

Catholic Conscience and Civil Disobedience: The Primacy of Truth

ANGEL PEREZ-LOPEZ AND ISRAEL PEREZ-LOPEZ
Saint John Vianney Theological Seminary

Denver, CO

Introduction

Sacred Scripture describes different examples of moral conscience dictating civil disobedience. For instance, think of the situation of Daniel (see Dan 6:6–10). In this and many other cases, we always find, above all, a defense of truth and of its primacy over conscience and civil authority.¹ In a culture that rapidly abandons Christendom and rejects the Catholic social values once prevalent, this same issue is gaining prominence.

Recent civil mandates related to Covid-19 vaccination are raising anew the challenging moral question, among faithful Catholics, concerning the legitimacy of civil disobedience.² Part of the difficulty consists in the strug-

¹ See John Paul II, *Veritatis Splendor* [VS] (1993), §91.

² For a more detailed moral analysis of the use of these vaccines, see Ezra Sullivan and Kuriakos Pereira, “Using Abortion-Derived Vaccines: A Moral Analysis” *Nova et Vetera* (English) 19, no. 4 (2021): 1011–1109. We agree with the conclusions of this moral analysis. It supports the statements from the magisterium. However, in our essay, we want to deal with a more specific issue which is only partially mentioned by Sullivan and Pereira: the primacy of truth as the paradigm to understand the proper relationship between conscience and civil law. We believe that our approach to this issue is more metaphysical, and it deals with the unfortunate transformation of faith into fanaticism which occurs when the primacy of truth is forgotten, when relativism is adopted, and when ideology prevails over truth. Given the late controversies concerning conscientious objections, we believe that our contribution adds a needed and harmonious aspect to Sullivan and Pereira’s wonderful piece.

gle to harmonize two statements from the Congregation for the Doctrine of the Faith (CDF) concerning the Covid-19 vaccines.

On the one hand, it is affirmed that, under certain circumstances, the use of some of these vaccines is *morally permissible*: “When ethically irreproachable Covid-19 vaccines are not available (e.g. in countries where vaccines without ethical problems are not made available to physicians and patients, or where their distribution is more difficult due to special storage and transport conditions, or when various types of vaccines are distributed in the same country but health authorities do not allow citizens to choose the vaccine with which to be inoculated) it is morally acceptable to receive Covid-19 vaccines that have used cell lines from aborted fetuses in their research and production process.”³

On the other hand, the CDF also affirms that vaccination should be *voluntary*; it is not obligatory *as a rule*: “Practical reason makes evident that vaccination is not, as a rule, a moral obligation and that, therefore, it must be voluntary.”⁴

Some Catholics are clinging to the first affirmation to advocate for the primacy of authority in the civil mandate to be vaccinated. Others, instead, are clinging to the second affirmation to uphold the primacy of conscience and the right to civil disobedience. The controversy is reaching a boiling point in the United States. It seems that *tertium non datur*.

In this essay, however, aided by the guidance of our moral magisterium and Thomas Aquinas, we would like to show how these two statements from the CDF are not incompatible. We would like to offer a third option to the ones previously described. Our thesis is that the way to bring about the harmony of both statements consists in underscoring the primacy of truth, in our comprehension of conscience, authority, and civil disobedience.

The essay will be divided into two different sections. The first section deals with the general principles at play in the Catholic understanding of conscience and civil disobedience under the primacy of truth. Thus, it focuses on providing some needed information to get rid of the relativistic and political lenses through which many Catholics today are approaching the vaccine mandates. The second section of the essay is instead more particular. It makes a moral evaluation of the recent mandates to be vaccinated.

³ Congregation for the Doctrine of the Faith (CDF), *Note on the Morality of Using Some Anti-Covid-19 Vaccines* (2020), §2. All magisterial texts are taken from the official Vatican webpage.

⁴ CDF, *Note on the Morality of Using Some Anti-Covid-19 Vaccines*, §5.

General Principles

Too Political?

As Catholics, we should not be so radical as to think that moral theology has nothing to say about these political matters. A legitimate understanding of the separation between church and state does not forbid the Church's magisterial teaching and moral theology to be concerned with this issue.

The Church is not only a mother but also a teacher: "The church's motherhood can never in fact be separated from her teaching mission, which she must always carry out as the faithful Bride of Christ, who is the Truth in person."⁵

Moreover, "life in common within the State possesses a relevant moral value and presents specific demands that—according to the law of the Incarnation, though with a completely particular modality—enter in to form a part of the following of Christ. Therefore, moral theology must treat of it."⁶

Thus, we would like to invite our readers to divest from political biases that may be influencing their reasoning. This is not about being Republican or Democrat first and then using one's faith to express our political views. The issue here is truth, not ideology. First and foremost, we are Catholic. Political ideals must be subordinated to our Catholic faith, not the other way around.⁷ For instance, "the right to privacy" or Martin Luther King's views on civil disobedience are not Catholic principles in nature.⁸ They do

⁵ *VS*, §95 (see also §101).

⁶ Angel Rodríguez-Luño and Enrique Colom, *Chosen in Christ to be Saints: Fundamental Moral Theology* (Rome: EDUSC, 2014), 293. In fact, Pope Benedict XVI explains in *Caritas in Veritate* [*CV*] (2009): "The exclusion of religion from the public square—and, at the other extreme, religious fundamentalism—hinders an encounter between persons and their collaboration for the progress of humanity. Public life is sapped of its motivation and politics takes on a domineering and aggressive character. Human rights risk being ignored either because they are robbed of their transcendent foundation or because personal freedom is not acknowledged. Secularism and fundamentalism exclude the possibility of fruitful dialogue and effective cooperation between reason and religious faith. Reason always stands in need of being purified by faith: this also holds true for political reason, which must not consider itself omnipotent. For its part, religion always needs to be purified by reason in order to show its authentically human face. Any breach in this dialogue comes only at an enormous price to human development" (§56).

⁷ See Charles J. Chaput, *Render unto Caesar: Serving the Nation by Living Our Catholic Beliefs in Political Life* (New York: Image, 2009).

⁸ For a good explanation as to why the right to privacy does not belong to our

not belong to our moral teaching as a church. Therefore, they should not be the main guides for our conclusions.

We must also acknowledge how difficult it is to divest oneself from political and cultural principles which may not align with our faith. Sometimes they are part of our own worldview. They have become the very lenses through which we think and see. Consequently, it is hard to make them the object of our own reflection without the help of another.⁹ In this essay, we want to provide some guidance in this respect, especially when it comes to relativism.¹⁰

Deformations of the Understanding of Conscience

In these confusing times, in which we are trying to wrestle with the question of civil disobedience, we must avoid at all cost falling in the same error already condemned by *Veritatis Splendor* concerning conscience. We cannot forget the primacy of truth. Otherwise, our civil disobedience and conscientious objection will never be Catholic. What we want to avoid is perfectly described by Pope Saint John Paul II in the following words:

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 subjectivistic conception of moral judgment.¹¹

As Joseph Ratzinger has explained elsewhere, "conscience is understood by many as a sort of deification of subjectivity, a rock of bronze on which even the magisterium is shattered. It is said that in light of the conscience, no other cases apply. Conscience appears finally as subjectivity raised to the

Catholic moral teaching, see Janet Smith, *The Right to Privacy* (San Francisco: Ignatius Press, 2008).

⁹ This point is very well explained in Max Scheler, "The Idols of Self-knowledge," in *Selected Philosophical Essays*, trans. David R. Lachterman (Evanston, IL: Northwestern University Press, 1973), 3–97.

¹⁰ Pope Francis has alerted us of the dangers of relativism in *Evangelii Gaudium* (2013), §§61, 64, and 80.

¹¹ *VS*, §32 (emphasis added).

ultimate standard.”¹² In order to not fall into this gigantic error, we need to retrieve the traditional teaching, according to which conscience is an act of practical reason that *judges* the morality of an action either already performed or about to be performed.¹³

In the practical judgment of conscience, which imposes on the person the obligation to perform a given act, the link between freedom and truth is made manifest. Precisely for this reason conscience expresses itself in acts of “judgment” which reflect the truth about the good, and not in arbitrary “decisions.” The maturity and responsibility of these judgments—and, when all is said and done, of the individual who is their subject—are not measured by the liberation of the conscience from objective truth, in favor of an alleged autonomy in personal decisions, but, on the contrary, by an insistent search for truth and by allowing oneself to be guided by that truth in one’s actions.¹⁴

Since conscience is a rational judgment (and not a feeling), it is always *subordinated* to the primacy of truth. Truth is above conscience, not the other way around. Yet, in many Catholic circles which discuss the question of civil disobedience, one finds an undue emphasis on the primacy of conscience. It is forgotten that moral conscience, as an act of the intellect, is always subordinated and directed to the truth.¹⁵ The primacy belongs to the latter, and not to conscience as a supreme tribunal, infallible in its judgments, simply because it is sincere and at peace with itself.

This emphasis in certain Catholic circles underscores that, at the heart of the controversy regarding Catholic civil disobedience, there is a conflict between two rival and *erroneous* views: those who maintain the primacy of conscience and those who foster the primacy of authority. These rival conceptions are profoundly interrelated and share a common fallacious premise pointed out by *Veritatis Splendor* and *Fides et Ratio*: the denial of

¹² Joseph Ratzinger, *On Conscience: Two Essays* (San Francisco: Ignatius Press, 2007), 51.

¹³ See *Catechism of the Catholic Church*, §1778. See also: Thomas Aquinas, *Summa theologiae* [ST] I, q. 79, a. 13, in Latin–English ed. of the Works of St. Thomas Aquinas 13–20, ed. J. Mortensen and E. Alarcón (Lander, WY: Aquinas Institute, 2012); Ramon García de Haro, *La conciencia moral* (Madrid: Rialp, 1978).

¹⁴ *VS*, §61.

¹⁵ See *VS*, §32.

any possible realistic metaphysics, and the consequent and parallel anthropological subjectivism and epistemological immanentism.¹⁶

Both rival conceptions are blind to the primacy of truth because both are “children,” as it were, of our relativistic culture and worldview. Both spring from the subjectivism inherent in postmodern relativism and are also present, as we will see, in its immediate predecessor: modern rationalism.

To solve that dilemma and to shed light on the controversy, we need to adopt a Catholic position that affirms the primacy of truth over both conscience and authority. As Catholics, we need to faithfully adhere to our moral teaching concerning this very issue: “In any event, *it is always from the truth that the dignity of conscience derives.*”¹⁷ As John Paul II emphasizes, “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.”¹⁸

As we learn from Sacred Scripture, both conscience and authority are subordinated to the Eternal and Uncreated Truth, our Lord Jesus Christ: “He is the image of the invisible God, the first-born of all creation; for in him all things were created, in heaven and on earth, visible and invisible, whether thrones or dominions or principalities or *authorities—all things* were created [also our conscience] through him and for him. He is before all things, and in him all things hold together” (Col 1:15–17; emphasis added). The splendor of Christ, *the Truth*, must shine once again amid our relativistic culture. Just like our Teacher, Jesus’s disciples are called to be a sign of contradiction in this era (see Luke 2:34).

Exposing Relativism

“Do not be conformed to this world but be transformed by the renewal of your mind, that you may prove what is the will of God, what is good and acceptable and perfect” (Rom 12:2). To follow this imperative, we need to make our relativistic postmodern worldview the object of our own reflection, especially as it touches upon the understanding of conscience and authority.¹⁹

¹⁶ See John Paul II, *Fides et Ratio* [FR] (1998), §5. For the connection of these errors, see Israel Pérez-López, “Los Fundamentos Rahnerianos del Teorema de la Opción Fundamental: Un Discernimiento desde el Pensamiento de Santo Tomás de Aquino,” *Fulgentina* 23, no. 47–48 (2014): 43–67.

¹⁷ *VS*, 63 (emphasis added).

¹⁸ *VS*, 60 (emphasis added).

¹⁹ See *VS*, §112.

Postmodern relativism is a recycled reformulation of the old skepticism.²⁰ Its main argument rests on the suspicion cast upon the capacity of our knowledge to attain certainty and reality as it is in itself.²¹ To be sure, we have sensible knowledge of those things. But, sensible knowledge is defective sometimes. Thus, the senses are not trustworthy. If they could be wrong once, they can always be wrong.²² The experience of error, relativists claim, proves that at most we can have opinions about appearances.

By contrast, in the metaphysical realism that is part of our Catholic and biblical worldview, reality is the measure of the human mind.²³ In every judgment, the human mind goes beyond itself towards reality. The intellect adjusts its judgment with the state of affairs in real things. Moreover, the experience of error is not an enemy, but an ally of this realism. When one rectifies one's error, he or she is acknowledging reality as the measure of that very rectification, especially when the latter occurs against our desires.²⁴

Relativism distorts the relationship between the human intellect and reality in our knowledge of the truth. Deep down, it denies that our mind conforms to and is measured by reality. Abandoning Catholic realism, it furtively claims a prerogative which belongs to God alone, namely, to be the measure of reality itself. Relativizing the absolute character of truth, postmodern relativism cryptically absolutizes the human mind in a way quite similar to what happened very explicitly in modern rationalism.

Depending on the kind of relativism, the subjective measure of truth is ascribed to the individual mind of a human person (individual relativism), to the nature of the mind of humanity (specific relativism), to the mindset

²⁰ See Israel Pérez-López, *Enseñar a Amar Educando en la Virtud: La perspectiva teleológica de la formación de la personalidad humana en el pensamiento de Antonio Millán-Puelles* (Beau Bassin: Editorial Académica Española, 2018).

²¹ See *FR*, §5: "Abandoning the investigation of being, modern philosophical research has concentrated instead upon human knowing. Rather than make use of the human capacity to know the truth, modern philosophy has preferred to accentuate the ways in which this capacity is limited and conditioned. This has given rise to different forms of agnosticism and relativism which have led philosophical research to lose its way in the shifting sands of widespread scepticism."

²² For the connection between relativism and the philosophy of René Descartes, see Antonio Malo, *Cartesio e la postmodernità* (Rome: Armando Editore, 2011).

²³ John Paul II explains that this realism is exemplified by Aquinas: "Saint Thomas was impartial in his love of truth. . . . Looking unreservedly to truth, the realism of Thomas could recognize the objectivity of truth and produce not merely a philosophy of 'what seems to be' but a philosophy of 'what is'" (*FR*, §44). The Polish Pope also explains that relativism is rejected by Sacred Scripture (*FR*, §80).

²⁴ See Antonio Millán-Puelles, *La Estructura de la Subjetividad* (Madrid: Rialp, 1967).

of a determined culture (cultural relativism), or to the agreed mindset of a collective group that holds social power (ideological relativism).

For those who hold any of these relativisms, there is no truth common to all. One should retain as “true” whatever his opinion is. The true good for the human person, therefore, is a matter of belief, at least in one’s private life. When it comes to life in society, since there is no true good for all, relativism proposes that we reach a certain agreement regarding certain useful and pragmatic principles to live in community: “Any reference to common values and to a truth absolutely binding on everyone is lost, and social life ventures on to the shifting sands of complete relativism. At that point, everything is negotiable, everything is open to bargaining.”²⁵

The sound exercise of reason, allied with Christian revelation, is an antidote for this immanentistic and relativistic culture:

Christian Revelation is the true lodestar of men and women as they strive to make their way amid the pressures of an immanentist habit of mind and the constrictions of a technocratic logic. It is the ultimate possibility offered by God for the human being to know in all its fullness the seminal plan of love which began with creation. To those wishing to know the truth, if they can look beyond themselves and their own concerns, there is given the possibility of taking full and harmonious possession of their lives, precisely by following the path of truth.²⁶

This lodestar is of the outmost importance nowadays, especially if we want to clearly understand the proper relationship between Catholic conscience and civil disobedience, under the primacy of the truth, and if we want to avoid totalitarian ideologies.

Relativism and Totalitarian Ideologies

Within the sphere of relativism, civil laws are not viewed anymore as ordinances of reason which need to be evaluated, as just or as unjust, under the light of truth. Rather, they are the result of the will of those governing, or the result of the will of the collective group who agreed to promulgate them. This alliance between relativism and democracy is a real danger. According to Saint John Paul II, it leads to totalitarianism:

²⁵ John Paul II, *Evangelium Vitae* [EV] (1995), §20.

²⁶ FR, §15 (see also §81).

This is the risk of an alliance between democracy and ethical relativism, which would remove any sure moral reference point from political and social life, and on a deeper level make the acknowledgement of truth impossible. Indeed, “if there is no ultimate truth to guide and direct political activity, then ideas and convictions can easily be manipulated for reasons of power. As history demonstrates, a democracy without values easily turns into open or thinly disguised totalitarianism.”²⁷

We are witnessing today this same alliance between ethical relativism and democracy in our country. It is very far from being peaceful. It destroys the very possibility of dialogue. There can be no two people sharing their *logos* (reason, word) if there is no objective truth. “*Truth*, in fact, is *lógos* which creates *diá-logos*, and hence communication and communion.”²⁸ But, there is no possible authentic communication and communion within the sphere of relativism. For instance, the relativist does not want to dialogue about his foundational claim about the non-existence of objective truth. One cannot ask him to answer the following question: Is the claim “there is no objective truth” an objective truth? The relativist is left without words. Instead of dialogue, his only resort is violent imposition.

For this reason, at first, it might seem that relativism exalts the moral conscience of the individual as the ultimate criterion of morality. But, this is only an appearance, a mirage. That same conscience would be reduced to nothing if it dares to confront some of the ideological principles which are violently imposed on others, either by the majority or by a powerful minority. Think, for instance, on the issue of abortion: “The original and inalienable right to life is questioned or denied on the basis of a parliamentary vote or the will of one part of the people—even if it is the majority. This is the sinister result of a relativism which reigns unopposed.”²⁹

Hence, there is no respect for others and for the validity of their opinions under the light of truth when one opposes the principles violently imposed by ideological relativism. “In this way democracy, contradicting its own principles, effectively moves towards a form of totalitarianism.”³⁰

We can see now how false the relativistic claim is that only a weak notion of truth can be the foundation of tolerance and peace for life in society.³¹

²⁷ *VS*, §101. See also John Paul II, *Centesimus Annus* (1991), §44.

²⁸ *CV*, §4.

²⁹ *EV*, §20.

³⁰ *EV*, §20.

³¹ See: Joseph Ratzinger, *Truth and Tolerance: Christian Belief and World Religions*

The idolatry of the human mind, inherent in relativism, leads to a form of violence and voluntarism, in sharp contrast to the way God governs creatures according to their nature. Indeed, “the inseparable connection between truth and freedom—which expresses the essential bond between God’s wisdom and will—is extremely significant for the life of persons in the socio-economic and socio-political sphere.”³²

By following the dictates and commands of Divine Providence, the rational creature grows in freedom.³³ Obedience to God’s commandments does not diminish the dignity of man and it does not turn him into a slave, precisely because of the primacy of truth. The Lord’s commandments shine in the mind of the human person in such a way that the latter can perceive the most fundamental moral principles with *evidence*. Thereby, truth has the gentle but profound power to win over the human intellect without violence and impositions.³⁴ Thanks to this power of truth,

conscience bears witness to man’s own rectitude or iniquity to man himself but, together with this and indeed even beforehand, conscience is the witness of God himself, whose voice and judgment penetrate the depths of man’s soul, calling him *fortiter et suaviter* to obedience.³⁵

By contrast, the alliance of democracy and relativism tends to *violently impose* its ideas against the mind of those who do not share that ideology. There is no room for evidence or dialogue. Winning the mind of another by those means is not important. The authority of an ideological and totalitarian system like this one acts with violence, imposing on its subjects

(San Francisco: Ignatius Press, 2004), 116–17; René Girard and Giacomo Vattimo, *Verità o fede debole? Dialogo sul cristianesimo e relativismo* (Massa, Italy: Transeuropa, 2006), 29–61.

³² *VS*, §99.

³³ Without the transcendent reference to the Creator as the source of the authority, the political power claims to be absolute. For that reason, there is an inherent tendency to the absolutism or the dictatorship in these immanentistic conceptions. See Pius XII, *Summi Pontificatus* (1939), §§52–53.

³⁴ To be sure, God can command something beyond our understanding. This is perfectly possible, since the Lord is wiser than we are. Yet, even then, it is possible for us to understand that God is good, that he is Wisdom in himself, and that he governs us by directing us to our final end, etc. In this sense, there is no divine imposition against human reason. It could be a commandment *beyond* human reason.

³⁵ *VS*, §58.

something contrary to the very nature of the human intellect, by trying to encapsulate and to enclose it in its own immanence.

Therefore, as Joseph Cardinal Ratzinger prophetically said more than fifteen years ago, we need to acknowledge what is happening around us: "We are building a dictatorship of relativism that does not recognize anything as definitive and whose ultimate goal consists solely of one's own ego and desires."³⁶ This dictatorial view of things results from abandoning the primacy of truth. Not only is it present in our political systems, but this same mindset also affects the members of our Church, transforming some of our faithful into ideological fanatics.

Not so Postmodern

Although we normally characterize relativism as a *post*-modern trend of thought, it is not so beyond modernity and its rationalism as one might think.³⁷ Relativism is the other side of the coin of rationalism. The exalted and the humiliated *cogito* are closely connected by immanentism and by the claim that the human mind cannot grasp reality itself with certainty, but rather knows only its own ideas, representations, or appearances of that same reality.

Rationalism claims that "what is rational is real and what is real is rational."³⁸ But, this claim hides the pretense that the ideas of our mind must be right and correspond to reality. Thus, this kind of idealism engenders ideologies which also impose with violence a system of ideas over reality itself. Think, for instance, about Marxism as an offshoot of the philosophy of Hegel. In this modern paradigm, authority consists in the imposition of the ideas of the powerful people who have created the rationalistic system. There is no room for the conscience of the individual. The state would have the authority to impose its own ideology. What things are or what the mind of anyone could know of that same reality is simply irrelevant.

In this way, the obedience demanded by a rationalistic system quite resembles the demands of the alliance between democracy and ethical relativism. Those who hold the primacy of authority are simply reformulating the principles already present in rationalism. They are falling into a sort of

³⁶ Joseph Cardinal Ratzinger, "Pro Eligendo Romano Pontifice: Homily of His Eminence Card. Joseph Ratzinger, Dean of the College of Cardinals," April 18, 2005. See also Joseph Ratzinger, *Truth and Tolerance: Christian Belief and World Religions* (San Francisco: Ignatius Press, 2004), 190–91.

³⁷ See *FR*, §91.

³⁸ See Georg Wilhelm Friedrich Hegel, *Philosophy of Right*, trans. S.W. Dyde (Kitchener, Canada: Batoche, 2001), 18.

totalitarian view which does not respect human nature. Nevertheless, those who are upholding the primacy of conscience are not too far from their opponents. They are also upholding a form of totalitarian and ideological violence against the nature of the human mind.

These erroneous rival views on conscience and authority are like brothers. In fact, they both resemble the brothers of the parable of the prodigal son (see Luke 15:11–32). For different reasons, the two were far and distant from their father. Similarly, the relativistic and rationalistic views on authority and conscience imitate each other, because the pair are far from the truth and from its primacy.³⁹ In both instances, in which truth has lost its place of primacy, the obedience demanded is ideological and violent. It is quite paradoxical and contradictory to the very nature of our intellect. It is an obedience completely unrelated to the truth. One is not to understand the commandment of the superior. One should simply obey it. We can easily appreciate how violent this is to the nature of our minds. They are made to know the truth. But, the truth is irrelevant in the violent imposition of ideologies.

New Fanatical Pharisees?

Relativism and rationalism share their disregard for reality and for how our mind is measured by it in the knowledge of the truth. Such disregard tends to transform faith into an ideological faith, namely, into a set of fanatical principles. This transformation occurs because the disregard for reality and truth leads one to concentrate on a system of ideas and of human traditions.

The Gospels give us an example of fanatics who shared in this same attitude: the Pharisees. They were not about the truth, but rather, they were about themselves. They changed God's word for human traditions (see Mark 7:8). In fact, Pope Benedict XVI offers a beautiful meditation on this point. On the one hand, he identifies Pontius Pilate as the image of the relativist, who questions even the possibility of knowing the truth (see John 18:38). On the other hand, the Pharisees are the image of the fanatics. Both, however, are enemies of the Truth, namely, of Christ. Both end up killing him.⁴⁰

The fanaticism of the Pharisees appears clearly in the accounts of Jesus's Passion. In his commentary, Thomas Aquinas points out their vain superstition. They did not want to enter the praetorium, so as not to become

³⁹ See René Girard, *Sacrifice* (East Lansing: Michigan State University Press, 2011).

⁴⁰ See Benedict XVI, Homily at Plaza de la Revolución José Martí, Havana, March 28, 2012.

impure. Yet, they were totally willing to hand over an innocent person and to put him to death.⁴¹ This contradiction is the result of an ideological faith, which wants to enclose God in human ideas and to have a complete disdain for reality and for the primacy of truth.

A significant number of Catholics in our country are adopting positions that resemble this transformation of the faith into ideology. For this reason, some Catholics are ideologically advocating for the primacy of authority, while others are ideologically advocating for the primacy of conscience, disregarding that our faith should lead us to advocate for the primacy of truth. We need to divest ourselves from these worldly attitudes. Only if we follow that path will we have a meaningful and rational dialogue about the issue of Catholic conscience and civil disobedience.

Conscience Subordinated to the Truth

Our conscience must be formed in the truth and be subordinated to it. Like any other of our judgments, it can be true or false depending on whether what is affirmed or denied conforms to reality or not.⁴² The moral life of the Christian is a life of virtue ordered to union with God. One's conscience may affirm that a moral action is choice-worthy. That judgment, however, will be true depending on the same action's capacity to lead to a virtue that ultimately unites us to God.

This Catholic view of conscience allows us to interpret correctly a key affirmation of the Second Vatican Council which directly concerns our topic: "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."⁴³ In other words, human persons have the right and the obligation to discover the truth on their own. And, they also have the right and the obligation to conform their lives to that truth once discovered. Note how *Dignitatis Humanae* does not mention only a right. It is also a duty, an obligation.⁴⁴

Hence, conscience is not infallible. It can be erroneous. If it is, one has the duty or obligation to correct it through intellectual and moral formation.

⁴¹ See Thomas Aquinas, *Super Ioan* 18, lec. 5, nos. 2331, 2334 in Latin-English Edition of the Works of St. Thomas Aquinas 35-36, trans. F. R. Larcher (Lander, WY: Aquinas Institute, 2013).

⁴² See *VS*, §§62-64.

⁴³ Second Vatican Council, *Dignitatis Humanae* [DH], §3.

⁴⁴ See: *CCC*, §1782; *VS*, § 31.

This is accomplished particularly through the virtue of prudence and the study of our moral doctrine, especially that of the magisterium.⁴⁵

The Church puts herself always and only at the service of conscience, helping it to avoid being tossed to and from by every wind of doctrine proposed by human deceit (cf. Eph 4:14), and helping it not to swerve from the truth about the good of man, but rather, especially in more difficult questions, to attain the truth with certainty and to abide in it.⁴⁶

Thus, a conscientious objection is not like a “get-out-of-jail-free” card from the Monopoly game. Invoking one’s conscience should not be used in that way, to simply end an argument or a reasoning process, without any attention to the truth of its claim. Rather, a conscientious objection is always an appeal to truth, willing to dialogue, and to explain the reasons behind it.

Catholic Conscience and Civil Law

Civil disobedience consists in the act whereby a human or civil law is not followed due to a conscientious objection. However, there are many theories of civil disobedience. Not all of them are Catholic. In evaluating our position as Catholics concerning recent mandates, we need to think with the mind of Christ and of his Church, avoiding relativism and ideological faith.

Civil law promulgates and renders more explicit some of the demands of natural law. Civil law is not concerned with all the precepts of natural law.⁴⁷ Rather, it selects some: the ones necessary for making our common civic life possible and adequately regulated.⁴⁸ Competent civil authorities promulgate, render explicit, and determine the natural moral law insofar as it promotes the political common good.⁴⁹ These laws are meant to ensure what is necessary or helpful for rendering possible the free, just, and peaceful life in society.⁵⁰

In general, civil law obliges in conscience.⁵¹ But unjust civil laws can be

⁴⁵ See CCC, §§1783–85.

⁴⁶ *VS*, §64.

⁴⁷ See *ST* I–II, q. 96, aa. 2–3.

⁴⁸ See *ST* I–II, q. 95, a. 2.

⁴⁹ See: *DH*, §7; CCC, §§2254, 2256.

⁵⁰ See: *ST* I–II, q. 100, a. 2; *EV*, §71.

⁵¹ See Vatican II, *Gaudium et Spes*, §§30; 74.

potentially disobeyed. Their being unjust needs to be proven. They need to be manifested as illegal. In other words, it must be proven that such a law fails to fulfill the definition of law: an ordinance of reason directed to the common good, made by him who has competent authority, and promulgated.⁵²

However, not all illegal laws should be disobeyed. Disobedience to an unjust civil law could cause greater harm to the common good than compliance with such a law. The harm, according to Thomas Aquinas, could consist in *scandal* and/or *disturbance*. In this context, scandal does not mean shame or causing another to be appalled, but rather “the attitude or behavior which leads another to do evil.”⁵³ For instance, the non-compliance with an unjust law could cause in others disregard for the law in general. It could also foster the disobedience to just laws which are inconvenient to others. For this reason, the non-compliance with an unjust law which does not mandate the violation of the divine law can also be the cause of disturbance (*turbationem*), that is to say, confusion, commotion, disorder, or even anarchy.

In these cases, Catholics are called to practice a higher virtue than that of the scribes and Pharisees (see Matt 5:20). We are called to justice and to its perfection in charity. We must avoid the error of thinking that the virtue of charity must be restricted to one’s private life and has no impact on our political life. That error is not only part of the Protestant American view on religion reduced to the private sphere, but also common in moral theologies founded upon relativistic and immanentistic premises which forgo the primacy of truth.⁵⁴

Thomas Aquinas, by contrast, believes that such a public impact is of the utmost importance. In fact, to explain why we should comply with these unjust laws, the Angelic Doctor cites the Sermon of the Mount: “If anyone would sue you and take your coat, let him have your cloak as well; and if anyone forces you to go one mile, go with him two miles” (Matt 5:40–41). The context of the quote is clearly legal. The verse about being forced to go a mile probably is referred to a military officer who abuses his legal power. The verse about taking one’s clothing, in turn, is about a lender

⁵² See *ST I–II*, q. 90, a. 4, corp.

⁵³ *CCC*, §2284.

⁵⁴ For instance, the “fundamental option” theory condemned by John Paul II in *VS* (§§65–68) shares in the aforementioned immanentism and in the loss of the primacy of truth. Such a theory makes a very sharp distinction between the categorical and the transcendental realms, excluding thereby the social and political impact of the virtue of charity.

who demands it as a legal pledge on a loan—something clearly forbidden in the Mosaic law.⁵⁵

Consequently, we are to comply with some unjust laws to avoid scandal, undue social disturbance, and a greater harm to society than the unjust law itself would inflict. We need to remember that “the law is always a principle of order necessary for social life, and disobedience, even when it is not completely unjustified, can easily become a principle of anarchy, of injustice, and sometimes even violence.”⁵⁶

The clearest case in which Catholic civil disobedience is seen at work is when a civil law prescribes something against the divine moral law. In that instance, we will always disobey that civil law. A clear affirmation of this same principle can be found in Pope Saint John XXIII’s *Pacem in Terris*: “Governmental authority, therefore, is a postulate of the moral order and derives from God. Consequently, laws and decrees passed in contravention of the moral order, and hence of the divine will, can have no binding force in conscience, since ‘it is right to obey God rather than men.’”⁵⁷

In this case, we are ready to give our lives not simply for the sake of conscience, but above all for the sake of truth: “The voice of conscience has always clearly recalled that there are *truths* and moral values for which one must be prepared to give up one’s life. In an individual’s words and above all in the sacrifice of his life for a moral value, the Church sees a single testimony to that truth which, already present in creation, shines forth in its fullness on the face of Christ.”⁵⁸

Indeed, “unjust laws do not oblige in conscience, rather, there is moral obligation to not follow their provisions, to not accept them, to manifest one’s disagreement with them, and to seek to change them as soon as possible and, if that is not possible, to seek to reduce their negative effects.”⁵⁹

Moral Evaluation of the Vaccine Mandate

To Be Vaccinated as a Morally Good Action

Instead of getting into the difficult technicalities of the different kinds of cooperation in evil, let us make a correlation between the morality of

⁵⁵ See: Exod 22:25–27; Deut 24:10–13; *ST* I–II, q. 96, a. 4, corp. and ad 3. For a commentary on this very point, see also J. Budziszewski, *Commentary on Thomas Aquinas’s Treatise on Law* (New York: Cambridge University Press, 2014), 387–89.

⁵⁶ Rodríguez-Luño and Colom, *Chosen in Christ*, 303.

⁵⁷ John XXIII, *Pacem in Terris* (1963), §51.

⁵⁸ *VS*, §94.

⁵⁹ Rodríguez-Luño and Colom, *Chosen in Christ*, 302.

the use of the vaccines for Covid-19 and another moral scenario, which may shed more light on the matter.⁶⁰ Imagine that you are a patient in a hospital, waiting for a kidney transplant. Your life is at risk. But, no donor has appeared yet. Suddenly, you get the news that a compatible kidney is available. When you ask about it, you find out that someone was murdered, and his kidney could save your life. Can you accept this organ and be morally upright?

Obviously, one would not be morally upright if he or she approved of the murder, if he or she ordered it, if he or she provided something essential for the crime to take place, or if his or her acceptance of the kidney promoted more murders in the future. But given that those things are excluded, the simple fact of receiving this organ would not make you morally guilty of anything. You would not be doing something wrong. On the contrary, you would be doing something morally good.

Something similar happens in the case of the Covid-19 vaccines. They are related to murder. So is the kidney in our example. However, the CDF has clarified that getting those vaccines is morally acceptable. This means that, provided one opposes abortion and the evil acts of those who partook in it, such a choice is morally good. We can never forget what the *Catechism of the Catholic Church* underscores as a rule which always and in every case applies to the judgment of conscience: "One may never do evil so that good may result from it."⁶¹

Therefore, if one follows the instructions of the CDF to avoid cooperation in evil, to be vaccinated against Covid-19 is not against the divine moral law. On the contrary, since there are not executed actions that are morally indifferent, it is a morally good act.⁶² And this moral good may be morally binding or obligatory for some individuals, even if it is not made civilly compulsory or obligatory, as a rule for everyone and everywhere.

Pope Francis has been explaining this exact point in his recent messages. To protect the vulnerable and those who cannot receive the vaccine, others *should* be vaccinated. It is their way of promoting the common good and of doing so with charity. The choice-worthiness of the action of being vaccinated is shown by its orientation toward the virtues of justice and charity.

Therefore, we should avoid at all costs labeling vaccinated Catholics as

⁶⁰ For a profound view on the moral theology of cooperation with evil, see Kevin Flannery, *Cooperation with Evil: Thomistic Tools of Analysis* (Washington: Catholic University of America Press, 2019).

⁶¹ CCC, §1789.

⁶² Aquinas explains why there are no human acts that are both executed and morally indifferent in *ST* I-II, q. 18, a. 9.

second-class Catholics who are not serious enough about prolife issues. The Church does not permit evil to achieve good.⁶³ The end never justifies the means. Ideological faith or fanaticism may lead a person with a relativistic mindset to defend his prolife views beyond the measure of reason.

Moreover, an objection of conscience should be made only thanks to an *informed* judgment. The CDF has made clear the principles under which vaccination is morally good. A conscientious objection cannot be based on a judgment in contradiction to that teaching.

Civil Mandate on Vaccines

At the same time, the CDF has expressed that we cannot say that getting the vaccine is a *rule* for everyone. This should not be imposed against the will of citizens. They should choose voluntarily to be vaccinated. This position does not contradict what was said before about the moral goodness of being vaccinated. The key point here is to underscore the role of circumstances in the moral evaluation of an action.

Something that is morally good in its object and intention may not be morally binding for everyone and everywhere, due to particular circumstances. In fact, circumstances have the capacity of altering the very nature of the action chosen. A moral theologian should always keep in mind that his study concerns "human acts according as they are found to be good or evil, better or worse: and this diversity depends on circumstances."⁶⁴

Personal circumstances may make vaccination morally evil for one given individual. However, in these instances, what makes vaccination a morally bad action for a given individual, who follows the instructions from the CDF, is not its being tainted with abortion. Were we to uphold that last view, we would be contradicting ourselves or betraying the principle that evil cannot be done to attain something good.

A very important consideration nowadays in our evaluation of circumstances has to do with the different kind of opinions which one may find concerning medical data. Not all opinions are equally valid. One must carefully distinguish competent and informed medical authorities from those who are not sufficiently competent. Only the former should be informing our moral judgments. Conspiracy theorists often confuse people who do not make this distinction.

Hypothetically, imagine that, for medical reasons accredited by competent authorities, a person whose immune system is severely compromised

⁶³ See CCC, §1789.

⁶⁴ *ST I-II*, q. 7, a. 2, corp.

wants to abstain from vaccination because of his unwillingness to risk his own life. Hence, this person should not be obliged to be vaccinated. Moreover, he should not be out of a job because of it.

A civil law that promotes such a thing is not just. To be forced to risk one's life in this manner is against the natural law. And as Aquinas explains, "if in any point human law deflects from the law of nature, it is no longer a law but a perversion of law."⁶⁵

Precisely because there may be difficult cases like this one, the best way to contribute to the common good and to protect people in these or other circumstances is for the rest of us to be vaccinated.

There is also a reasonable objection of conscience that may take place. A sincere person, who has not yet come to understand the teaching on why getting vaccinated is not a moral evil, despite its relationship with abortion, may need some time to be informed and reach that understanding. Such a person has a right and an obligation to discover the truth and to conform his or her life in accord with it after the truth in question is known, according to *Dignitatis Humanae*. However, in this case, this objection of conscience comes with a severe duty to seek formation of conscience and the virtue of docility, thanks to prayerful reflection and instruction.⁶⁶

Obstinacy due to political convictions should be avoided. Humility and trust in the pope and other competent Church authorities must inform his or her counsel. We are not saying that one should act against his conscience, when this conscience is erroneous. What we are saying is that one can be morally responsible for this error (culpable ignorance), and that he or she should amend the situation as soon as possible, for his or her own good, and for the common good as well. Those most vulnerable and unable to get the vaccine should not be sacrificed at the altar of culpable ignorance, political convictions, and obstinacy.

Three Scenarios

The CDF has affirmed two complementary things regarding the use of the Covid-19 vaccines. First, under certain circumstances such a use is morally acceptable. Second, vaccination should be voluntary and cannot be considered obligatory as a rule for everyone. We have shown how these two statements are in harmony with each other if we abandon the relativistic lenses through which they have been interpreted, appealing either to the primacy of conscience or to the primacy of authority. These two paradigms

⁶⁵ ST I-II, q. 95, a. 2, corp.

⁶⁶ See *VS*, §64.

do not agree with the Catholic faith. The latter offers another view of understanding conscience, authority, and civil disobedience through the lenses of the primacy of truth.

After a brief analysis of some general principles regarding relativism, conscience, civil law, and civil disobedience, we have made a moral evaluation of the vaccine mandate, reaching a threefold conclusion corresponding to three potential and different moral scenarios.

The first scenario could be named “Catholic Civil Disobedience.” In the cases in which the civil mandate of vaccination attempts to compel someone to violate the divine moral law due to his or her circumstances, civil disobedience is completely warranted. The Church should aid these individuals in expressing their religious objection to be vaccinated. One should always obey God before men. It is better to die than to sin.

The second scenario could be named “Comply but Complain.” In the cases in which the vaccine mandate does not have the effect of compelling a sinful behavior, after due formation of conscience, one should carefully consider the social disruption that civil disobedience entails and comply with the law even if it is not completely just. At the same time, one should also make his voice heard and complain about the unjust character of the law.

The third moral scenario could be named “Give Me Some Time.” There can be cases in which people need time to attain the needed formation in order to not act against their conscience. These people, as we mentioned, have a right and a severe obligation to seek, to discover the truth with docility, and to conform their life in accord with it.

In these three scenarios, we can see the primacy of truth at work. They are not inspired by political or ideological premises. They are simply the result of the application of our Catholic moral principles to the question of Catholic civil disobedience and conscience. N.V