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:

> “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 Theologicae 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.”³ 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 “good laws.”

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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 lead 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.
5 Ibid.
6 Op. cit., no. 399, citing Evangelium Vitae, no. 73.
7 Ibid., citing Evangelium Vitae, no. 74.