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Catholics, Conscience and Participation in Public Life: From Vatican II into the Future

The notion of conscience is often among the first concepts to be invoked in any informed discussion of religion in the public sphere. Especially when the conversation turns to Catholic participation in the politics of contemporary societies, the theme of conscience rightfully enjoys pride of place. It is quite telling that the theme of conscience made a prominent appearance at the very beginning of the longest (to date) document of Pope Francis, the apostolic exhortation *Evangelii Gaudium* (“The Joy of the Gospel”), released November 26, 2013. In the document’s second paragraph, the pontiff lists “a blunted conscience” as among “the great dangers in today’s world,” as this particular distortion of proper human functioning contributes so often to social injustices and inequities. Catholics are by now quite accustomed to the invocation of the conscience in official church documents and in many other places. My own institution Santa Clara University, for instance, never tires of reaffirming that its mission is to produce people of “competence, conscience, and compassion.”

This essay will contend that the proceedings of the Second Vatican Council (1962-65), and especially the publication of its groundbreaking Pastoral Constitution of the Church in the Modern World (*Gaudium et Spes*) made a decisive difference in Catholic discourse around the topic of the operation of conscience in the public sphere, as it also did for related themes such as church-state relations, the right to political participation, and religious liberty. Vatican II was, in short, what athletes call “a game changer,” altering in substantial and irrevocable ways the entire landscape regarding Catholic participation in public life. Ideas related to conscience that had existed primarily within small circles of theologians, but had been marginalized and even condemned previously in official teaching, suddenly found themselves at the very center of church life and practice, even enshrined in official teaching. Everything about this topic came to look different after Vatican II, which provided a new understanding of how conscience might apply to political life and thus opened up new possibilities for the style of Catholic participation in public life. This paper will then offer a brief account of how these changes wrought by Vatican II came to shape the participation of Catholics in American public life in subsequent decades, and how it points the way to continuing future challenges.

The Role of Conscience in Public Life

It is important at the outset to acknowledge certain fundamental features of this topic. From the very beginning of the Christian era, Catholics have participated in politics in every conceivable way; no simple summary regarding the contexts, attitudes and level of engagement of Catholics in public life throughout Christian history is possible. Just as the institutional church itself possessed political clout at certain times and places but not in other social settings, just so individual members of the Church have at times been kings and emperors, voters, members of parliaments and congresses. More often they have been subjects of arbitrary power, members of

politically disempowered classes or disenfranchised and even persecuted minorities. As far as their self-awareness goes, Catholics have operated along a similarly broad spectrum: as self-consciously loyal agents of the official Church magisterium; as deliberately in obstinate dissent from official Church teachings; and every position in between. On the continuum between apathy and highly motivated political engagement, Catholics have similarly been all over the map. Because Catholics have found themselves in so many different contexts over the span of two thousand years and throughout the diverse political situations around the globe, it is impossible to utter many meaningful generalizations about the participation of Catholics in public life. But it is safe to say that the operation of conscience, whether consciously engaged or not, has been one constant motif of Catholic engagement in political life.

If the situations and self-awareness of ordinary Catholics in their political involvements has varied, then so has the stance of Church officials regarding what is expected behavior in the political sphere. What does it mean to be a faithful Catholic in public life? What are the marks of sincere adherence to faith-based principles in the world of social ethics and political activity? How much freedom is allowable, and how much obedience to church authority is required? Obviously, a wide range of answers is possible. We may detect the sharpest imaginable contrast on this score in how two relatively recent church documents, appearing a century apart, articulated expectations for Catholics in politics. The first is the infamous *Syllabus of Errors*, published by Pope Pius IX (reigned 1846-78) on December 8, 1864, and released in conjunction with the encyclical *Quanta Cura*. In a reaction against all he saw as wrong with liberal modernism, that longest-serving pope in history condemned as false 80 statements relating to such topics as the separation of church and state, religious liberty, challenges to church authority, and undue reliance on the operation of human reason. In a document that issues a sweeping anathema against modernity and insists on the restoration of the special privileged position enjoyed by the Catholic Church before the French Revolution, one finds a highly constricted view of the legitimate operation of conscience and a rather cramped sense of human freedom.

The second document is the Second Vatican Council's *Gaudium et Spes*, promulgated by Pope Paul VI on behalf of the Council and released on December 7, 1965. The date of issue (101 years later, minus one day) marks a fitting symmetry to the *Syllabus of Errors* which stands in such stark contrast in tone and content. It is easy to detect a much more nuanced position in this latter document on the operation of conscience, including a forthright insistence on the dignity of conscience as the proximate norm of moral decision-making in the private and public spheres. Not only is *Gaudium et Spes* more world-affirming and committed to sincere engagement of the church with secular reality than anything promulgated by Pius IX (or other nineteenth century popes such as Gregory XVI, another enemy of liberalism), but it in effect resets the locus of authority. Of course, ecclesial authority and God's law, like freedom and conscience, are all directed toward truth and love, but the intrinsic connections and relationships among these terms are complex and potentially neuralgic. Twentieth-century moral theology has exhibited a major shift in emphasis, increasingly away from simple docility of conscience to existing church

teachings (the regnant model of the moral manuals of the pre-Vatican II church) and gradually towards recognizing a legitimate place for broader factors, such as secular knowledge and prudential judgments of well-informed laity. One commentator refers to this as “Catholic conscience awakening,” which began as a slow evolution and came to a head at Vatican II.¹ No longer is the determination of public or private decisions exclusively in the hands of church authorities (who reserve to themselves the role of authentic interpreters of revelation and natural law), but rather a legitimate authority is also present in the experiences and free consciences of the faithful. Rightly understood, the revised vision by no means denies the legitimacy or competence of the teaching office of the Church, but it invites a renewed participative dialogue on contingent moral judgments and a softening of certainties that were previously regarded as fixed and unalterable.

The resulting, more robust view of conscience was crystalized in the documents of the Second Vatican Council. While Vatican II said little explicitly about the content of ethical decisions, it did provide a new interpretation of church and of the human person that supports this revised approach to conscience. Regarding the operation of conscience in decisions within the public sphere specifically, the Catholic individual consulting *Gaudium et Spes* finds far more room to exercise personal freedom, sincere discernment and genuine moral agency than the reader of the *Syllabus of Errors*. For example, section four of *Gaudium et Spes* invites believers to “scrutinize the signs of the times,” a call that opens the camera lens of discernment and conscience much wider than previous generations of Catholics had been encouraged to do. Indeed, in a recent comprehensive assessment of Vatican II’s impact on the field of theological ethics, James Keenan, S.J., cites “*Gaudium et Spes*’s anthropological assumptions, embrace of human dignity, affirmation of conscience and personal freedom” as precisely the key hallmarks of “the profound effect that the council had on theological ethics.”²

One fruitful way of speaking about the contrast between these two documents is to invoke the familiar distinction (employed throughout the writings of Bernard Lonergan, S.J.) between the categories of classicist and historically conscious perspectives. A classicist approach (such as the *Syllabus of Errors* employs) “emphasizes the stability of truth and tradition,” while a historically conscious approach “stresses the modern recognition that all formulations of truth are culturally conditioned and limited by the social and historical circumstances in which they were developed.”³ A classicist approach places a premium on conformity to the decisions reached by authorities, as well as to long-established norms, while the historically conscious approach allows for adaption to account for changing times and various cultural contexts. Historical consciousness offers leverage against a static and ahistorical view of the church and other social institutions, and is thus “a potential force for change”⁴ since it can support reasoned reassessments of past patterns, responding prudentially to new circumstances. There are certainly positive features of classicism, such as “stability, order, and respect for scripture and tradition, and legitimate authority,”⁵ but the shift to historical consciousness forestalls the danger of an

ethos of control and domination. These categories contribute greatly to our understanding of the impact of Vatican II on the theme of conscience.

Renewing our Understanding of Conscience

Much of what Vatican II had to say about conscience is related to a shift in ecclesiology, that is, the church's self-understanding of itself and its mission. The Second Vatican Council is remembered as a moment of identity transformation for Catholicism--when the Catholic Church made a great advance in perceiving its rightful place in the world, recognizing the limits of its competence, the potential truth contained in other traditions and communities, and the legitimate autonomy of sectors of life (the "temporal realm") that lay beyond the church doors. A new embrace of dialogical partnership with non-Roman Catholic Christians, with other religions, and with secular thought reinforced a renewed appreciation of human freedom and the dignity of individual conscience guiding human decision-making. One manifestation of this new openness is a rejection of the claim that there is a "Catholic party line" in political affairs. As one recent assessment of the legacy of Vatican II for political life affirms, "*Gaudium et Spes* is clear that there is no proper political mission for the church; rather, its mission is religious."⁶ The church's points of contact with the realms of politics, economics and culture consist of ways the faith community can act collectively to establish conditions for human well-being, such as encouraging respect for human rights, safeguarding human dignity and the flourishing of all through the promotion of the common good. The church does not enter the social arena in order to gain power for itself, but rather to serve the entire human community. Thus it makes sense to say that the social mission of the church is always part of its distinctively religious mission. To advance these laudable goals is to promote the good news of the Christian gospel, and insuring respect for conscience is a prominent component of these worthy social efforts of the Church.

The most substantial treatment of conscience in the Vatican II documents is found, of course, in *Gaudium et Spes*, which has the distinction of being the single longest document ever promulgated by any ecumenical council in the entire history of the Catholic Church. While numbers 73 to 76 of this document (treating social justice within the life of contemporary political communities as a topic of "special urgency") are certainly relevant to the concerns of this present essay, the key passage regarding the theme of conscience is found in number 16, in a section labelled "The Dignity of the Moral Conscience." In a lyrical paragraph that merits citation at length, the Fathers of Vatican II portray the operation of the human conscience in this way:

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 can when necessary speak 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. In a wonderful manner conscience reveals that law which is fulfilled by love of God and neighbor. 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 that a correct conscience holds sway, the more persons and groups turn aside from blind choice and strive to be guided by the objective norms of morality.⁷

This seminal passage presents, in a tidy nutshell, an entire moral anthropology, that is, a portrayal of the identity and functioning of the human person. Emerging from these sentences (as well as the surrounding material in the first half of *Gaudium et Spes*) is a construal of humans as social beings possessing solemn duties of solidarity to one another. We have an obligation to organize our society in ways that create favorable conditions allowing all to thrive, but also in such a way that the sincere convictions and values of individuals acting in good conscience are respected, allowing them to exercise their human freedom in ways reconcilable with the common good. Obviously, a careful balance must be struck between social cooperation and personal dignity, that is, between the needs of the individual and the collective good of society. Indeed, a careful reading of *Gaudium et Spes* reveals a long series of countervailing values that need to be held in careful balance, among them the following: respect for public authorities and personal freedoms; allegiance to one's own country and a universal, even cosmopolitan loyalty to all humankind; the distinctive competencies and aspirations of both religious institutions ("church" for short) and secular institutions ("state," as well as a range of collectivities within civil society).

The careful reader of *Gaudium et Spes* will recognize a well-formed conscience as a key aspect of human personhood. Conscience is a sense of moral responsibility that assists people in regulating their participation in this array of institutions and overlapping memberships. Drawing from the documents of Vatican II as well as the long history of Christian reflection on moral deliberation, ethicist Timothy O'Connell, in a seminal treatment of conscience that appeared a decade after the close of Vatican II, identifies three principal ways of speaking about conscience. In an influential textbook on Catholic moral theology, O'Connell famously summarized the literature on conscience by describing conscience as at once: 1) a capacity (one's general sense of value, or awareness of the rightness and wrongness of human acts); 2) a process (featuring specific acts of reflection and moral analysis); and 3) a judgment (the totality of a person coming to a decision about specific deeds to be done or avoided).⁸ O'Connell sorts out the wide variety of understandings and even different terms in Scripture (such as the Greek word *syneidesis*, used approximately 30 times in Paul's letters and the Acts of the Apostles) for what we today call conscience, or "the moral science." O'Connell thus joins several other important moral theologians of the Vatican II era (among them Josef Fuchs, S.J., and Bernard Häring, CSsR, who has been called "the quasi-father of *Gaudium et Spes*"⁹) who have helped revive a complete, biblically based appreciation of conscience as the premier subjective norm of morality. After the

rather constricted understanding of conscience in the manualist tradition that preceded this new era in moral theology, conscience has once again emerged as the human faculty that, when functioning properly, renders reliable judgments about the liceity of the concrete moral actions we might choose.¹⁰

A constant theme in all the moral theology literature regarding conscience is the crucial requirement of a proper and sincere “formation of conscience.” Reflecting this consensus, numbers 31, 43 and 87 of *Gaudium et Spes* emphasize the importance of moral education and conscience formation. Our capacity to make sound judgments and to reach reliable moral conclusions requires much deliberate preparation and guidance; any morally serious person will fight the temptation to imagine himself or herself automatically well positioned to make weighty decisions without adequate, even arduous, preparation. Whether one’s conceptual framework is primarily a religious or a secular one, moral formation does not come easily, but involves the inculcation of virtues such as temperance, fortitude, prudence and justice. Humility is certainly called for, as part of the human condition is our tendency to exempt ourselves arrogantly from responsibilities that involve a personal cost or that hold us accountable to standards we find inconvenient. These are precisely the types of proclivities that a strong program of conscience formation will counter-act, and so a morally sincere person will welcome such opportunities for ethical growth toward greater accountability to the truth. In considering the possibility of cynical and self-interested appeals to conscience, we do well to recall the warning of John Henry Newman regarding the solemn way that conscience imposes duties: “Conscience is a stern monitor,”¹¹ and is not to be invoked lightly by those simply seeking permission for whatever they wish to do, without reference to the moral law. Like Newman, Vatican II’s agenda was not to absolutize conscience, but to accord it its proper dignity, within a healthy moral ecology.

No discussion of conscience would be complete without some mention of the possibility of an erroneous conscience, that is, the inevitable fallibility of some of our determinations. Since conscience is oriented to reaching judgments in the seldom-tidy circumstances of real life, then it is endemic to the human condition that even a person of outstanding good will and extraordinary altruism will sometimes reach a faulty judgment regarding right actions in particular circumstances. Any given instance of this shortcoming may be due to the possession of inaccurate information, skewed perceptions, or the like. Such failings may fall along a continuum from non-culpable (such as within the intriguing ethical category of “invincible ignorance”) to highly culpable deviations from right judgment (cases of “you should have known better,” when ignorance is easily overcome, and therefore not a sufficient excuse). The fallibility of moral conscience is a factor worth considering both in matters of personal morality and in social contexts, such as the proper conduct of political life in society. In fact, it may be a weightier concern in the context of public life, since this is an arena particularly fraught with uncertainties regarding the statistical evidence we can compile, the facts we analyze, and uncertain calculations regarding probable outcomes of the courses of action we might choose. But regardless of how a given act is eventually judged (as objectively good or not), it remains the

case that concrete moral judgments reached by conscience constitute the final norm by which a person's actions must be guided. In other words, we are obliged to follow our conscience even if it turns out to be faulty. Indeed, to coerce someone to act against his or her conscience is a grave sin and a violation of their personal dignity.

This last sentence raises the aforementioned specter of conflict between conscience and authority, including both civil and church authorities. Even Thomas Aquinas, writing in the thirteenth century, noted the potential for conflict between the dictates of conscience and the disciplines imposed by the church authorities of his day, and insisted on the primacy of conscience, even upon pain of excommunication.¹² Long processions of heroic figures in ecclesiastical and civil circles across many centuries have rallied under the banner of the inviolability of conscience, including Thomas More in the sixteenth century and John Henry Newman in the nineteenth century. Contemporary social movements and secular organizations supporting human rights and opposing violations of the free exercise of conscience (Human Rights Watch, Amnesty International, etc.) owe much to the long tradition of Christian reflection affirming the rightful freedom to follow the dictates of conscience.

Despite certain stereotyped portrayals, then, it would be quite inaccurate to portray the church as primarily a threat to freedom of conscience. Indeed, it might well be argued that over the centuries and around the globe, there has been no greater champion of the rights to free conscience than the Catholic Church. Despite certain serious historical lapses (e.g., the Crusades, early modern Inquisitions), the church has often exercised great moral leadership and advocacy on behalf of many oppressed people of conscience in many eras, such as under Soviet Communism during the Cold War. Even admitting that the track record is somewhat mixed, as a locus for the careful formation of conscience on the part of billions of people over many centuries, the Catholic Church has made an outstanding and irreplaceable contribution to our understanding of conscience and its exercise.

In order to appreciate the contribution of the Catholic Church to a positive evaluation of conscience, it is important to avoid mischaracterizing the very nature of official church moral teachings, which are not intended as mere litmus tests or loyalty tests, but rather as nurturing guidance for the faithful. Often missing in contemporary discussions of these matters is adequate nuance regarding the relationship between conscience and church authority. Ideally, the two work together hand-in-glove to instruct and enlighten adherents to the faith, not to impose unnecessary burdens upon them. One expression of this aspiration is found in *Veritatis Splendor*, a 1993 encyclical of John Paul II, which explains that “the authority of the church, when she pronounces on moral questions, in no way undermines the freedom of conscience of Christians... The Church puts herself always and only at the service of conscience...”¹³ The ultimate objective, of course, is to fashion lives and behaviors that are responsible and loving, not to force an artificial conformity with every utterance of every authority figure holding church or civil office. A prudent adherence to the dictates of conscience is the privileged route to this objective.

Conscience and Religious Liberty

Among the most important applications of conscience, of course, are matters pertaining to religion itself, such as choosing whether and how to affiliate with others in a community of worship, and acting in accordance with one's deepest faith convictions in public and private matters. A right to religious liberty should be enshrined in all political arrangements and constitutions, as an essential element of true human dignity. Respect for religious liberty is a key benchmark of a sound public order of any political community.

On the same day that it published *Gaudium et Spes*, the Second Vatican Council published a momentous document that definitively placed the church on the side of religious liberty. Its Latin name is *Dignitatis Humanae*, translated into English as the *Declaration on Religious Freedom*. Like *Gaudium et Spes*, *Dignitatis Humanae* celebrates the innate dignity of the human person, and support various safeguards of that dignity. The opening lines of this document, which was greatly influenced (some say written nearly whole-cloth) by the American Jesuit John Courtney Murray, treat the demands of conscience in a very forthright way:

A sense of the dignity of the human person has been impressing itself more and more deeply on the consciousness of contemporary man. And the demand is increasingly made that men should act on their own judgment, enjoying and making use of a responsible freedom, not driven by coercion but motivated by a sense of duty. The demand is also made that constitutional limits should be set to the powers of government, in order that there may be no encroachment on the rightful freedom of the person and of associations. This demand for freedom in human society chiefly regards the quest for the values proper to the human spirit. It regards, in the first place, the free exercise of religion in society.¹⁴

It is easy enough to detect in the document a supremely important role for freedom of conscience ("immunity from coercion" is a phrase used repeatedly) as integral to any project worthy of humans. Nearly every sentence of the pivotal number 3 of *Dignitatis Humanae* relates to the inviolable dignity of conscience and its role in every person's search for ethical truths and moral values. Of course, as ever in Catholic social thought, personal freedom, including the free exercise of religion, is here cast in the light of social membership and a range of social obligations.¹⁵ Emerging from the document is an especially careful balance between the powers of individuals, the state and civil society--a balance that imposes sharp limits on government interference in matters of religion and which guarantees to religious communities the requisite liberties to pursue their mission. One great achievement of this document is its insistence on the separation of the institutions of church and state, a matter on which the official Catholic Church had for centuries lagged behind secular social theorists and the writers of constitutions. Still, those who look for detailed guidance on the principle of the separation of church and state will have to look elsewhere. The brief treatment of the newly adopted principle of separation is as maddeningly vague as the cryptic challenge issued by Jesus on that rare occasion when he addressed the topic: "Render, therefore, to Caesar the things that are Caesar's, and to God the

things that are God's" (Matthew 22:21, which is cited in number 11 of *Dignitatis Humanae*). But, as with its companion Vatican II document *Gaudium et Spes*, the Declaration on Religious Freedom is a supremely irenic document. Rather than portraying church and state as adversaries, sporting competing claims and striking defensive postures regarding boundaries and turf, the Fathers of Vatican II hold up an appealing vision of moral order, in which there is ample space for all institutions to thrive and fulfill their proper missions in service to society. And one supremely prominent component of this lofty vision is the free human conscience.

Applying the Principles: From Theory to Practice

So far this essay has addressed our evolving understanding of conscience, with an emphasis on the role of Vatican II. What remains to be done is to trace how Catholics have actually exercised conscience in public life and to peer into the future as far as is possible. To offer a comprehensive picture of this sprawling and diffuse reality is obviously an impossible task. Over the lifespan of any given publicly engaged individual, the functioning of conscience is so variable that it resists summary, so the project of tracing a single pattern is even more of a fool's errand when considering collectives of many people over long spans of time. While we might despair of drawing any meaningful global generalizations about how all Catholics invoke conscience in public life, it will nevertheless prove illuminating to take up a brief case study, one that ventures the modest task of describing the broad outlines of how conscience functions for Catholics in one particular context. We endeavor below to trace a few highlights regarding how the U.S. Catholic community has invoked conscience in the decades since the Second Vatican Council. Even a cursory investigation of the major developments in this one national context in the post-conciliar era will provide insight into both the impact of the Council and the changing landscape of conscience in public life.

The most obvious place to start is with John F. Kennedy, the first Catholic to serve as president. Coming as it did on the eve of Vatican II, the election of Kennedy is a tale of success that is nevertheless entwined with certain unpleasanties, such as the residual anti-Catholic prejudice in American life. Kennedy worked hard during the 1960 campaign to overcome the suspicion of many members of the Protestant establishment. When he addressed the Houston Ministerial Association weeks before his election, his eloquent speech included the line: "I do not speak for my church on public matters—and the church does not speak for me."¹⁶ The bluntness of Kennedy's frequent disavowals of any religious influence on his political decisions suggests that his message was more of an exercise in required campaign posturing than the articulation of a thoughtful and comprehensive philosophy regarding how genuine Catholic identity and American citizenship (much less political leadership and even statesmanship) can be combined in mutually beneficial ways. Kennedy knew how poorly Alfred E. Smith, the only previous Catholic presidential nominee of a major party, had been treated in the campaign of 1928. Kennedy succeeded in avoiding a similar fate, though not in advancing anyone's understanding of conscience. It can at least be said that Vatican II rendered unnecessary many of the tortuous maneuvers Kennedy had to execute in 1960. Anybody paying attention to the message of the

Council (or the message the American Jesuit John Courtney Murray expounded in the early 1960s) on conscience would recognize that Catholics could indeed be good American citizens.¹⁷ It could no longer be credibly claimed that practicing Catholics owed nefarious political loyalty to a foreign power, though perceptions and prejudices are notoriously slow to evolve.

Deeper and more satisfying reflections were offered in 1984 by then-Governor of New York State Mario M. Cuomo. During a contentious election year (featuring a fellow New York Democrat, Geraldine Ferraro, running for Vice President), he offered a major address on the topic of religious belief and public morality at the University of Notre Dame.¹⁸ Cuomo addressed the question of how he as a practicing Catholic could justify administering laws and overseeing budgets that included funding for actions forbidden for Catholics, such as elective abortion. A central focus of the speech was how one's *prima facie* obligation to oppose abortion intersects with the demands of an office like governor. While Cuomo's articulation did not satisfy every observer, it did at least make room for factors that Kennedy omitted entirely from his analysis, such as the solemn duty of ongoing moral discernment and the formational role that the Church and its teachings rightly exert on its adherents. In Cuomo's view, the sincere Catholic will consult authoritative church teaching as an important but not entirely determinative source of guidance and policy direction. Frequently, prudential judgments and difficult decisions must be made by leaders acting on the dictates of conscience in a situation of religious pluralism, so the doctrine of any one religion must accommodate multiple conflicting demands on public officials. Prudent leaders recognize the necessity of weighing many wider considerations (such as the *de facto* enforceability of unpopular laws, the constraints of constitutional law and legal precedent) that complicate the picture.

Cuomo's address also testifies to the long shadow cast by the 1973 *Roe v. Wade* Supreme Court decision on abortion. That case has dominated the ethical landscape for all subsequent Catholic politicians at all levels, as a vocal minority within the American episcopate has periodically criticized (and even threatened with sanctions such as excommunication) Catholic candidates and public officeholders who in any way support legalized abortion.¹⁹ Those who held up best under the intense scrutiny have been those exhibiting a sophisticated grasp of conscience and its operation in the public sphere. Representative David Obey of Wisconsin was among the most articulate of his era.²⁰ John Kerry, the Democrats' 2004 nominee for President, was arguably far less successful in explaining the relationship between his Catholicism and his support for legalized abortion. That the majority of U.S. Bishops have not threatened to punish such politicians is eloquent testimony to the legacy of Vatican II and its contribution on conscience.²¹

The polarization experienced after 1973 by Catholic politicians regarding abortion was preceded by the controversy over artificial means of contraception that touched all Catholics in 1968, when Paul VI issued *Humanae Vitae*. Indeed, there is probably no church document more associated with the word conscience than that encyclical, for it occasioned the struggle of millions of the faithful with Pope Paul's teaching on illicit means of birth control. In recent decades, contraception has not had the same salience in public policy circles as had the matter of

abortion, but both issues played a role in a controversy arising from a 2002 Vatican document, “Doctrinal Note on Some Questions Regarding the Participation of Catholics in Political Life.”²² Authored by the Congregation for the Doctrine of the Faith, this document set off a prolonged round of debate over what it means for Catholic officeholders to follow their conscience. It emboldened several bishops to call to task politicians (and occasionally voters) within their dioceses whose positions on “life issues” (more accurately, a subset of such issues including topics frequently labelled “non-negotiables”: abortion, fetal stem cell research, cloning, euthanasia) did not reflect the fullness of Catholic teachings. Important issues were raised: under what conditions is it possible to vote for candidates and to support laws that do not capture in a consistent way the full range of values Catholics are obliged to promote? What might constitute an acceptable and proportionate reason to cooperate in indirect ways (the language is from John Paul II’s 1995 encyclical *Evangelium Vitae*, nos. 73-4) with an evil like abortion, such as by supporting an imperfect law or candidate in such situations? Ultimately, the U.S. Bishops appointed a task force, led by Cardinal Theodore McCarrick, whose interim report was released just after the election of 2004 and whose final report eventually saw the light of day in mid-2006.²³ Each sought a fair-minded compromise regarding the ways in which the conscience of a Catholic politician is bound by Church teaching on such issues.

Indeed, the U.S. Bishops have on a regular basis sought to offer this variety of irenic guidance for conscience formation. With every turn of the election cycle since the mid-1970’s they have issued a series of quadrennial pre-election statements, released approximately one year before each presidential election. The United States Conference of Catholic Bishops produces these guides for Catholic voters as they form and consult their conscience on current issues. As of this writing, the most recent version (published in 2007, and again in 2011 with minor changes to the text) bears the title “Forming Consciences for Faithful Citizenship: A Call to Political Responsibility from the Catholic Bishops of the United States.”²⁴ Typically about 30 pages in length in booklet form, these statements consistently offer a summary of central Catholic moral principles that relate to public policy and then apply the principles to a number of issues facing voters and candidates in the upcoming election. (The 2003 edition lists as many as 51 issues). The statements tread a carefully non-partisan line and never mention specific candidates or even parties by name. Neither do the bishops strike a single-issue stance in their successive statements. Rather, they appeal to individual voters to consider the moral values that lay behind the entire panoply of issues of the moment. In this way, the statements provide the raw materials Catholic voters might need to inform their consciences and develop a prudent approach to discerning their electoral options as they head to the voting booth.

In striking ways, the operative theology of these bishops’ statements is grounded solidly in *Gaudium et Spes* and its call to citizens of all nations to participate fully in the political lives of their national communities. Most of the statements over the years have dedicated several paragraphs to an explicit treatment of why the church enters political discourse in the first place. Invoking the distinction between technical competence on issues of law and economics (which

church officials do not possess) and moral competence (which inheritors of long ethical traditions like church leaders do possess as part of their mission), the bishops justify their efforts largely as a constructive endeavor in forming consciences for constructive engagement in politics. Vatican II's calls for respect for the determinations of the individual conscience, for the empowerment of the laity in assuming their rightful place in civil society, for the church to function as a community of discernment in the service of the wider society—all these themes come into play in what the U.S. Bishops write in this particular genre. Even though they have at times occasioned misunderstanding and controversy themselves, these statements consistently honor the primacy of individual conscience. They prescind from harsh anathemas, provide no simplistic formulas to unduly constrain voter choice, and encourage sincere discernment through the operation of individual conscience. As such, these statements represent a most constructive contribution of the Catholic community, acting self-consciously as a “public church,” to the life of the contemporary American polity.

Stepping Back for the Long View: Lessons Learned

Space does not permit a more detailed account of the vicissitudes of Catholic politicians or voters in American public life in recent decades, which has served as a revealing case study in the operations of conscience in public life since Vatican II and *Gaudium et Spes*. A fuller account of the special challenges facing American Catholics (as at once citizens and members of a faith community with distinctive counter-cultural values) would take up constructive proposals such as that of the late Cardinal Joseph Bernardin for “a consistent ethic of life” that considers the broadest range of issues that affect human life and dignity.²⁵ Casting the net more broadly than usual allows the consideration of threats to life (evils such as dire poverty, global climate change and unjustifiable military incursions, not to mention full-blown wars) that constitute great sins of omission or commission that often remain overlooked as public issues with great significance for religious ethics.

The space that remains allows only the briefest articulation of certain broad themes that arise from what we have seen regarding conscience and the U.S. Catholic community in the post-Vatican II era. These three themes will point us toward the future in most helpful ways. The list could easily be expanded beyond the three described here. Each in its own way is a testimony to the lasting legacy of *Gaudium et Spes*.

The first theme to highlight is that of vocation, so prominent in Vatican II's treatment of human experience in general. To frame conscience in terms of vocation, God's calling of each of us into discipleship, illuminates in a very helpful way the experience of Catholics in U.S. public life in the past fifty years. In ways that were groundbreaking then and still remarkably fresh today, the documents of the Council speak often and eloquently of the dignity of the vocations of all people, not just the previously recognized callings of clergy and vowed religious. This theme is closely related to Vatican II's recurring motif of “pilgrims along the way,” a description that also aptly fits the existential situation of voters and lawmakers facing complex policy issues,

struggling to discern the best way forward amidst obstacles, such as the glaring absence of a political party in the U.S. that captures the full range of Catholic social values.

To say that participants in the political life of society possess a worthy human vocation, one that includes much soul-searching and even occasionally agonizing conflicts of values, is to call attention to the difficult choices they face as part of their journey of service to civil society. It is also to recognize the challenges they face in attempting to resolve the deep (some might claim irreconcilable) disagreements that exist within a pluralistic society like ours, where no easy consensus emerges regarding such fundamental questions as when human life begins, how important it is to guarantee a living wage, and under what conditions resort to force is allowable—whether to maintain order on our city streets or on potential battlefields through the use of missiles and death-dealing drones. Under these difficult circumstances, it is no exaggeration to contend that political service is the most arduous of all the noble vocations humans take up. When (a full century ago now) Max Weber addressed the topic of “politics as a vocation,” he referred to politics as “a strong and slow boring of hard boards.”²⁶ Contemporary experience all too often confirms the poignancy of his image. In all this, conscience is an especially vital aspect of the human person, playing a pivotal role in our diverse vocational journeys.

The second lesson pertains to the task of moral decision making and the proper understanding of church authority in changed cultural circumstances. Though sometimes lost in the shuffle of groundbreaking texts, the documents of Vatican II include a Decree on the Apostolate of the Laity (*Apostolicam Actuositatem*) as well as other stirring texts (see, for example, number 43 of *Gaudium et Spes* itself) that call for a rethinking of the sharp “division of labor” in the church that we have inherited. The spirit of the Second Vatican Council is in no way congruent with a view of the laity expected simply, as the old quip runs, to “pray, pay and obey.” Lay members of congregations are often far more highly educated than the clergy who serve them, and better informed than even the highest officials in church circles. In elevating the church’s appreciation of the role of the laity and its legitimate aspirations for much expanded participation in ministry and decision making, Vatican II opens the door to a project of developing new, more adequate expectations regarding lay activity. One aspect of such a project involves defining the limits of magisterial authority as it pronounces on contingent matters of political prudence in complex modern societies. All too often, the expectation is that church leaders can determine detailed courses of proper action in public policy and political affairs, even when the task of making such determinations far exceeds their competence or knowledge or the power of the ethical premises from which church teachers are working. Vatican II calls us to a more satisfying place than the old “father knows best” stance. Judith Dwyer summarizes this point by saying that “*Gaudium et Spes* explicitly rejects paternalism in moral pedagogy and opts for a pedagogy of personal responsibility.”²⁷ By no means does this shift, as momentous as it is, entail an abrupt curtailment or surrender of magisterial teaching authority. Vatican II’s major document on the church, *Lumen Gentium*, rightly calls for “loyal submission of the will and intellect... in matters of faith

and morals” and no subsequent ecclesial development has abrogated that formulation or its appropriately interpreted effect.²⁸

But what is perhaps new in the past half-century is the awareness of the need for constant review and renegotiation in the relationship between conscience and authority, which of course is hardly a new theme in Roman Catholicism. We are always grasping for adequate ways to insure a sincere respect for conscience and a proper understanding of its operation. We may never resolve the perennial tensions regarding optimal models for holding together freedom and authority. To go too far in the direction of freedom opens the door to the danger of utter ethical chaos. Excessively championing authority raises the specter of legalism and even fundamentalism. Finding a true opinion on a moral matter is seldom as simple as looking up official church teaching and repeating past formulation. The happy medium, the easy resolution of tensions, has proven elusive, both before and after Vatican II. Perhaps this brings us back around to the previous lesson regarding vocation and our status as pilgrims. In the end, we should of course always seek to affirm the legitimate place of both religious authority and the free operations of individual conscience. The history of the reception of teachings such as those found in *Humane Vitae* chronicles this challenge on the level of individual Catholics and the decisions they must make in the most private matters. In the realm of public affairs, the tension between Catholic identity and the indeterminate political calculations that must play out from moment to moment are even more complex.

The third and final lesson I wish to highlight is how disruptive is the tendency to focus narrowly and inordinately on hot-button issues, which tend to shed more heat than light. An unrelenting focus on the handful of public issues that divide Catholics and Americans most sharply might sell more newspapers and garner more hits on one’s blog, but unduly accentuates our differences and disagreements. However much the media prefers storylines about conflict, we do well to resist the temptation of polarization and demonization of those who reach different conclusions. There is no short-cut to reconciling sharp differences of opinion, but nothing is gained by the mutual denunciations and name-calling so common in public discourse in this age of bottomless contentiousness, where every new tool of communication (cable news outlets, the internet, social media) becomes a weapon. The public forum is reduced to a firefight of contrary opinions, where all we know about our interlocutors is the slogans they shout above the din of the crossfire.

In fact, the most constructive course of action may be to work hard at explaining one’s process of moral reasoning and valuation, so as to strike a dialogical stance, rather than simply presenting one’s ethical conclusions as a *fait accompli*, so as to draw ever brighter lines in the sand. If a significant moral consensus is ever to emerge from the din, it will be built upon a foundation of shared human values on the deepest of levels, even where specific conclusions diverge. Much of the problem is rightly described as a matter of style, or rather a deficit of the style of reasoned debate and respect for one’s opponents of the present moment. On the last page of her magisterial work *Law’s Virtues*, Cathleen Kaveny decries “the ‘culture wars’ model of political engagement” and yearns for “another, less militaristic model of promoting human dignity,

autonomy, and solidarity in a pluralistic society.” The author describes her goal as to “foster a culture of life without fueling the culture wars. My hope is that more Americans will try to be teachers rather than warriors.”²⁹

While many observers in fact blame religion for throwing fuel on this fire of discord, a strong case can be made that authentic religious voices are well positioned to provide the strongest antidote to such strife. At its best, religious ethics functions as a “value-raiser” that unites us, rather than primarily as a “gate-keeper” that divides. Religions at their best promote virtues such as humility, tolerance and prudence, urging their adherents to assume goodwill and sincerity even among those who may stand in sharp disagreement with one’s opinion and tradition of reflection.

The irenic style described here is not only congruent with the specific teachings of Vatican II, it may be said to be synonymous with the spirit of the Council. In its clarion call for attentiveness to the promptings of the Spirit, Vatican II bequeathed to Catholics a set of more finely honed tools to employ as they pursue the voice of conscience within themselves. With *Gaudium et Spes* and other Vatican II documents, the church recognized and highlighted new depths of human freedom, and rededicated itself to offering pastoral and moral guidance to those facing difficult decisions, when the goodness or badness of specific political actions are not immediately obvious. Catholics of all ages continue to witness things that could not have happened before Vatican II. We are fortunate to live in a moral universe shaped by that Council and its Pastoral Constitution of the Church in the Modern World.

Towards the Future: Helpful Guidance along the Way

A persistent flood of written works, both academic and popular in style, testifies to the continuing salience of the concept of conscience in Catholic intellectual life. As the Catholic community proceeds to face prickly issues in its involvement in public life, from government-imposed health care mandates affecting Catholic-sponsored institutions to changes in the legal status of same-sex unions, no concept adds more value to its deliberations than does conscience. While it is hazardous to single out a small selection of especially helpful works, allow me to mention just two current authors who illuminate the realm of conscience especially strongly.

The distinguished theologian Anne E. Patrick recently followed up her groundbreaking 1996 volume *Liberating Conscience: Feminist Explorations in Catholic Moral Theology* with the equally worthy 2013 volume *Conscience and Calling: Ethical Reflections on Catholic Women’s Church Vocations*. Patrick continues to grapple in constructive ways with the paradox whereby the obligations detected and addressed by conscience are simultaneously grounded in individual religious experience and held in the presence of a community of accountability. This insight is the perfect antidote to simplistic portrayals of conscience that would reify it as something akin to moral radar equipment, when it is actually a real yet elusive aspect of the self, in all its totality.

Whereas Patrick treats primarily the personal and moral aspects of conscience, Robert K. Vischer takes up the legal and social aspects of conscience in his own recent flood of writings on the topic. Always eager to challenge one-dimensional notions of the autonomy of conscience, Vischer explores matters of conscience, civil law and state power with just the proper level of jurisprudential complexity. His magisterial 2010 volume *Conscience and the Common Good: Reclaiming the Space between Person and State* makes a persuasive case that all members of society are inexorably bound up in a web of conscience-related matters, especially through the institutions we inhabit. All our activities, Vischer reminds us, especially those that are political and economic in nature, bring us into contact with the operations of conscience.

For the Catholic community in the contemporary United States, there is no more important insight for preparing us to navigate the treacherous waters where religious and civic identity mix. While the contributions of Vatican II are like a beacon of light to illuminate our way through these straits, we need all the assistance we can find and all the energy we can muster to negotiate a safe route. Fortunately, time and again we find ourselves buoyed up on the shoulders of giants—scholars, statesmen, theologians and church leaders such as those cited above—who guide the formation and execution of our consciences along felicitous paths.

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² James Keenan, S.J., “Vatican II and Theological Ethics,” *Theological Studies* 74 (March 2013): 162-90 at 162-3.

³ Anne E. Patrick, *Conscience and Calling: Ethical Reflections on Catholic Women’s Church Vocations* (New York: Bloomsbury, 2013), 12.

⁴ *Ibid.*, 15.

⁵ *Ibid.*, 17.

⁶ Kenneth R. Himes, “Vatican II and Contemporary Politics,” in *The Catholic Church and the Nation-State: Comparative Perspectives*, ed. Paul C. Manuel, Lawrence C. Reardon and Clyde Wilcox (Washington, D.C.: Georgetown University Press, 2006), pp. 15-32 at 23.

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⁹ Keenan, “Vatican II and Theological Ethics,” 172.

¹⁰ The Australian moralist and Aquinas scholar Eric D’Arcy, writing on the eve of Vatican II, made the case for a revival of an authentic view of conscience in his *Conscience and its Right to Freedom* (New York: Sheed and Ward, 1961).

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