

## “FAITHFUL CITIZENSHIP” AND THE THEOLOGY OF CONSCIENCE: A REFLECTION ON GRACE, THE WORLD, AND THE 2020 ELECTION

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I would like to dedicate this talk to Rossy Tshimanga, our brother in faith, who was killed on February 25 by Congolese security forces outside St. Benedict’s Church in Kinshasa while engaged in non-violent protest against dictatorship. I say his name with honor. May his memory and prayers inspire us.<sup>1</sup>

I intend in this talk to evaluate the theology of conscience in the document called “Forming Consciences for Faithful Citizenship: A Call to Political Responsibility,” issued every four years by the United States Conference of Catholic Bishops. What is the theology of conscience in the current document, a hold-over from the bitter 2016 election? What should be the theology of conscience in the next iteration of the document, now no doubt already on the minds of bishops and likely to be approved—whatever form it takes—at the November 2019 meeting of the USCCB? And I note the phrase “whatever form it takes” because it’s neither clear that past iterations of the document have been all that effectual<sup>2</sup> nor that in the age of Twitter and YouTube the best means of communicating with the social-media-saturated people of God is dry, discursive text. But in whatever form the bishops deploy Catholic teaching in the certain maw of the 2020 American election, there will have to be implicitly or explicitly a theology of conscience playing a crucial role in the effort.

Here are the three steps to my argument. First, the theology of conscience in the next iteration of Faithful Citizenship should be consistent with recent work by Pope Francis on conscience and aptly described by James Keenan as setting conscience free “to be fully itself.”<sup>3</sup> Second, the theology of conscience should detach itself from an overly self-referential concept of the freedom of the church and instead be re-connected with the mission of the Church articulated by John Courtney Murray: That the freedom of the Church “stands or falls” with the freedom of the people—where the freedom of the people is understood especially in terms of the human rights that are essential for the common good of constitutional democracy.<sup>4</sup> And, third, the theology of conscience of the next iteration of Faithful Citizenship should be connected clearly to the concept

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<sup>1</sup> Catholic News Service, “Congo’s Bishops: Two killed during protests against ‘dictatorship,’” February 26, 2018, <http://www.catholicnews.com/services/englishnews/2018/congos-bishops-two-killed-during-protests-against-dictatorship.cfm> (accessed on 6/19/18).

<sup>2</sup> Cathleen Kaveny, “Voting and Faithful Citizenship,” in *Law’s Virtues: Fostering Autonomy and Solidarity in American Society* (Washington, DC: Georgetown University, 2012), 189–218, at 189.

<sup>3</sup> James F. Keenan, “Receiving *Amoris Laetitia*,” *Theological Studies* 71 (2017): 193–212, at 203.

<sup>4</sup> John Courtney Murray, S.J., “The Schema on Religious Freedom: Critical Comments,” 1964, Murray Archives, Georgetown University (Murray is commenting here on the efforts of John XXIII to link the freedom of the Church not simply to the “human quality of society” but also to the modern, civil freedoms that are the primary safeguard of the common good. See *Pacem in terris* 60; and Leon Hooper, S.J., *The Ethics of Discourse: The Social Philosophy of John Courtney Murray* (Washington, DC: Georgetown University, 1986), 135–36.

of the *sensus fidelium* and to the related idea of our shared mission in Christ—grace at work in the world—understood in terms of the baptismal imagery of priest, prophet, and ruler.

Of course, Pope Francis has boldly affirmed the importance of respecting the conscience of the laity. "We have been called to form consciences, not to replace them," he famously said in *Amoris Laetitia*.<sup>5</sup> When he added in *Gaudete et Exsultate* that the "lives of the poor, those already born, the destitute, the abandoned and the underprivileged, the vulnerable infirm and elderly exposed to covert euthanasia, the victims of human trafficking, new forms of slavery, and every form of rejection" are "equally sacred" to the "innocent unborn," he not only argued against the prioritization given in Faithful Citizenship to issues of "intrinsic evil" like the opposition to legalized abortion, but he also advanced a theology of conscience less attuned to abstract propositions about acts and more attuned to the concrete person in need sitting at the kitchen table, knocking at the front door, waiting even now in some holding pen along the border.<sup>6</sup> Indeed, Francis embeds conscience in history, relationship, and complexity. He qualifies the orientation of conscience to conceptual absolutes. Instead, the one absolute to which conscience is oriented—an absolute that, in any case, is always mediated—is our experience of the relationship of God's love in Christ through the Spirit.<sup>7</sup> Thus, for Francis, conscience signals the singularity of a person—but it is always a person in relation and especially in relation to the mystery of God.<sup>8</sup> As such, conscience is a capacity that allows men and women to make moral and spiritual sense of the limits and complexities of a changing life. And conscience is oriented to truth and the moral law – but also more clearly embedded in a world of embodiment, emotion, freedom, value, and grace. Where, then, Joseph Ratzinger anchored conscience in the ontological memory of anamnesis, Francis complements this by orienting conscience to the change and growth that redemptive grace makes possible—and thus to the One who opens up a once-closed future and whom Francis calls the "God of surprises."<sup>9</sup> Finally, Francis' respect for the consciences of the laity blends well with his emphasis on the *sensus fidelium* or the gift of the Holy Spirit to the whole

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<sup>5</sup> *Amoris Laetitia*, 37.

<sup>6</sup> *Gaudete et Exsultate*, 101.

<sup>7</sup> "Letter to a Non-Believer: Pope Francis Responds to Dr. Eugenio Scalfari, Journalist of the Italian Newspaper 'La Repubblica,'" September 4, 2013, available at [http://w2.vatican.va/content/francesco/en/letters/2013/documents/papa-francesco\\_20130911\\_eugenio-scafari.html](http://w2.vatican.va/content/francesco/en/letters/2013/documents/papa-francesco_20130911_eugenio-scafari.html) (accessed on 6/19/18). Pope Francis wrote to Scalfari: "...you ask me whether it is erroneous or a sin to follow the line of thought which holds that there is no absolute, and therefore no absolute truth, but only a series of relative and subjective truths. To begin with, I would not speak about "absolute" truths, even for believers, in the sense that absolute is that which is disconnected and bereft of all relationship. Truth, according to the Christian faith, is the love of God for us in Jesus Christ. Therefore, truth is a relationship."

<sup>8</sup> Pope Francis, "A Big Heart Open to God: An Interview with Pope Francis," Antonio Spadaro, *America*, September 30, 2013; available at <https://www.americamagazine.org/faith/2013/09/30/big-heart-open-god-interview-pope-francis> (accessed on 6/19/2018).

<sup>9</sup> "Big Heart Open to God" and Joseph Ratzinger, "Conscience and Truth," in *Crisis of Conscience*, ed. John M. Haas (New York: Crossroad, 1996), 1–20, at 12–15.

Church for receiving and applying God's self-revelation.<sup>10</sup> In particular, he calls for the formation of conscience consistent with the sense of faith informed by the experience of the poor.<sup>11</sup>

But what are the signs of these deeply troubling political times to which such developments should respond in the next iteration of Faithful Citizenship?

I think the times demand that we focus on the relationship of the Gospel to the political as such. I mean by saying this that economic and cultural concerns are crucial but that the most fundamental challenge that we face—in terms of the focus of Faithful Citizenship—pertains to the liberal democratic political order in itself. I have no illusions about the imperfections of such a political order. But for the sake of core principles of Catholic social thought (freedom of conscience and religious freedom, human dignity and the common good, subsidiarity and solidarity) this order is worth preserving. And I have hopes for the continuing reform of such an order on the basis, among other things, of a far less individualistic, far more situated understanding of freedom. But at bottom I agree with the argument of *Washington Post* columnist E.J. Dionne: “If liberal democracy does not survive and thrive, every other problem we face becomes much more difficult.”<sup>12</sup> The threat is global; The emergence of “strong man” authoritarian and usually populist governments in the United States, Russia, China, Turkey, India, Egypt, Congo, Venezuela, Hungary, Poland, and the Philippines (among other countries) gives evidence. Some of these governments preserve a veneer of democratic freedoms. But all of them—at least in terms of their current leadership—are in principle hostile to an unambiguous defense of the classic constitutional political freedoms and related human rights. And most of these governments are committed to an ethnic or racial or religious nationalism as a matter of principle and as a means by which to stoke resentment and solidify power.

Cathleen Kaveny has argued that Faithful Citizenship has been too focused on issues alone and not enough on the character of politicians. After all, she said, the actual choice before voters always involves assessing the capacities of a particular politician to effect change on certain issues. She has also argued that it is important to distinguish issues as fundamental, and/or urgent, and/or amenable to improvement.<sup>13</sup> I think Kaveny's suggestions point toward a better way of reflecting on conscience and political choices. I also think her suggestions are especially helpful in the present fraught political moment in which we are often shockingly if-no-longer-surprisingly confronted by the authoritarian vices of the president and by repeated political developments that threaten our constitutional order. Accordingly, I believe a theology of conscience at this time should be especially attuned to the virtues, vices, practices, norms, culture, and structures—and related fundamental and urgent issues—that pertain to the endurance and renewal of the liberal democratic order in the United States.

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<sup>10</sup> “Big Heart Open to God,” and *Evangelii Gaudium* 119–20.

<sup>11</sup> *Evangelii Gaudium*, 198.

<sup>12</sup> E.J. Dionne, “The Most Consequential Question Facing the World,” *The Washington Post*, August 23, 2017; [https://www.washingtonpost.com/opinions/the-most-consequential-question-facing-the-world/2017/08/23/3d2f514-7eb3-11e7-83c7-5bd5460f0d7e\\_story.html?utm\\_term=.0220217c382d](https://www.washingtonpost.com/opinions/the-most-consequential-question-facing-the-world/2017/08/23/3d2f514-7eb3-11e7-83c7-5bd5460f0d7e_story.html?utm_term=.0220217c382d) (accessed on July 30, 2018).

<sup>13</sup> Kaveny, “Voting and Faithful Citizenship,” *Law's Virtues*, 199–206.

## Setting Conscience Free to Be Fully Itself

Given developments in the theology of conscience and the challenge of these political times, what are steps to be taken in the integration of a theology of conscience into the revision of Faithful Citizenship?

The first step is to set conscience free to be fully itself. The idea here is manifold: to associate conscience more clearly with its own capacity for moral truth; to embed that capacity in a concrete world; and by these steps to set conscience free to respond to grace at work in the world. The need for these steps arises from the deficiently ratifying nature of conscience in Faithful Citizenship. To be sure, the bishops state in the document that they are not telling Catholics how to vote.<sup>14</sup> They also acknowledge the importance of the link of conscience and prudence, with the moral virtue accorded a distinctive and even courageous role in applying the truth of unchanging moral principles to the circumstances facing a voter.<sup>15</sup> But the weight of Faithful Citizenship falls on the side of constraining the conscience to vote in ways that the bishops consider consistent with the "whole truth in authentic love,"<sup>16</sup> a consistency especially evident in the rejection of law and policy construed to support actions falling in the category of intrinsic evil. By putting things in this way, the bishops affirm that conscience derives its dignity from its correspondence with the truth manifest especially in certain universal, negative commandments. These negative norms bear the objective weight here; the conscience of the Catholic voter plays a ratifying, functional role. One attains truth by accepting the universal, negative norm in all its apparent applicability or dallies with subjectivism by deciding otherwise.

But this is too cut-and-dried a way of thinking about conscience and truth. Michael Lawler and Todd Salzman, commenting on Pope Francis' theology of conscience, have argued that objective norms assist conscience in the moral assessment of particular situations, but, Lawler and Salzman note, conscience plays its part as well in this process. Each person relies on what they call the "objective orientation of conscience" to assess the relevance of the norm to all of the circumstances of a particular historical or cultural context. This process leaves us with complementary objectivities provided by the norm and conscience from which emerges moral truth.<sup>17</sup> These observations pertinent to fundamental theology complement work in political theology relevant to conscience by Kaveny who, for instance, offers a Thomistic account of the complexity of moving from conscientious conviction to actual legislation. To acknowledge such complexity is not a concession to evil but recognition of the incarnate, concrete reality amid which conscience should seek to shape good laws that lead people to virtue.<sup>18</sup>

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<sup>14</sup> Faithful Citizenship, 7.

<sup>15</sup> *Ibid.*, 19.

<sup>16</sup> *Ibid.*, Introduction.

<sup>17</sup> Michael G. Lawler and Todd A. Salzman, "In *Amoris Laetitia*, Francis' Model of Conscience Empowers Catholics," *National Catholic Reporter*, September 7, 2016; <https://www.ncronline.org/news/theology/amoris-laetitia-francis-model-conscience-empowers-catholics> (accessed on 6/19/2018).

<sup>18</sup> Kaveny, Preface, *Law's Virtues*, xi-xii. Virtuousness and justice alone are not enough for good law. Rather, drawing on Aquinas' use of 7<sup>th</sup> century Isidore of Seville's philosophy of law, Kaveny argues that good law should be virtuous, just, possible to nature, attuned to the

In light of such theological developments, I think it can be helpful to re-imagine the meaning of the striking image offered years ago by theologian Timothy O’Connell: conscience kneels before the truth.<sup>19</sup> Everyone agrees that this should be the case. But what can this phrase mean in a way that vindicates the potential for agency and objectivity and relationality of the conscience of the one kneeling? The work of Australian theologians Tom Ryan and Daniel Fleming puts flesh on the bones of the kneeling conscience. Ryan draws on the work of John Paul II and *Gaudium et spes* to argue that we should think of the fundamental intuitions of conscience toward the true and the good less in terms of clear, discursive principles of practical reason and more in terms of moral intuitions arising from visceral encounters with others and with the concrete and natural world. Thus, for Ryan, our primary moral awareness is anchored in embodiment and relationship, with all of the associated vulnerabilities, emotional complexities, and possibilities of bias.<sup>20</sup> Fleming, then, builds on Ryan’s articulation of such a primordial conscience to argue that conscience is best understood as kneeling first before our awareness of the call of responsibility toward others—and only on the basis of that experience then moves toward the discernment of moral truth.<sup>21</sup>

Vaclav Havel, no stranger to difficult political times, at the height of the Cold War beautifully evoked a picture of such a primordial conscience set free to be fully itself and thus to be ready to engage with politics. He said:

Our “I” [or conscience] primordially attests to [the] world and personally certifies it; that is the world of our lived experience, a world not yet indifferent since we are personally bound to it in our love, hatred, respect, contempt, tradition, in our interests and in that pre-reflective meaningfulness from which culture is born. That is the realm of our inimitable, inalienable, and nontransferable joy and pain, a world in which, through which, and for which we are somehow answerable, a world of personal responsibility. In this world, categories like justice, honor, treason, friendship, infidelity, courage, or empathy have a wholly tangible content, relating to actual persons and important for actual life. At the basis of this world are values which are simply there, perennially, before we ever speak of them, before we reflect upon them and inquire about them.<sup>22</sup>

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custom of a country, suitable to time and place, necessary, useful, clearly expressed, and framed for no private benefit but for the common good.

<sup>19</sup> Timothy O’Connell, *Principles of Catholic Morality* (New York: Harper Collins, 1990), 91.

<sup>20</sup> Tom Ryan, S.M., “Conscience as Primordial Moral Awareness in *Gaudium et spes* and *Veritatis Splendor*,” *Australian eJournal of Theology* 18.1 (April 2011): 83–96, at 86–88, 96.

<sup>21</sup> Daniel Fleming, “Primordial Moral Awareness: Levinas, Conscience, and the Unavoidable Call to Responsibility,” *The Heythrop Journal* LVI (2015): 604–18, at 612.

<sup>22</sup> Vaclav Havel, “Politics and Conscience,” UNIV, [http://www.univforum.org/sites/default/files/HAVEL\\_Politics%20Conscience\\_ENG.pdf](http://www.univforum.org/sites/default/files/HAVEL_Politics%20Conscience_ENG.pdf), (accessed on 6/19/2018). A note accompanying the posting of the speech online explains: “In February 1984, Václav Havel wrote this speech on the occasion of receiving an honorary doctorate from the University of Toulouse. He was unable to deliver the speech on 14 May 1984 and was represented by English Playwright Tom Stoppard. The essay first appeared in Czech in *The Natural World as Political Problem: Essays on Modern Man* (Prague, 1984).

## Conscience, Religious Freedom, and the Freedom of the People

The first step, then, is to free conscience to be fully itself. But free for what? Here it is important to connect conscience to mission, referenced in Faithful Citizenship but far more emphasized by Pope Francis as the very heart of his papacy. I'd like to speak of conscience and mission in light of two related theological themes: first, religious freedom, and, in the next section, the *sensus fidelium*. A theology of conscience is inevitably affected by how these related theological themes are understood.

How does the theology of conscience in Faithful Citizenship connect to religious freedom, understood in part as the freedom with which the Church pursues its mission to the political order? Faithful Citizenship is clear on the centrality of mission: "We are called to participate in public life in a manner consistent with the mission of our Lord," the bishops say at the outset of the document.<sup>23</sup> But it is important to see two problems with the document's conception of mission, both having to do with ways Faithful Citizenship portrays religious freedom and both having important implications for the theology of conscience. First, the document adverts in its closing pages to grounding the right to religious freedom in human dignity.<sup>24</sup> But more often and more prominently the document bases the right to religious freedom in religion itself.<sup>25</sup> In doing so, Faithful Citizenship shares in a mode of argument with moral theories that situate the right to religious freedom within a more fundamental set of basic goods to which practical reason is oriented—and with one of the chief among these basic goods being religion itself.<sup>26</sup> In this view, the good has priority over the right and the right to religious freedom and its connection to human dignity is seen as necessary but functional, not so much an exigency flowing from human nature but more a means by which the truth of religion may be pursued. In a similar fashion, Faithful Citizenship renders the right to religious freedom more as a matter belonging to the Church and less as a right belonging to human beings as such. What's at stake in many matters of religious freedom, the document argues, is the Catholic conscience but not so much of a Catholic or a Muslim or an atheist or a woman seeking contraception in her health insurance plan or a gay couple seeking a wedding cake.

Call it what you will—the basic good of religion, truth, the corporate identity of the Church—these categories provide the better part of the justification of religious freedom in Faithful Citizenship. And they correspondingly provide the content that informs the document's vision of the Church's mission to the political order. In one section of the document, the bishops speak of religious freedom insofar as religion is a haven to society because it provides moral qualities having their basis in God's will.<sup>27</sup> In other sections, the bishops note that it is "central to the mission of the Church" to

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Erazim Kohák and Roger Scruton translated it into English for the Salisbury Review, no. 2 (January 1985). This translation is used here."

<sup>23</sup> Faithful Citizenship, 1.

<sup>24</sup> *Ibid.*, 72.

<sup>25</sup> *Ibid.*, 4.

<sup>26</sup> See, for instance, Robert P. George, "Religious Liberty: A Fundamental Human Right," in *Conscience and Its Enemies: Confronting the Dogmas of Liberal Secularism* (Wilmington, DE: ISI Books, 2013), 115–25, and Christopher Tollefsen, "Conscience, Religion, and the State," *American Journal of Jurisprudence* 54.1 (January 1, 2009): 93–115.

<sup>27</sup> Faithful Citizenship, 4.

“teach truths in public life.”<sup>28</sup> Indeed, more than anything, in Faithful Citizenship the Catholic conscience in union with the hierarchical Church is on mission to the political order by witnessing to the “whole truth in authentic love.”<sup>29</sup>

I think there is a better way for the theology of conscience in the next iteration of Faithful Citizenship to be integrated with the concepts of religious freedom and mission. First, conscience should be connected more specifically to human dignity as the ground of the right to religious freedom. This would conform more specifically to the letter of the *Declaration on Religious Freedom*.<sup>30</sup> But doing so would also allow conscience to be connected more closely to the historical and relational sense of conscience in the theology of Pope Francis. In a commentary, John Courtney Murray argued that human dignity in the *Declaration on Religious Freedom* “consists formally in a person’s responsibility for self and the world” and that the “primordial demand” of dignity is that a person acts by one’s own counsel, in freedom, and moved internally by the risk of one’s whole existence. Murray also argued that dignity was at once ontological and social and thus that a crucial dimension of dignity like conscience could not be isolated from history and relationship.<sup>31</sup> By more persuasively associating conscience with dignity and freedom, these arguments more clearly extend the rights of conscience to everyone within and outside the Church. Also, by associating conscience with a more historical notion of dignity, it is possible to see conscience more clearly situated in a world of conflicting claims, difficult balancing acts, and hard trade-offs.

By turning to human dignity, we can also conceive more broadly of the mission of the Church to which conscience is oriented. Here I think, for instance, of Murray’s observation that the word “dignity” has a personal and political reference. On the one hand, it refers to the ground of the right to religious freedom and thus to juridical limits on the power of the state. On the other hand, dignity is associated with “popular constitutionalism: that is, that the people, not the state, are the main agents of the ethical direction of society, including the definition of the proper constitutionally limited role of government.”<sup>32</sup> On the basis of such assumptions, Murray argued on behalf of understanding the mission of the Church in terms of the “conjoining of the church’s freedom to exercise its rightful concern for the common good with the people’s...freedoms [with such freedoms, Murray argued, understood especially as the ‘interrelated and interdependent individual democratic rights’].”<sup>33</sup> “The two freedoms [of the Church and the people] are inseparable,” Murray said, “in fact, they are identical. They stand or fall together.”<sup>34</sup> In his 2015 speech at Independence Hall in

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<sup>28</sup> Ibid., 11.

<sup>29</sup> Ibid., Introduction.

<sup>30</sup> *Declaration on Religious Freedom*, 2.

<sup>31</sup> John Courtney Murray, “Arguments for the Human Right to Religious Freedom,” Woodstock Theological Library; <https://www.library.georgetown.edu/woodstock/murray/1968> (accessed on 6/19/18).

<sup>32</sup> J. Leon Hooper, *The Ethics of Discourse*, 132. See also Murray, “The Problem of Religious Freedom,” *Theological Studies* 25 (1964): 503–75. “The Problem of Religious Freedom” is also available at the website of the Woodstock Theological Library at <https://www.library.georgetown.edu/woodstock/murray/1964e> (accessed on 6/19/18).

<sup>33</sup> J. Leon Hooper, *The Ethics of Discourse*, 135.

<sup>34</sup> Murray, “The Problem of Religious Freedom,” <https://www.library.georgetown.edu/woodstock/murray/1964e> (accessed on 6/19/18).

Philadelphia, Pope Francis spoke of religious freedom in terms similar to the arguments advanced by Murray. Francis primarily referred to religious freedom in terms of the concept of human dignity. And he also pointedly connected the religious freedom of the Church with the religious freedom of other religious traditions: Of all such religions, he said: "At the heart of their spiritual mission is the proclamation of the truth and dignity of the human person and human rights."<sup>35</sup> In putting things in this way, conscience is both freed to be fully itself and to be on mission in service to the freedom of the people understood especially in terms of constitutional and human rights.

### Conscience, the *Sensus Fidelium*, and Mission to the Political Order

For the next iteration of Faithful Citizenship, it will also be important to connect the theology of conscience to mission understood in terms of the *sensus fidelium*. Of course, Pope Francis has recovered an emphasis on this ancient doctrine, understood as the "supernatural sense of faith of the entire people of God."<sup>36</sup> And he has made this emphasis theoretical and pastoral, discussing the doctrine in various texts and vivifying it through the open dialogue of deliberative synods.<sup>37</sup> At the least, the recovery of the *sensus fidelium* calls into question the reliance on the more heavily hierarchical, teaching-and-learning model of the Church favored to date by Faithful Citizenship. The next iteration of the document surely should draw more on the insights of all of the faithful.

In his recent writing on conscience, James Keenan has called specifically for a deeper integration of the theology of conscience with the *sensus fidelium*. Such integration has been slow in coming, he said, because theology has generally paid little attention to conscience or to the *sensus fidelium* and because many in the hierarchy haven't been very interested anyhow in such matters.<sup>38</sup> Moreover, he adds, the Catholic Church in the United States has had an especially difficult time integrating the *sensus fidelium* and conscience into its thought and practice. On the one hand, since the Second World War the American church has favored a strong sense of obedience to the hierarchy—a disposition in tension both with the integrity of conscience and with the horizontal emphasis of the *sensus fidelium*. On the other hand, the prevailing postwar American view of conscience has centered almost entirely on individual freedom of conscience from imperious law or command—think of the evangelical Christian Colorado baker refusing to make a wedding cake for two gay men intending to marry. To be sure, the prophetic image of the uncompromising witness of conscience to the moral law in the face of coercive power has its time and place: The examples of St. Thomas More and soon-to-be saint Oscar Romero ring down the ages. But, Keenan argues, this lonely, heroic image of conscience has in effect become in American

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<sup>35</sup> "Pope Francis' remarks during meeting for religious freedom at Independence Hall," *Crux*, September 26, 2015; <https://cruxnow.com/papal-visit/2015/09/26/pope-francis-remarks-during-meeting-for-religious-freedom-at-independence-hall-english/> (accessed on 6/19/18).

<sup>36</sup> *Lumen gentium*, 12.

<sup>37</sup> See, for instance, "A Big Heart Open to God"; *Evangelii Gaudium*, 119–21; and International Theological Commission, "*Sensus Fidei* in the Life of the Church," 2014, [http://www.vatican.va/roman\\_curia/congregations/cfaith/cti\\_documents/rc\\_cti\\_20140610\\_sens-us-fidei\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/cti_documents/rc_cti_20140610_sens-us-fidei_en.html) (accessed on 6/19/18).

<sup>38</sup> James F. Keenan, S.J., "Redeeming Conscience," *Theological Studies* 76 (2015): 129–47, at 131.

culture the only model of conscience to which we appeal, and this narrowcasting of conscience has stunted the emergence of conscience set free to be itself. Keenan calls this stunting the “arrested development of the American conscience”<sup>39</sup> and sees it manifested in such vices as a radical individualism that negates an appropriate sense of individuality; in a blindered rejection of solidarity with the poor and with the natural world; in a self-righteousness fueled by an equal proportion of self-deception; and by rashness that reaches for the nearest gun instead of courage that faces the racist American past erupting unredeemed into the present.<sup>40</sup>

How might Faithful Citizenship integrate conscience and *sensus fidelium* in a way that responds to the “arrested development of the American conscience”? I would like to suggest the re-imagining of conscience and *sensus fidelium* in terms of the multi-faceted imagery of being baptized into mission as priests, prophets, and rulers. Such imagery would respond to Keenan’s concern about the narrowcasting of conscience in the American church; the prophetic model of conscience as witness could be retained but complemented with conscience rendered in a priestly and ruling key. Moreover, such imagery would also connect conscience more clearly to the *sensus fidelium*. In a recent article, theologian Anthony Ekpo argued for the recovery of the *sensus fidelium* precisely in the key of sharing in the three-fold office of Christ. *Lumen gentium*, he noted, refers to the participation of the people of God primarily in Christ’s prophetic office. This is true, so far as it goes. But, Ekpo argues, the singular focus on sharing in the prophetic office suffers from an ambiguity in the conciliar document about how precisely the whole people of God and the magisterium share in this charism. And this ambiguity, Ekpo says, allows the reflexive return of the problematic model of the teaching and learning Church. By turning instead to the imagery of the three-fold office, we can see conscience disposed to participate more fully in the grace of Christ’s prophetic—and priestly and ruling—mission.<sup>41</sup>

What, more specifically, might the appeal to such imagery in a theology of conscience oriented to mission look like in a future version of Faithful Citizenship? First, with regard to the prophetic office, the document should draw on the insight of the whole people of God and especially the poor. Moreover, the document should pair its appropriate reluctance to tell the Catholic laity how to vote with an outspoken, prophetic advocacy for the right to vote (among many other matters of political practice about which to be prophetic). There is no justification whatsoever for the voter suppression tactics now being practiced throughout the United States. By taking such a stand, the document would signal that conscience is not only implicated in intra-ecclesial matters but also in the arbitrary denial by law of voting as an expression of

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<sup>39</sup> James F. Keenan, “The arrested development of the American conscience in moral decision making,” *America*, December 22, 2016; <https://www.americamagazine.org/arts-culture/2016/12/22/arrested-development-american-conscience-moral-decision-making> (accessed on 6/19/18).

<sup>40</sup> Keenan, “Redeeming Conscience,” 134–36.

<sup>41</sup> Anthony Ekpo, “The *Sensus Fidelium* and the Threefold Office of Christ: A Reinterpretation of *Lumen Gentium* no. 12,” in *The Sensus Fidelium and Moral Theology: Readings in Moral Theology No. 18*, ed. Charles E. Curran and Lisa A. Fullam (Mahwah, NJ: Paulist Press, 2017): 91–112. Ekpo’s article first appeared in *Theological Studies* 76 (2015): 330–46.

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the dignity of conscience on the part of each voter and as a right that is an inalienable freedom of the people.<sup>42</sup>

What of the priestly mission of conscience toward the freedom of the American people? Here I think especially of the priestly, mediating, and even sacrificial or expiatory mission to the greatest sign of our stunted American conscience: The way we have been misshaped by our history of slavery, Jim Crow, lynching, mass incarceration, police shootings, and birtherism. Such a mission could involve in particular, as Keenan suggests, fostering an indispensable virtue of conscience: humility before the truth of this past and present.<sup>43</sup> Thus it would be a humility ever-ready to say with the Psalmist amid the apparent certitude of our conscience: "Cleanse thou me of my unknown faults."<sup>44</sup> And it would be conscience disposed toward the humility associated with Christ's redemptive mission. In his discussion of the American conscience, Keenan has argued that when we discover our sinfulness, we discover our freedom; we discover sinfulness and redemption together because it is only by being redeemed that we can know our sinfulness.<sup>45</sup> Who knows how a priestly, mediating effort by the Church in the United States to face the sins of our past—a sorely needed event of grace at work in our world—might lead to a renewal of the meaning of the freedom of the people?

Finally, what of the ruling nature of conscience on mission to the freedom of the people? Here thinking of conscience in the key of "rule" suggests that the next iteration of Faithful Citizenship should address what John Courtney Murray called the "constitutional consensus" by which we rule ourselves and become a people. In a recent speech, Bishop Robert McElroy described the consensus as "the glue which held America together, through common moral and spiritual values rather than ties of blood or nationalism." But, McElroy added, the consensus has been shattered and "our national soul has truly been hollowed out."<sup>46</sup> What to do to restore this? McElroy argues that the renewal of the consensus should be founded on solidarity understood as the recognition in light of grace that we are all debtors of the society of which we are a part. Accordingly, we should foster the formation of conscience in terms of the beliefs, norms, practices, and institutions by which our democratic society of self-rule

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<sup>42</sup> For a discussion of the moral nature of voting, see Kaveny, "Voting and Faithful Citizenship," *Law's Virtues*, 191, 211; and Maureen O'Connell, "Can You Sin When You Vote?" in *Voting and Holiness*, 197–214. The *Compendium of the Social Doctrine of the Church* says of the values informing an act like voting and democracy more broadly: "An authentic democracy is not merely the result of a formal observation of a set of rules but is the fruit of a convinced acceptance of the values that inspire democratic procedures: the dignity of every human person, the respect of human rights, commitment to the common good as the purpose and guiding criterion for political life. If there is no general consensus on these values, the deepest meaning of democracy is lost and its stability is compromised." See *Compendium*, nos. 406–08; [http://www.vatican.va/roman\\_curia/pontifical\\_councils/justpeace/documents/rc\\_pc\\_justpeace\\_doc\\_20060526\\_compendio-dott-soc\\_en.html#Values%20and%20democracy](http://www.vatican.va/roman_curia/pontifical_councils/justpeace/documents/rc_pc_justpeace_doc_20060526_compendio-dott-soc_en.html#Values%20and%20democracy) (accessed on 6/19/18).

<sup>43</sup> Keenan, "Arrested Development."

<sup>44</sup> Psalm 19.

<sup>45</sup> *Ibid.*

<sup>46</sup> Robert McElroy, "Religious Freedom Today," Speech Given at Georgetown University, November 16, 2017. Text provided by Bishop McElroy.

is able to exist at all. Here I think of civil dialogue and shared truth, the rejection of tribalism, the separation of powers, the independence of the judiciary, the significance of scientific research, and more.<sup>47</sup> To take on such tasks in the next iteration of Faithful Citizenship would be an instance of the ruling conscience on mission to the freedom of the people.

## **Conclusion**

I would like to end with an acknowledgment of another inspiration for this talk in addition to Rossy Tshimanga: An article by African theologian Clement Majawa called “Church as Conscience of the State: Christian Witness in Politics for the Transformation of Africa.”<sup>48</sup> I am aware of the range of church-state positions from the sectarian to the establishmentarian. But I was struck by Majawa’s argument that the Church, while respecting the autonomy of the political order and seeking no favors from it, could nevertheless take on itself a spirit of mission toward the beliefs, practices, and institutions of politics itself. With the difficult political times in the United States, I think Majawa’s thesis has something important to say to us. I am indebted to his insights for my central points: that the next iteration of Faithful Citizenship should adopt a theology of conscience freed to be itself; in service to the freedom of the people; and associated with mission to the political order as priest, prophet, and ruler.

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<sup>47</sup> Ibid.

<sup>48</sup> Clement Majawa, “Church as Conscience of the State: Christian Witness in Politics for the Transformation of Africa,” *African Ecclesial Review* 56, Nos. 2&3 (2014): 151–81.