 250.
- 8 NEWMAN, “Letter to Norfolk”.
- 9 ALLAN BLOOM, *The Closing of the American Mind: How Higher Education has Failed Democracy and Impoverished the Souls of Today’s Students* (New York: Simon and Schuster, 1987), 326.
- 10 SERVAIS PINCKAERS OP, *Morality: The Catholic View* (trans. M Sherwin, Sound Bend: St Augustine’s, 2001), 56-57.
- 11 On these see: JOHN FINNIS, “Conscience, infallibility and contraception,” *The Month* 239 (1978), 410-417; “IVF and the Catholic tradition,” *The Month* 246 (1984), 55-58; “‘Faith and morals’: a note,” *The Month* 21/2 (1988), 563-567; GERMAIN GRISEZ, JOHN FINNIS & WILLIAM E. MAY, “Indissolubility, divorce and Holy Communion,” *New Blackfriars* 75 (June 1994) 321-330.
- 12 BOHR, *In Christ a New Creation*, 170.
- 13 See, for example, RICHARD M. GULA, ‘Conscience’, in Bernard Hoose (ed), *Christian Ethics* (London: Cassall, 1998), 114; JAMES F KEENAN, *Commandments of Compassion* (Franklin WI: Sheed & Ward, 1999), 112 & 134; GEORGE V. LOBO, *Christian Living according to Vatican II* (Bangalore: Theological Publications in India, 1982); ANNE PATRICK, *Liberating Conscience: Feminist Explorations in Catholic Theology* (New York: Continuum, 1996).
- 14 VS §32.
- 15 C&T, 79. The Cardinal continues: “And this makes ‘conscience’ the justification of a human subjectivity that refuses to let itself be called into question, as well as of social conformism that is meant to function as an average value between the various subjectivities and thereby enable human beings to live together. There is no loner any need to feel obliged to look for truth, nor may one doubt the average attitude and customary praxis. It suffices to be convinced of one’s own correctness and to conform to others. Man is reduced to his superficial conviction and the less depth he has, the better off he is.”
- 16 E.g. 1 *Sam* 24:6; 2 *Sam* 24:10; *Jer* 11:20; 17:10; *Prov* 21:2; *Ps* 26:2; 95:7f.
- 17 *Gen* ch 3; *Ps* 7:10; 26:2; *Jer* 12:20; 17:10; 20:12.
- 18 E.g. *Gen* 3:8-10.
- 19 E.g. *Mt* 5:8; 6:19-23; 7:21-27; 15:10-20 etc. cf. 1 *Jn* 3:19-21.
- 20 Likewise in one place the Vulgate translates heart as *conscientia*: *Ecc* 7:22.
- 21 BOHR, *In Christ a New Creation*, 173, notes that “For Paul, ‘conscience’ serves as the personal coordinate to the civil power’s external wrath (*Rom* 13:5); it refers to a personal awareness of moral responsibility... Most often Paul calls it a ‘witness’ (*Rom* 2:15; 9:1; 2 *Cor* 1:12), which accompanies our actions and attests to the truth of our assertions... Ultimately, it refers to a person’s whole inner vision of reality, the world and human life, as seen through the eyes of faith (*Rom* 14:23). Conscience governs the new creature’s spontaneous reaction to daily events. It is formed by examining or testing oneself (*dokimazein* – 1 *Cor* 11:28; 2 *Cor* 13:5; *Gal* 6:4), by discerning God’s will (*Rom* 12:2; *Eph* 5:10) and discerning what is of value (*Phil* 1:10), as viewed within the context of the two great commandments of love of God and love of neighbour.” See also VS §62.

- 22 On the scriptural, patristic and scholastic background see: JEAN AUBERT, “Conscience e Loi,” in B. Lauret and F. Refoulé (eds), *Initiation á la pratique de la théologie* (vol. 4, Paris: Éditions du Cerf, 1984), 204-208; G R EVANS, *Augustine on Evil* (CUP, 1982); DOUGLAS KREIS, “Origen, Plato and Conscience in Jerome’s Commentary on Ezekiel,” *Traditio* 57 (2002), 67-83; KENNEDY, *Tracing Humanity’s*, ch 5; PINCKAERS, *Sources*, ch 8. ST THOMAS AQUINAS, *Summa theologiae* Ia, 79, 13 notes the uses of the term *synderesis* in ST JEROME (*Gloss. Ezech.* 1:6), ST BASIL THE GREAT (*Hom. in princ. Proverb.*) and ST JOHN DAMASCENE (*De Fide Orth.* iv. 22).
- 23 MICHAEL BAYLOR, *Action and Person: Conscience in Late Scholasticism and the Young Luther* (Leiden: Brill, 1977); ERIC D’ARCY, *Conscience and Its Right to Freedom* (London: Sheed & Ward, 1961); JOHN FINNIS, “Natural Law: the Classical Tradition,” in Jules Coleman & Scott Shapiro, *The Oxford Handbook of Jurisprudence and Philosophy of Law* (OUP, 2002), 1-60; TIMOTHY C POTTS, *Conscience in Medieval Philosophy* (CUP, 1980); POTTS, “Conscience,” in N Kretzmann, A Kenny & J Pinborg (eds), *The Cambridge History of Later Medieval Philosophy* (CUP, 1982); PINCKAERS, *Sources*, chs 9 & 10.
- 24 ST BONAVENTURE, *In II Librum Sentent* 39, a 1, q 3, cited in VS §58. See also: DOUGLAS LANGSTON, *Conscience and Other Virtues from Bonaventure to MacIntyre* (University Park PA: Pennsylvania State UP, 2001).
- 25 See ST THOMAS AQUINAS, *Summa theologiae* Ia, 79; Ia-IIæ 19, 5; II Sent 24, q 2, a 4; and *De Veritate* 17, a 4. On Aquinas’s moral theory in general and on conscience in particular see: DENIS BRADLEY, *Aquinas on the Twofold Human Good* (Washington DC: CUAP, 1997), chs 5-7; JOHN FINNIS, *Aquinas: Moral, Political, and Legal Theory* (OUP, 1998), 123ff; DANIEL WESTBERG, “Good and evil in human acts: Ia IIæ 18-21,” in Stephen Pope (ed), *The Ethics of Aquinas* (Washington DC: Georgetown UP, 2002), 90-102 esp. 97-98; RALPH M’INERNEY, *Aquinas on Human Action: A Theory of Practice* (Washington DC: CUAP, 1992), 92-95.
- 26 PINCKAERS, *Sources*, 272. cf. EDWARD VALLANCE & HARALD BRAUN (eds), *Conscience and the Early Modern World, 1500-1800* (New York: Palgrave Macmillan, 2003).
- 27 VATICAN II, *Gaudium et spes* §3; cf. §61.
- 28 VATICAN II, *Dignitatis humanae* §§1 & 2.
- 29 VATICAN II, *Gaudium et spes* §16.
- 30 VATICAN II, *Dignitatis humanae* §3; *Gaudium et spes* §16.
- 31 VATICAN II, *Gaudium et spes* §§16, 43, 74, 79; cf. *Lumen Gentium* §36; *Apostolicam Actuositatem* §5; *Dignitatis humanae* §3; cf. CCC 1777.
- 32 VATICAN II, *Gaudium et spes* §§16, 41.
- 33 VATICAN II, *Gaudium et spes* §16; *Dignitatis humanae* §§1 & 11; cf. CCC 1778.
- 34 VATICAN II, *Gaudium et spes* §16.
- 35 VATICAN II, *Gaudium et spes* §§8, 16, 43, 47 & 50.
- 36 VATICAN II, *Gaudium et spes* §79; *Dignitatis humanae* §8.
- 37 VATICAN II, *Gaudium et spes* §§31, 50, 87; *Gravissimum educationis* §1; *Apostolicam Actuositatem*, §20; *Inter mirifica* §§9 & 21; *Dignitatis humanae* §§8 and 14.
- 38 VATICAN II, *Dignitatis humanae*, esp. §3; *Gaudium et spes* §79; *Gravissimum educationis* §§1, 6, 8.
- 39 CCC 1777-1802 at CCC §1780. See also VS §§59-61.
- 40 I use the terms Conscience-1, Conscience-2 and Conscience-3 very differently to TIMOTHY O’CONNELL’s use of conscience/1, conscience/2 and conscience/3 in “The theology of conscience,” *Chicago Studies* 14 (1976), 149-66 and in *Principles for a Catholic Morality* (New York: Crossroad, 1978), 90ff.
- 41 VATICAN II, *Dignitatis humanae* §3. See also most recently Benedict XVI, *Address to Lateran University Conference on Natural Law*, 12 February 2007.
- 42 JOSEF PIEPER, *The Four Cardinal Virtues* (Notre Dame UP, 1966), 10-11, claims that “conscience and prudence mean, in a certain sense, the same thing... Situational ‘conscience’ is... intimately related to and well-nigh interchangeable with the word ‘prudence’.” He acknowledges that what is commonly called conscience is a unity of *synderesis* (‘innate or natural conscience’) and prudence (‘situational conscience’).
- 43 RALPH M’INERNEY, *Ethica Thomistica: The Moral Philosophy of Thomas Aquinas* (Washington DC: CUAP, 1997), 104-108; VS §64.
- 44 An example of this confusion is the feeling that one is “damned if I do, damned if I don’t”: i.e. that there are some more situations in which there is no resolution possible and only ineliminable moral tragedy. In fact in every dilemma – however it might feel at the time and however hard it may be to reason and discern what to do – there will be a better course.
- 45 Likewise VS §60 following JOHN PAUL II, *Dominum et Vivificantem: Encyclical Letter on the Holy Spirit* §43: “The dignity of this rational forum and the authority of its voice and judgments derive from the *truth* about moral good and evil, which it is called to listen to and to express. This truth is indicated by the ‘divine law’, *the universal and objective norm of morality*. The judgment of conscience does not establish the law; rather it bears witness to the authority of the natural law and of the practical reason with reference to the supreme good, whose attractiveness the human person perceives and whose commandments he accepts. ‘Conscience is not an independent and exclusive capacity to decide what is good and what is evil. Rather there is profoundly imprinted upon it a principle of

- obedience vis-à-vis the objective norm which establishes and conditions the correspondence of its decisions with the commands and prohibitions which are at the basis of human behaviour’.”
- 46 e.g. VATICAN II, *Lumen gentium* §36; *Apostolicam actuositatem* §§5 & 20; *Inter mirifica* §§9 & 21; *Unitatis redintegratio* §4; *Gravissimum educationis* §1; *Gaudium et spes* §§16, 26, 43, 50, 52, 76 & 87.
- 47 VATICAN II, *Gaudium et spes* §16.
- 48 ROBERT GEORGE, “Natural law and human nature,” in *Natural Law Theory: Contemporary essays* (OUP, 1994), 31-41; “Recent criticisms of natural law theory,” *University of Chicago Law Review* 55 (1988), 1371-429; ROBERT AUDI, *The Right in the Good: A Theory of Intuition and Intrinsic Value* (Princeton UP, 2004), ch. 2.
- 49 ST THOMAS AQUINAS, *Summa theologiae* Ia 79, 13.
- 50 VATICAN II, *Dignitatis humanae* §§3 & 11; CCC 1973; D’ARCY, *Conscience*, Part 4.
- 51 Similar issues for any believer whose faith tradition purports to teach in moral matters. The recent crisis of authority with respect to the authority of Scripture and Tradition in the Anglican communion when debating issues such as homosexuality has many parallels.
- 52 VATICAN II, *Dei Verbum* §10.
- 53 See also Jesus’ promises to Peter and the apostles and his commissions to them: *Mt* 16:18-19; 18:18; *Jn* 21:15-19; *Acts* 1:8 etc.
- 54 cf. *Acts* 15:28; 1 *Thess* 1:5; 4:8; 1 *Cor* 7:10-16; *Rom* 9:1; 1 *Tim* 6:3 etc.
- 55 E.g. JOHN P. BOYLE, *Church Teaching Authority: Historical and Theological Studies* (Notre Dame UP, 1995); AVERY DULLES, “The Magisterium in history: a theological perspective,” *Theological Education* 19(2) (Spring 1983), 7-26; LAWRENCE WELCH, “The infallibility of the ordinary universal magisterium: a critique of some recent observations,” *Heythrop Journal* 39 (1) (1998), 18–36.
- 56 FRANCIS SULLIVAN, *Magisterium: Teaching Authority in the Catholic Church* (Dublin: Gill and Macmillan, 1983), 16. As we will see, Sullivan strangely restricts the Church’s infallibility to matters of faith and not of morals. cf. JOHN M. HAAS (ed), *Crisis of Conscience* (New York: Crossroad, 1996).
- 57 VATICAN II, *Dignitatis humanae* §14: “In order to be faithful to the divine command, “teach all nations” (*Mt* 28:19-20), the Catholic Church must work with all urgency and concern “that the word of God be spread abroad and glorified” (2 *Thess* 3:1)... In the formation of their consciences, the Christian faithful ought carefully to attend to the sacred and certain doctrine of the Church. For the Church is, by the will of Christ, the teacher of the truth. It is her duty to give utterance to, and authoritatively to teach, that truth which is Christ Himself, and also to declare and confirm by her authority those principles of the moral order which have their origins in human nature itself. Furthermore, let Christians walk in wisdom in the face of those outside, “in the Holy Spirit, in unaffected love, in the word of truth” (2 *Cor* 6:6-7), and let them be about their task of spreading the light of life with all confidence and apostolic courage, even to the shedding of their blood. The disciple is bound by a grave obligation toward Christ, his Master, ever more fully to understand the truth received from Him, faithfully to proclaim it, and vigorously to defend it, never – be it understood – having recourse to means that are incompatible with the spirit of the Gospel. At the same time, the charity of Christ urges him to love and have prudence and patience in his dealings with those who are in error or in ignorance with regard to the faith.” Cf. VATICAN I, *Dei Filius* §8; VATICAN II, *Verbum Dei* §10.
- 58 VATICAN II, *Lumen gentium* §§12 & 25.
- 59 SULLIVAN, *Magisterium*, 557; cf. GERMAIN GRISEZ, *The Way of Our Lord Jesus Christ*. Vol 1: *Christian Moral Principles* (Chicago: Franciscan Herald, 1983), ch. 35.
- 60 LADISLAS ORSY, *The Church Learning and Teaching: Magisterium, Assent, Dissent, Academic Freedom* (Wilmington: Glazier, 1987).
- 61 E.g. “Do not be deceived! Fornicators, idolaters, adulterers, catamites, sodomites, thieves, the greedy, drunkards, revilers, robbers: none of these will inherit the kingdom of God.” 1 *Cor* 6:9-10.
- 62 COUNCIL OF TRENT, *On Marriage*, can 2: “If anyone says that it is licit for Christians to have several spouses at the same time and that this is not prohibited by any divine law: let that person be anathema.”
- 63 VATICAN II, *Gaudium et spes* §§26, 69 & 80.
- 64 VS §§51-52: “Persons must do good and avoid evil, be concerned for the transmission and preservation of life, refine and develop the riches of the material world, cultivate social life, seek truth, practise good and contemplate beauty... It is right and just, always and for everyone, to serve God, to render him due worship, and to honour one’s parents as they deserve.”
- 65 JOHN PAUL II, *Evangelium Vitae: On the Value and Inviolability of Human Life* (1995) (hereafter ‘EV’) §57: “The absolute inviolability of innocent human life is a moral truth clearly taught by Sacred Scripture, constantly upheld in the Church’s Tradition and consistently proposed by her Magisterium. This consistent teaching is the evident result of that ‘supernatural sense of the faith’ which, inspired and sustained by the Holy Spirit, safeguards the People of God from error when ‘it shows universal agreement in matters of faith and morals’. Faced with the progressive weakening in individual consciences and in society of the sense of the absolute and grave moral illicitness of the direct taking of all innocent human life, especially at its beginning and at its end, the Church’s Magisterium has

spoken out with increasing frequency in defence of the sacredness and inviolability of human life. The Papal Magisterium, particularly insistent in this regard, has always been seconded by that of the Bishops, with numerous and comprehensive doctrinal and pastoral documents issued either by Episcopal Conferences or by individual Bishops. The Second Vatican Council also addressed the matter forcefully, in a brief but incisive passage. Therefore, *by the authority which Christ conferred upon Peter and his Successors, and in communion with the Bishops of the Catholic Church, I confirm that the direct and voluntary killing of an innocent human being is always gravely immoral.* This doctrine, based upon that unwritten law which man, in the light of reason, finds in his own heart (cf. *Rom 2:14-15*), is reaffirmed by Sacred Scripture, transmitted by the Tradition of the Church and taught by the ordinary and universal Magisterium.” (citing Vatican II, *Lumen gentium* §§12 and 25, and *Gaudium et spes* §27).

- 66 EV §62.
- 67 EV §65. For the new pope’s views on these matters see: JOSEPH CARDINAL RATZINGER, *Christianity and the Crisis of Cultures* (San Francisco: Ignatius, 2006), Part 2.
- 68 KARL RAHNER, “An appeal to conscience,” *Nature and Grace: Dilemmas in the Modern Church* (London: Sheed & Ward, 1963) 49-69. This essay is more fully analysed in GRISEZ, *Christian Moral Principles*, and WILLIAM E MAY, *An Introduction to Moral Theology* (Rev ed., Huntington: OSV, 1994) – to both of whom I am deeply indebted here as elsewhere.
- 69 RAHNER, “An appeal to conscience,” 50: “Man has a duty to do everything he can to conform his conscience to the objective moral law, to inform himself and let himself be taught, and to be prepared to accept (how difficult this often is!) instruction from the word of God, the magisterium of the Church, and every just authority in its own sphere.”
- 70 RAHNER, “An appeal to conscience,” 51-53.
- 71 RAHNER “An appeal to conscience,” 55-56.
- 72 With respect to moral theology it prescribed “livelier contact with the mystery of Christ and the history of salvation”, a firmer grounding in Scripture and tradition, and a clearer recognition that the Christian calling is heavenward in direction but earthly in its temporal enactment. It thus invited, on the one hand, a renewed Scriptural, Christocentric and eschatological focus and, on the other, an openness to contemporary experience, the findings of scientific exegesis, the human sciences, ecumenical and interfaith dialogue (e.g. VATICAN II, *Optatam totius* §16; *Presbyterorum Ordinis* §19; *Dei verbum* §12). Yet, as we have seen, the Church continued to make high claims for its own teaching authority in moral matters (e.g. VATICAN II, *Lumen gentium* §25; *Dei verbum* §10).
- 73 See VS §54 on the idolization of freedom.
- 74 CHARLES CURRAN, “Ten years later,” *Commonweal* 105 (July 7 1978), 429; *Transition and Tradition in Moral Theology* (Notre Dame UP, 1979); *Critical Concerns in Moral Theology* (Notre Dame UP, 1984); *The Catholic Moral Tradition: A Synthesis* (Washington DC: Georgetown UP, 1999). See his essays and those of some associated in Curran’s edited volumes: *Conscience* (New York: Paulist, 2004); *The Moral Theology of Pope John Paul II* (Washington DC: Georgetown UP, 2005).
- 75 PHILIP KEANE, *Sexual Morality: A Catholic Perspective* (New York: Paulist, 1977).
- 76 HANS KÜNG, *Infallible? An Inquiry* (New York: Harper, 1971), 86.
- 77 On KÜNG and RAHNER which see GRISEZ, *Christian Moral Principles*, 857-859.
- 78 See for example the many articles by PETER KNAUER, LOUIS JANSSENS, BRUNO SCHÜLLER, JOSEPH FUCHS and others in the collections edited by CHARLES CURRAN and RICHARD MCCORMICK. On these writers see: CHRISTOPHER KACZOR, *Proportionalism and the Natural Law Tradition* (Washington DC: CUAP, 2002).
- 79 JOSEPH FLETCHER, *Situation Ethics: The New Morality* (London: SCM, 1966). Likewise for Curran conscience had to deal with very few moral absolutes and was essentially about subjective peace in the face of moral dilemmas: see W MAY and E BRUGGER, “John Paul’s moral theology on trial: a reply to Charles E Curran,” *The Thomist* 69 (2005), 279-312; J MICHAEL MCDERMOTT, “Fr Charles Curran and Pope John Paul II,” *Fellowship of Catholic Scholars Quarterly* 29(3) (Fall 2006), 42-51.
- 80 RICHARD MCCORMICK, *Corrective Vision: Explorations in Moral Theology* (Kansas City: Sheed & Ward, 1994) and other works; RICHARD GULA, *Reason Informed by Faith: Foundations of Catholic Morality* (New York: Paulist, 1989). See also: SIDNEY CALLAHAN, “What is a good conscience? Analysis of Cardinal Joseph Ratzinger’s views on morality,” *Commonweal*, 8 Oct 1993.
- 81 O’CONNELL, *Principles*, 89-90.
- 82 O’CONNELL, *Principles*, 94-95.
- 83 O’CONNELL, *Principles*, 95; likewise ROBERT GASCOIGNE, *Freedom and Purpose: An Introduction to Christian Ethics* (New York: Paulist, 2004), 241-43.
- 84 SULLIVAN, *Magisterium*, 148-152; likewise CURRAN, *The Moral Theology of John Paul II*, ch. 1.
- 85 JEFFREY STOUT, “The voice of theology,” in *Ethics After Babel: The Languages of Morals and Their Discontents* (Boston: Beacon, 1988), 164; cf. STANLEY HAUERWAS, *The Peaceable Kingdom: A Primer in Christian Ethics* (Notre Dame: UP, 1983); ALASDAIR MACINTYRE, *After Virtue* (2nd ed, London: Duckworth, 1984).

- 86 J BUDZISZEWSKI, *The Revenge of Conscience: Politics and the Fall of Man* (Dallas: Spence, 1999); STANLEY HAUERWAS, *Vision and Virtue: Essays in Christian Ethical Reflection* (Notre Dame UP, 1981); STANLEY HAUERWAS and ALASDAIR MACINTYRE (eds), *Revisions, Changing Perspectives in Moral Philosophy* (Notre Dame UP, 1983); STEPHEN FOWL and L GREGORY JONES, *Reading in Communion: Scripture and Ethics in Christian Life* (London: SPCK, 1991); JOHN MACARTHUR, *The Vanishing Conscience* (Thomas Nelson, 2005). See also: A CALLINICOS, *Against Post Modernism* (London: RKP, 1990); L KOLAKOWSKI, *Modernity on Endless Trial* (University of Chicago P, 1990); AIDAN NICHOLS OP, *Catholic Thought Since the Enlightenment: A Survey* (Leominster: Gracewing, 1998); *Christendom Awake: On Re-energising the Church in Culture* (Edinburgh: T & T Clark, 1999); DAVID SCHINDLER, *Heart of the World, Center of the Church: Communio Ecclesiology, Liberalism, and Liberation* (Edinburgh: T&T Clark, 1996).
- 87 VS §4 on the cultural context and systematic dissent.
- 88 VS §§60-64.
- 89 CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Profession of Faith and Oath of Fidelity upon Receiving an Office to be Exercised in the Name of the Church* (1989); *Donum Veritatis: Instruction on the Ecclesial Vocation of the Theologian* (1990), §16.
- 90 VS §§109-113.
- 91 JOHN PAUL II, Apostolic letter motu proprio *Ad Tuendam Fidem* (1998) modifying Canons 750, 752 and 1371 of the (Western) *Code of Canon Law*.
- 92 CONGREGATION FOR THE DOCTRINE OF THE FAITH, *Explanatory Note* introducing *Ad Tuendam Fidem* (1998).
- 93 *C&T*, 75-76.
- 94 *C&T*, 78.
- 95 *C&T*, 80.
- 96 *Ps* 19:12-13; *C&T*, 81; cf. VS §63.
- 97 *C&T*, 82.
- 98 *C&T*, 82.
- 99 *C&T*, 83-84.
- 100 *C&T*, 97.
- 101 *C&T*, 97.
- 102 In their studies of contemporary Western culture a number of writers have identified a crisis of understanding of freedom and authority, e.g. JEFFREY STOUT, ALASDAIR MACINTYRE and STANLEY HAUERWAS, *The Flight from Authority: Religion, Morality and the Quest for Autonomy* (Notre Dame UP, 1981); MACINTYRE, *After Virtue*; CHRISTOPHER LASCH, *The Minimal Self* (London: Norton, 1984); ROBERT BELLAH, *Habits of the Heart* (New York, Harper & Row, 1985); BLOOM, *The Closing of the American Mind*; JEFFREY STOUT, *Ethics After Babel: the Language of Morals and their Discontents* (Boston: Beacon, 1988). Cf. JOYCE LITTLE, *The Church and the Culture War: Secular Anarchy or Sacred Order* (San Francisco: Ignatius, 1995); MICHAEL NOVAK, "Abandoned in a toxic culture," *Crisis* 10 (1992), 16-17.
- 103 See e.g. PATRICK, *Liberating Conscience*, or the various texts by JAMES KEENAN.
- 104 In exploring these two alternative approaches to conscience and magisterium to the 'new morality' that went before them, I do not pretend that this exhausts the range of useful new directions. Contemporary trends in 'Virtue Ethics', in Personalism and in the recovery of the Gifts of the Holy Spirit offer complementary ways forward that there is not space to explore here.
- 105 MACINTYRE, in *After Virtue* and *Whose Justice?*; also in *Three Rival Versions of Moral Enquiry: Encyclopedia, Genealogy and Tradition* (London: Duckworth, 1990); CHARLES TAYLOR, *Sources of the Self: The Making of Modern Identity* (CUP, 1989) and *Ethics of Authenticity* (Harvard UP, 1991); DANIEL BELL, *Communitarianism and Its Critics* (OUP, 1993); AMITAI ETZIONI (ed), *New Communitarian Thinking: Persons, Virtues, Institutions and Communities* (Charlottesville: University of Virginia, 1995).
- 106 *C&T*, 79 [emphasis added].
- 107 SULLIVAN, *Magisterium*, 12.
- 108 See GRISEZ, *Christian Moral Principles*; GRISEZ, JOSEPH BOYLE, WILLIAM MAY and JOHN FINNIS, "Practical principles, moral truth, and ultimate ends," *Amer J Juris* 32 (1987): 99-151; GERMAIN GRISEZ, JOHN FINNIS and JOSEPH BOYLE, "'Direct' and 'indirect': A reply to critics of our action theory," *The Thomist* 65 (2001), 1-44. The very considerable literature by others of this school includes: JOSEPH BOYLE, "Moral reasoning and moral judgment," *Proc Am Cath Phil Assoc* 58 (1984): 37-49; "Natural law," in J. Komonchak, M. Collins & D. Lane (eds), *New Dictionary of Theology* (Dublin: Gill & Macmillan, 1987), 702-708; JOHN FINNIS, *Natural Law and Natural Rights* (OUP, 1980); *Moral Absolutes: Tradition, Revision and Truth* (Washington DC: Catholic University of America, 1991); Robert George (ed), *Natural Law Theory: Contemporary Essays* (OUP, 1992); *Natural Law and Moral Inquiry: Ethics, Metaphysics and Politics in the Work of Germain Grisez* (OUP, 1998); *In Defense of Natural Law Theory* (OUP, 2001); WILLIAM E MAY, *Introduction; Moral Absolutes: Catholic Tradition, Current Trends, and the Truth* (Milwaukee: Marquette UP, 1989).

Much of this is consistent with other contemporary Thomisms, but there are also important differences. See: G.E.M. ANSCOMBE, *The collected philosophical papers of G.E.M. Anscombe* (Minneapolis: University of Minnesota, 1981) and *Human Life, Action and Ethics: Essays by G.E.M. Anscombe* (M Geach & L Gormally (eds), Exeter: Imprint Academic, 2005); BENEDICT ASHLEY OP, *Living the Truth in Love: A Biblical Introduction to Moral Theology* (New York: Alba, 1996); ROMANUS CESSARIO OP, *The Moral Virtues and Theological Ethics* (Notre Dame UP, 1991) and *Introduction to Moral Theology* (Washington DC: CUAP, 2001); JOHN FINNIS, "Introduction," to each volume of *Natural Law* (2 vols, Dartmouth: Aldershot, 1991); LUKE GORMALLY (ed), *Moral Truth and Moral Tradition: Essays in Honour of Peter Geach and Elizabeth Anscombe* (Dublin: Four Courts, 1994); KEVIN FLANNERY, *Acts Amid Precepts* (Washington DC: CUAP, 2001); KENNEDY, "The heart of conscience," *Tracing Humanity's Ascent*, ch 7; "The revival of practical reason," *Doers of the Word: Vol. 2 Moral Theology for Humanity in the Third Millennium* (Ligouri MI: Ligouri, 2002), ch 4; WILLIAM E MAY, "'Contemporary perspectives on Thomistic natural law,'" in John Goyette *et al* (eds), *St Thomas Aquinas and the Natural Law Tradition: Contemporary Perspectives* (Washington DC: CUAP, 2004), 113-156; MACINTYRE, *After Virtue and Whose Justice? Which Rationality?*; RALPH MCINERNEY, *The Question of Christian Ethics* (Washington DC: CUAP, 1993) and *Ethica Thomistica* (2nd ed, Washington DC: CUAP, 1997); LIVIO MELINA, *Sharing in Christ's Virtues* (trans. W. May, Washington DC: CUAP, 2001); PINCKAERS, *Sources and Morality*; Augustine di Noia OP *et al*, *The Love That Never Ends* (Huntington: Our Sunday Visitor, 1996); EDMUND PINCOFFS, *Quandaries and Virtues* (Lawrence: University of Kansas, 1986); HAYDEN RAMSAY, *Beyond Virtue: Integrity and Morality* (London: Macmillan, 1997).

Some interesting writers who might be called 'fellow-travellers' with much (but not all) of the natural law tradition include: ROBERT AUDI, *The Good in the Right: A Theory of Intuition and Intrinsic Value* (Princeton UP 2004); NIGEL BIGGAR and RUFUS BLACK, *The Revival of Natural Law* (London: Ashgate, 2001); RUFUS BLACK, *Christian Moral Realism* (OUP, 2001); DAVID BRINK, *Moral Realism and the Foundations of Ethics* (CUP, 1989); CORA DIAMOND and JENNY TEICHMAN (eds), *Intention and Intentionality: Essays in Honour of G. E. M. Anscombe* (Ithaca: Cornell UP, 1979); PHILLIPPA FOOT, *Natural Goodness* (OUP, 1993); RAIMOND GAITA, *Good and Evil: An Absolute Conception* (London: Macmillan, 1991); ROSALIND HURSTHOUSE, *On Virtue Ethics* (OUP 1999); LEON KASS, *Toward a More Natural Science* (New York: Free, 1985); MARY MIDGLEY, *Can't We Make Moral Judgments?* (Bristol: Bristol Press, 1991); THOMAS NAGEL, *The Last Word* (OUP 1997); MARTHA NUSSBAUM, *The Fragility of Goodness* (CUP, 1986) and *Frontiers of Justice* (Harvard UP, 2006); OLIVER O'DONOVAN, *Resurrection and Moral Order* (2nd ed, Grand Rapids: Eerdmans, 1994); ANTHONY O'HEAR, *Beyond Evolution* (OUP 1997); ONORA O'NEILL, *Justice and Virtue* (CUP, 1996); AMARTYA SEN, *Development as Freedom* (NY: Kopf 1999); NANCY SHERMAN, *The Fabric of Character* (OUP, 1989); MICHAEL SMITH, *The Moral Problem* (Oxford: Blackwell 1994).

109 VS §§51-52.

110 The requirement that good be done and evil avoided does however allow that someone's potential participation in a good will sometimes be foreseeably but unintentionally compromised by their own or another's pursuit of a good.

111 C&T, 95, suggests that "It is only in this context that we can rightly understand papal primacy and its connection to the Christian conscience. The *true meaning of the teaching authority of the pope* is that he is the *advocate of Christian memory*. He does not impose something from the outside but develops and defends Christian memory. This is why [Newman's] toast must quite rightly begin with conscience and then mention the pope, for *without conscience* there would be no papacy at all. All the power of the papacy is the power of conscience at the service of memory..."

112 VS §64; CCC 1783.

113 BENEDICT XVI, *Address to International Congress on Natural Moral Law of the Lateran University*, 12 February 2007.

114 GRISEZ, *Christian Moral Principles*. On Grisez's account of conscience see: ROBERT J SMITH, *Conscience and Catholicism: The Nature and Function of Conscience in Contemporary Roman Catholic Moral Theology* (Lanham MD: University Press of America, 1998).

115 Of course conflicts with the Church, state or others with governing authority *can* also raise questions of conscience. Often people will obey decisions they disagree with, for the sake of the common good. Sometimes, as a matter of conscience, they cannot. Later in this conference several speakers will consider the meaning and conditions for so-called *conscientious objection*.

116 See GEORGES CARDINAL COTTIER OP, *Memoria e Pentimento: Il rapporto fra Chiesa santa e cristiani peccatori* (Rome: San Paolo, 2000); JEAN LAFFITTE, "L'Eglise et le pardon," *Cahiers Edifa* 7 (1999), 24-36 and "Temps, mémoire et pardon," *Cahiers Edifa* 7 (1999), 37-51.

117 See HERBERT VORGRIMLER (ed), *Commentary on the Documents of Vatican II*, vol. 5 (New York: Herder & Herder, 1969), 134-136

118 VS §§106-108.

- 119 VS §§109-117. At §111 John Paul addresses the particular mandate of lecturers in seminaries and theologates.
- 120 GEORGE CARDINAL PELL, “The inconvenient conscience,” *First Things* 153 (May 2005), 22-26.
- 121 For my own thoughts on some of these matters see: “Co-operation in evil,” *Catholic Medical Quarterly* XLIV (3) (Feb 1994), 5-8, and “Co-operation in evil: understanding the issues,” in Helen Watt (ed), *Cooperation, Complicity and Conscience: Moral Problems in Healthcare, Science, Law and Public Policy* (London: Linacre Centre, 2005), 27-64; “The duties of a Catholic politician with respect to bio-lawmaking,” *Notre Dame J Law, Ethics & Public Policy*, 20(1) (2006), 89-124,