



Catholic Social Thought and "the Law"

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There are often times when good people find themselves in serious disagreement with the prescriptions of "the law"—abortion, wars, the treatment of immigrants, the death penalty, etc. In the United States, we have a strong tradition of "the rule of law" to which many appeal as if such an appeal should end debate and assure obedience to legal prohibitions or statutory mandates. Just what is the Catholic position on such conflicts between statute and conscience?

At the Second Vatican Council, the council fathers drew on our long philosophical and theological tradition and reminded us that "political authority ... must always be exercised within the limits of morality and on behalf of the dynamically conceived common good, according to a juridical order enjoying legal status."¹ When authority acts in such a way, then "citizens are conscience-bound to obey."² So much for what we might call "good laws."

The *Catechism of the Catholic Church* sets out clearly the opposite case:

The citizen is obliged in conscience not to follow the directives of civil authorities when they are contrary to the demands of the moral order, to the fundamental rights of persons or the teachings of the Gospel. *Refusing obedience* to civil authorities, when their demands are contrary to those of an upright conscience, finds its justification in the distinction between serving God and serving the political community. "Render therefore to Caesar the things that are Caesar's, and to God the things that are God's."³

"Those who have recourse to conscientious objection must be protected not only from legal penalties but also from any negative effects on the legal, disciplinary, financial and professional plane."

The Vatican's *Compendium of the Social Doctrine of the Church* relates this teaching back to the *Summa Theologiae* of St. Thomas Aquinas, in which he writes, "When, however, a law is contrary to reason, it is called an unjust law; in such a case it ceases to be law and becomes instead an act of violence."⁴

Here, under "unjust laws," we find ourselves thinking of the civil rights demonstrators sitting in at legally segregated lunch counters, Catholic Charities workers refusing a legal mandate to report to authorities undocumented families who come seeking food or shelter, or a nurse refusing to assist at an abortion. They are all engaging in what we might call "civil disobedience" in that they refuse to obey or cooperate with unjust laws and, instead, act in keeping with right reason and the common good—against statutory prohibitions or mandates. The *Compendium* explains that whenever public authority fails its mandate to seek the common good, "it abandons its proper purpose and so delegitimizes itself."⁵

We are most familiar with the concept of "conscientious objection" in the context of military service, when a

person's moral objections to a particular war or war in general leads him or her to refuse to serve in the military or to serve only in a non-combatant capacity. The *Compendium* poses a broader "right to conscientious objection." In discussing the above provision of the *Catechism*, the *Compendium* explains that "unjust laws pose dramatic problems of conscience for morally upright people..." Such people, it says, must refuse to cooperate in morally evil acts, citing Blessed Pope John Paul II writing in *Evangelium Vitae*.⁶ In addition, the *Compendium* follows the teaching of John Paul that, not only is there an "essential right" to conscientious objection, but as the pope indicated, "Those who have recourse to conscientious objection must be protected not only from legal penalties but also from any negative effects on the legal, disciplinary, financial and professional plane."⁷

ENDNOTES

- 1 Second Vatican Council, *The Church Today* (*Gaudium et Spes*), 1965, no. 74.
- 2 Ibid.
- 3 *Catechism of the Catholic Church*, no. 2242.
- 4 Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church* (Washington, D.C.: United States Conference of Catholic Bishops, 2005, 2007), no. 398.
- 5 Ibid.
- 6 Op. cit., no. 399, citing *Evangelium Vitae*, no. 73.
- 7 Ibid., citing *Evangelium Vitae*, no. 74.