



# Medicine & Morals

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## Some Thoughts on Conscience

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The following is not an attempt to “explain” what Pope Francis means in footnote 351 in *Amoris Laetitia*, nor to justify any implications deriving from that document. It is simply a personal recollection of past teaching on conscience and possible acceptable consequences in line with this teaching.



### Internal Forum

What was known as the internal forum solution took place when the marriage was null and void but this could not be proven in court. When the petitioner and his or her confessor agreed on this after serious enquiry, the person could, in good conscience, proceed with a civil marriage as valid before God and receive the sacraments if this could be done without giving scandal. This is still the case, and in no way changes doctrine or pastoral practice.

### Erroneous Conscience and Invincible Ignorance

A person may, after a serious, prayerful effort to form his or her conscience, come to a judgement that is wrong. A person may follow such a conscience, and in fact may be morally bound to do so on occasion. We are told that about 90% of fertile Catholic married couples practice contraception. Do

living in mortal sin? It may be, of course, that most Catholics no longer look at contraception as moral matter and simply follow culture. Not too many priests speak about contraception in homilies. If this be the case, there may well be erroneous conscience involved, but in a different sense than indicated above, one formed after deep prayer and study.

### Church Informing Consciences, not Replacing Them (Pope Francis)

Vatican II in *Gaudium et Spes* (16) make it clear that God meets each human in the depth of his or her conscience. Nothing and no-one can push between a person and God. The meeting is thoroughly personal and sacred.

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

POPE PAUL VI, GAUDIUM ET SPES, #16

The Church, through the work of the Holy Spirit, is there to help people in their judgements of conscience, and this is a great gift. People are not machines, though, and sometimes they cannot understand a teaching in a way that moves their heart. The Church has, in recent years, lost its moral authority in the minds of good people through the serious disagreements among leaders, through clerical sexual abuse and through the modern acceptance of personal autonomy as the uber-virtue.



## **Moral Weakness**

Sometimes a person may know Church teaching on a certain matter, but be without the moral strength here and now to follow this teaching. Some years ago, the great Jesuit moralist, Richard McCormick, discussed a case with non-Catholic colleagues. A married woman with three young children had been abused by her husband for years. Finally, she plucked up courage to escape to another city. The husband found her and gang raped her with two friends of his, and she became pregnant. Desperate, sick, poor and alone, she aborted the child. The non-Catholics said that the abortion was justified. McCormick disagreed, but was convinced that the woman was without subjective guilt, given the circumstances. Pope John Paul II, without reference to this case, agrees with the general principle here (*Evangelium Vitae*).

Some people say that this is not correct. "My grace is sufficient for you," they quote. But this refers to sin, not to moral achievement. No-one is ever forced to sin; God's help is always there to avoid sin. Objective moral rectitude is not guaranteed, though. This brings us to another point. Sin is essentially a subjective reality, yet many people, including bishops, priests and others, speak about "objective sin", which is essentially an oxymoron. We should refer to "immorality" as the objective reality and restrict "sin" to the condition of the subject.

## **"Living in Adultery"**

Let me repeat what I said previously in *"Medicine and Morals"* (Fall, 2016). Many people delight in "umbrella terms". We have a word and we include many different realities underneath this term. For example, male "masturbation" can include a teenager dealing with immature sexual control, a lonely 30-year-old, a person who delights in pornography, a person supplying sperm for infertility testing and so on.

So, with the term "adultery". The classical case is that of a person having an affair, unbeknown to his or her spouse. Is it, though, legitimate to employ the same term to deal with the following case? A woman with three children has been abandoned by

her abusive husband. He has since remarried civilly. Later the woman marries civilly a man who is warm and caring of her and her children. They now have two children of their own. Here and now, do we call their mutually supportive sexual love-making "adultery"? For their own good and for the good of the children, isn't this now a different reality, whatever it was at the beginning?

This is not to call this second union a "marriage", because sacramental marriage is a reality which cannot be terminated except by death. It is, I would claim, in accordance with the mind of Pope Francis to call the union a salvific union, one that is a means of bringing the partners closer to the Lord.

## **Intrinsically Evil**

It is certainly true that some actions are so opposed to the good of a human person or the good of society that they may be termed "intrinsically evil". This means that no reason can ever be given that would morally justify such an action. For example, no amount of good that could be achieved through the direct killing of an innocent human being would ever justify the killing.

This does not mean, however, that all actions that have been considered intrinsically evil in the past truly are intrinsically evil. If these actions truly are intrinsically evil, it would be good to have clearer insights into their nature. Even Pope Paul VI asked the Church to search for better arguments to support his claim that contraception is intrinsically disordered. Despite assertions to the contrary, no such arguments have been forthcoming. The majority of Catholic couples don't find any arguments that are compelling or persuasive. In the present culture, such arguments have to persuade against profound bias.

This is not to propose that some, even many, actions once considered intrinsically immoral should now be considered morally justifiable. It is simply to say that throwing the term "intrinsically evil" at the action is insufficient without sound arguments in support of the claim.

## Conscience and Catholic Health Care

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The historic role of the Catholic health care to serve the common good in a manner consistent with its institutional conscience is often challenged. The foundation which determines what services Catholic health care provides and the limits on what it will do is rooted in our deeply held religious and moral convictions. Catholic health providers are often both criticized and challenged to offer services that conflict with Catholic moral teaching (e.g. abortion, sterilization, prescription of certain drugs, contraception and medical aid in dying). The following piece is based on an article written by Prof. J. Hardt, Neiswanger Institute for Bioethics and Health Policy, Stritch School of Medicine, Loyola University Chicago.

### **Arguments against Conscience in Health Care**

There are those who argue that conscience has little place in the delivery of modern medical care. The argument against conscience is rooted in two concerns. The first has to do with the nature of conscience itself and whether it has a place in the practice of medicine. The second relates to blurring the lines between one's personal moral commitments and one's professional obligations. (Hardt 2008). In a controversial article published in 2006, medical ethicist Julian Savulescu, argues what should be provided to patients is defined by the law and consideration of the just distribution of finite medical resources. Savulescu goes on to say that if people are not prepared to offer legally permitted, efficient, and beneficial care to a patient because it conflicts with their values, they should not be doctors. Conscience, it is feared, may serve as an unassailable and wholly private "moral" refuge. It is frequently cast as

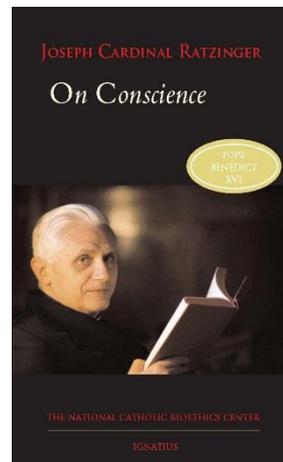
unreasoned in its thinking and potentially at odds with the professional duties of the physician to meet the needs of his or her patient. (Hardt 2008)

Others such as Prof. R. Alta Charo argue that health providers' private morality should be distinct and separate from their professional roles. In such a framework, health care providers have a professional obligation to provide all legally sanctioned medications when patients' requests align with clinical indications regardless of their own personal moral reservations. (Charo 2005)

### **Conscience in the Catholic Tradition: Communally Informed and Character-Forming**

In contrast to the perception of conscience as wholly individual and private, the Catholic conception of conscience is far from an individual and private affair. The origin of the word 'conscience' comes from the Latin roots – *con scientia* - meaning knowledge shared with others or joint knowledge. Its essence is communal in nature.

In Cardinal Joseph Ratzinger essays on conscience, he speaks of this communal nature of individual conscience and the sources that shape it. He considers that Catholic conscience is fed by: one's own natural inclination to discern and do the good and avoid evil, the shared experience of the community in which one lives, reality itself and, finally, divine revelation. (Ratzinger 2006)



Conscience, then, in the Catholic tradition, is yet another way of speaking about the moral life in general, one that is shaped by the Natural Law, lived experience, the community of which we are a part, and the deposit of faith we share as a believing community. (Hardt 2008)

While a person makes a moral judgment as an individual, his or her conscience is informed and nurtured by the sources of the tradition and community from which it comes. In this way, a Catholic position of conscience is shaped in conversation and thinking within a larger moral tradition. Any human decision that bears upon the goodness or badness of an action is an act of conscience. As integrated persons we maintain the fundamental moral commitments of our lives across our various roles. Thus, one cannot be expected to abandon conscience and act amorally in one's professional role or be expected to do that which he or she knows to be wrong even though social mores may expect otherwise.

Our dominant culture increasingly views the moral commitments and values of catholic healthcare as alien or outdated. There is no doubt that our conscience will continue to face challenges both individually and institutionally. Undoubtedly there will be times when uncomfortable tensions will arise in our lives and our work, but we must hold fast to our moral commitments and values rather than accommodating the wishes of others or preserving a consensus that one knows to be morally detrimental.

On conscience and the delivery of health care, Prof. J. Hardt, writes: "Conscience must have freedom to function. It constitutes the moral center of the human person, whether religious

or secular in orientation. This freedom of moral deliberation and judgment cannot be restricted to one's "private" life as morality transcends social and



professional boundaries. While there is little doubt that its presence will create tension, frustration, inconvenience, and ongoing disagreement, it is an absolute necessity if we are to understand ourselves as free human beings."

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## References and Resources

1. John J. Hardt, Some Thoughts on Conscience in the Delivery of Catholic Health Care, *Health Care Ethics USA* [electronic] 2008 Winter; 16(1): 2-4
2. Julian Savulescu, "Conscientious objection in medicine," *BMJ* 332 (February 4, 2006): 294-297.
3. R. Alta Charo, "The Celestial Fire of Conscience—Refusing to Deliver Medical Care," *New England Journal of Medicine* 352 (June 16, 2005): 2471-2473.
4. Cardinal Joseph Ratzinger, *On Conscience* (San Francisco: Ignatius Press, 2006)