

The Rights of Conscience: The Rise of Tradition in America's Age of Fracture, 1940-1990

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The Rights of Conscience: The Rise of Tradition in America's Age of Fracture, 1940-1990

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In the 1960s and 1970s American Catholics invoked conscience inordinately. They claimed to possess “sacred rights of conscience.” Catholics produced a thick psychological literature on the formation of conscience. They also made clear that conscience could never be handed over to an authority figure, whether in the church or state. The term conscience became a keyword in the rights discourses of the late twentieth century. This dissertation seeks to explain why Catholics invoked conscience so frequently. It also hopes to show how conscience became important to the rights vernacular of the era. Catholics invoked conscience frequently in an effort to remain in and expand tradition. Catholics had theology of conscience with roots in the 13th century work of Thomas Aquinas and appearing in mainstream texts throughout the 1940s and 1950s. This study also shows how the human rights advocates of Amnesty International and a community of mainline Protestants appropriated the Catholic theology of conscience and used it for their own purposes. The 1960s and 1970s, rather than witnessing the end of tradition, facilitated its growth.

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PREFACE

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INTRODUCTION

In the midst of the political and social crises that shook American society in the 1960s and 1970s – the Civil Rights Movement, sexual liberation, the Vietnam War, and the loss of respect for authority typified by Watergate – a specific Catholic tradition carried, expanded, and ultimately flourished even among non-Catholics. This dissertation is an attempt to understand why a vocabulary of conscience swept across the United States in the 1960s, 1970s, and 1980s. During this period, Catholics deployed a theologically informed vocabulary of conscience in response to artificial birth control, mass conscription, and disillusionment with authority figures. The theology of conscience, advanced by Thomas Aquinas in the thirteenth century, was a traditional moral framework. It held that, as laws lost authority or became unjust, individuals could follow conscience. Increasingly, as Catholics and other Americans called the authority of law into question, they made the shift to conscience. Conscience talk – a moral vocabulary spread by American Catholics and subsequently adopted by Liberal Protestants and human rights activists – ultimately brought countless Americans into a traditional moral imagination as revolutionary changes appeared to diminish the capacity of laws to organize moral life.

Exploring why a vocabulary of conscience spread throughout the United States in the second half of the twentieth century will help historians understand how American

Catholics, members of the largest religious denomination in the nation, responded to the cultural revolutions of the 1960s and 1970s and how they influenced American society's broader reaction to an era of immense change. American Catholics, far from serving merely as the foil for Protestant America or "the modern," exerted significant influence on American life in the second half of the twentieth century. Catholics were uniquely influential in American society in the 1950s as a result of the Cold War. Celebrations of suffering and sacrifice made Catholics ideal citizen-warriors in the global struggle against communism.¹ Catholics also built an immense institutional apparatus over the course of the twentieth century, beginning with the parish and extending to a robust university system, second in institutional capacity only to the state and federal governments.² Conscience talk pervaded the Catholic responses to the sexual revolution, the Vietnam War, and the general loss of confidence in authority in America. Conscience talk then surged in the cases Liberal Protestants and Catholics made for amnesty just after the Vietnam War, in the embrace of developmental psychology among Protestants and Catholics in the 1970s, and in the human rights work of Amnesty International, a Nobel Peace Prize-winning group with Liberal Protestants and Roman Catholics working at both its executive and local levels. Upon investigation, from historical analysis reaching back to the 1940s and 1950s, the vocabulary of conscience did not bespeak desires for existential liberation or sexual autonomy; it communicated a deep desire to act on a moral proposition rooted in late medieval natural law. To explain why conscience vocabulary spread across the United States in the 1960s, 1970s, and 1980s, is, then, an attempt to

¹ Seth Jacobs, *America's Miracle Man in Vietnam: Ngo Diem, Religion, Race, and U.S. Intervention in Southeast Asia* (Durham and London: Duke University Press, 2004): 60-87.

² John T. McGreevy, *Catholicism and American Freedom: A History* (New York: W.W. Norton, 2004).

understand the moral imaginations of countless Americans in a time of tremendous change. Ultimately, Americans spoke a vocabulary of conscience, not in the name of liberation or the breaking of norms, but to promote a tradition.

The theology of conscience is a dualistic frame of mind and, for Catholics, purposefully so. The theology conveys the reality of inhabiting a moral universe structured by two poles of authority: law and conscience. The theology entails an intricate system of balances and separations between law, the external and objective moral benchmark, and the conscience, the individual's internal and subjective moral guide.³ Ideally, just and clear law (divine, natural, or state) entered the individual's conscience, and the individual applied the law to a situation at hand (attending mass, fasting, joining the army, etc.). An examination of conscience, properly performed, revealed precisely when and where a Catholic broke the laws: these "sins" were then confessed to a priest. The theology, if it functioned perfectly, helped the individual Catholic to set the objective (law) into the subjective (conscience). But Catholics built numerous exemptions into this operation. Conscience could rebuff law and even override it at several junctures. It was axiomatic that an erroneous conscience (one subjectively assured but objectively wrong) could not be made to obey a law by coercion, and had to be respected by confessors. Catholics held that conscience had to be "formed" by the individual before it made any lasting and legitimate connection with law. Each individual, according to the theology, had an "inner nucleus" or "internal sanctuary" (conscience) that belonged to the

³ On conscience in philosophy and history, see Paul Strohm, *Conscience: A Very Short Introduction* (Oxford: Oxford University Press, 2011); Richard Sorabji, *Moral Conscience Through the Ages: Fifth Century B.C.E. to the Present* (Chicago: University of Chicago, 2014). On conscience in the Catholic tradition, see Linda Hogan, *Confronting Conscience in the Catholic Tradition* (New York: Paulist Press, 2000); James F. Keenan, *A History of Catholic Moral Theology in the Twentieth Century: From Confessing Sins to Liberating Consciences* (New York: Continuum International, 2010).

individual alone. No authority could tune an individual's conscience into a specific channel, and no laws were allowed to snuff out the individual conscience. Individuals had a persistent subjective element in conscience. If an individual Catholic judged a law as unjust, or simply doubted the law's authority, the individual was, according to tradition, *bound in conscience not to obey the law*.

Catholics learned about the role of conscience, and its relations to law, from school books, catechisms, confession manuals and even diocesan newspapers. But it was education at Catholic schools under the influence of the natural law tradition that imparted the moral imagination of conscience and law most indelibly. Historian John McGreevy has drawn attention to the fact that American Catholics maintained the largest private school system in the world.⁴ The Catholic institutional apparatus – from grade school to graduate school – produced a generation of Catholics with moral imaginations grounded in the natural law framework of Thomas Aquinas. Institutions of Catholic higher education, McGreevy writes, “required virtually a second major (usually six courses) in Thomistic philosophy for students in the humanities.”⁵ The rapid expansion of Catholic higher education in the 1950s and 1960s, for example, anchored thousands of Catholic men in the law and conscience framework in the years just before Lyndon Johnson drafted soldiers for the Vietnam War. Catholics possessed a moral imagination marked by balances, counterpoints, and releases between the law (external) and the

⁴ John T. McGreevy, “Introduction: The American Catholic Century,” *Catholics in the American Century: Recasting Narratives of US History*, ed. R. Scott Appleby and Kathleen Sprows Cummings (Ithaca and London: Cornell University Press, 2012): 1-9. By McGreevy, see also *Parish Boundaries: The Catholic Encounter with Race in the Twentieth Century Urban North* (Chicago and London: The University of Chicago Press, 1996): 13-21.

⁵ John T. McGreevy, “Thinking on One's Own: Catholicism in the American Intellectual Imagination, 1928-1960,” *The Journal of American History* 84 (June 1997), 101.

conscience (internal), largely as a result of Catholic education, at schools and through the sacrament of confession. Education played a crucial role in structuring the Catholic moral imagination with the structures of law and conscience; conscience talk then carried the framework further into public debates over sex, war, and authority. The theology, a regular on the pages of midcentury periodicals, rendered conscience into a faculty Catholics actually understood themselves to possess. The conscience, being real, needed to share the appropriate relationship with law.

Catholics at all levels – laypeople, priests, theologians, and bishops – inhabited a moral world structured by the balance of law and conscience, and they mobilized to defend conscience when law failed as a moral guide. The importance of conscience held steady even in America’s midcentury wars. During World War II, dozens of pamphlets and periodical articles in such publications as *Commonweal* and *America* rehearsed the traditional lesson that, if an individual Catholic man determined the war unjust, he bound himself in conscience not to fight. A chorus of Catholic theologians and priests made clear that the rule to follow conscience held in the face of the state’s demand for soldiers for Cold War armies. Catholics expanded the traditional teaching on conscience in the 1960s and 1970s, increasingly speaking conscience vocabulary in public arenas, filling private letters with its linguistic constructions, and authoring a wave of new books that deepened the tradition. When the culture wars diminished the capacity of law to organize moral life, Catholics increasingly defended the proposition that conscience ought to assume its rightful position as the individual’s chief moral guide. Lay Catholics and parish priests in Washington D.C., for example, defended the authority of conscience as the local archbishop, Patrick Aloysius O’Boyle, upheld a Church rule on the prohibition

of artificial birth control. Catholics in the District of Columbia, embroiled in a dispute about artificial birth control in the fall of 1968, enacted the traditional sequence: Catholics were instructed to shift moral authority to the conscience, the subjective guide for morality, when they questioned (or doubted) the authority of a law. The turbulence of the late 1960s and 1970s, both inside and outside of the Church, brought many Catholics to question the authority of laws, initiating the protocol of moving from law to conscience.

Following conscience after doubting the law thus meant one remained true to the tradition. The legitimacy of following conscience flowed from the natural law language as well as the operation's deep roots in Catholic history. Catholics who followed conscience retraced the footsteps of heroic saints and acted on the advice of the Church's theological savants. Thousands of Catholics located themselves in the stream of this tradition as the state conscripted men into the army to fight in the Vietnam War. Lay Catholic men, supported by priests, theologians, and bishops, made the case that following conscience, rather than laws for an unjust war, placed them in Church tradition – a tradition the church had maintained for its entire history from the early church of St. Peter, to the anti-Reformation church of Thomas More, to the anti-fascist church of Franz Jägerstätter and up to the late 1960s, 1970s, and 1980s. Catholics thus understood following conscience – and a public defense of the proposition that conscience could be followed – as an effort to remain on a traditional moral trajectory. Eventually a number of Liberal Protestants and human rights activists in Amnesty International discovered the richness and usefulness of the Catholic understanding of conscience and became

convinced that conscience, rather than an unjust law, had to be properly formed and followed.

Catholics specialized in defending conscience. Throughout the twentieth century, Catholics defended the tradition of following conscience – the ability to make the appropriate shift of moral authority from law to conscience – in both denominational disputes and in America’s public political discourse.⁶ Catholic priests defended the tradition of following conscience as the American government conscripted soldiers for World War II and the Cold War. Catholics spoke the vocabulary of conscience fluently and prolifically in moments of American history when laws were understood to ignore subjective dimensions of moral life. Catholics most regularly spoke the language on their own behalf but pointed out on occasion that the prerogatives of following conscience extended to fellow citizens. Jesuit Robert Drinan and the editors of *Commonweal*, using a Catholic theology, for example, defended the rights of Quakers to follow conscience during the 1950s.

Key to explaining the spread of conscience talk is to recognize how the theological vocabulary dovetailed with the temper of the times in a crucial regard: exaltation of the individual. Historians have noted how existentialism, human rights, libertarian economics, identity politics, and broader “struggles against the system” emphasized the individual and the individual’s choices.⁷ American Catholics helped to

⁶ Catholics defend numerous propositions in the public sphere. See Sharon Leon, *The Image of God: The Catholic Struggle with Eugenics* (Chicago: University of Chicago Press, 2013); see also Daniel Williams, *Defenders of the Unborn: The Pro-Life Movement Before Roe v. Wade* (Oxford and New York: Oxford University Press, 2016); Neil J. Young, *We Gather Together: The Religious Right and the Problem of Interfaith Politics* (Oxford: Oxford University Press, 2016).

⁷ On the rise of human rights in the 1970s, see Sam Moyn, *The Last Utopia: Human Rights in History* (Cambridge and London: The Belknap Press of Harvard University Press, 2010). On the importance of identity politics in realizing the value of the individual when contrasted with groups, especially “the

establish the importance of the individual in American society through continuous conscience talk. This study reconstructs one of the main religious routes by which Americans came to value the individual. Historians have traced other trajectories – the fallout from 1968 or intellectual transformations – by which Americans came to focus on the individual. Leslie Woodcock Tentler, in her influential 2004 study of the Catholic confrontation with birth control, concluded that, as a result of this painful debate, many American Catholics “came to a sense of moral autonomy.”⁸ By the mid-to-late 1970s, as historian Daniel Rogers has shown, a spate of new intellectual paradigms focused on individual agency rather than societal solidarity. “From the speeches of presidents to books of social and cultural theory, conceptions of human nature that in the post-World War II era had been thick with context, social circumstance, institutions, and history,” Rogers observes, “gave way to conceptions of human nature that stressed choice, agency, performance, and desire.”⁹ This study builds on the findings of historians like Tentler and Rogers who conclude that Americans emphasized the individual in the 1960s and 1970s.

Conscience talk helped Americans to emphasize the individual in several ways. In the first place, it allowed Americans to contrast the dignity of the individual with the

family,” see Robert O. Self, *All in the Family: The Realignment of American Democracy since the 1960s* (New York: Hill and Wang, 2012). On projects of self liberation, existentialism, and fights “against the system” see Douglas Rossinow, *The Politics of Authenticity: Liberalism, Christianity, and the New Left in America* (New York: Columbia University Press, 1998); see also Michael S. Foley, *Confronting the War Machine: Draft Resistance During the Vietnam War* (Chapel Hill: The University of North Carolina Press, 2003). On the libertarian exultation of the individual and its rise in economic theory, see Angus Burgin, *The Great Persuasion: Reinventing Free Markets Since the Depression* (Cambridge: Harvard Press, 2012). On the rise of psychology and its importance for individualism, especially among American Catholics, see James O’Toole, “In the Court of Conscience: American Catholics and Confession, 1900-1975,” in *Habits of Devotion: Catholic Religious Practice in Twentieth-Century America* (Ithaca and London: Cornell University Press, 2004): 175-178.

⁸ Leslie Woodcock Tentler, *Catholics and Contraception: An American History* (Ithaca and London: Cornell University Press, 2004), 3.

⁹ Daniel Rogers *Age of Fracture* (Cambridge and London: The Belknap Press of Harvard University Press, 2012), 3.

state's unjust laws. The theology of conscience also emphasized that individuals had an immediate and internal moral authority in conscience, which could be followed when laws, states, and authorities – the arbiters of collective behavior – failed. The formation of conscience, a traditional tenet of the theology, emphasized that each individual had to consider how broad rules were to be lived out in specific, individual situations. A theological language spoken by Catholics to remain on the traditional moral path of following conscience increasingly helped Americans value the individual. American Catholics helped to establish the importance of the individual in American society through continuous conscience talk, but this vocabulary had its roots in the thirteenth century work of Thomas Aquinas, not in modern or postmodern discourses of self-liberation or choice.

Historians, along with scholars from other disciplines, have found the 1960s and 1970s to be an environment inhospitable to tradition. The upheavals of the era are understood to have permanently fractured an American society anchored at midcentury by heteronormative families, Cold War patriotism, and consensus New Deal liberalism. The “sixties” smashed this world beyond repair; tradition cannot endure such paroxysms. Historian Andrew Hartman concludes in his recent history of the culture wars that “the radical political mobilizations of the sixties – civil rights, Black and Chicano Power, feminism, gay liberation, the antiwar movement, the legal push for secularization – destabilized the American that millions knew.”¹⁰ The political deployments are

¹⁰ Andrew Hartman, *A War for the Soul of America: A History of the Culture Wars* (Chicago: University of Chicago Press, 2015), 4. On the 1960s as making America “more democratic,” see *The World the 60s Made: Politics and Culture in Recent America*, ed. Van Gosse (Philadelphia: Temple University 2003). On the 1960s as an assault on traditional morality, see Eugene McCarragher, *Christian Critics: Religion and the Impasse in Modern American Social Thought* (Ithaca and London: Cornell University Press, 2000); Gil Troy, *Morning in America: How Ronald Reagan Invented the 1980s* (Princeton, New Jersey: Princeton University Press, 2005). For a philosopher's take on declension and the loss of tradition, see Alasdair

understood, to paraphrase Karl Marx, to melt all that was solid into air. Histories of religion in the 1960s see dips in mass attendance, the attenuation of religious education, and the exodus of clergy as evidence that religious subjects contributed to the broader uprooting.¹¹ Many historians of American Catholicism have likewise understood the 1960s and 1970s to deal deathblows to tradition. Thomas Sugrue noted in a 2012 essay that American Catholic historians, focusing on the endogenous shock of Vatican II and the exogenous shock of the culture wars, collectively offer “an interpretation of the period as the end of tradition.”¹² Historians such as Joseph Chinnici, James McCartin and Timothy Kelly, who have stressed that change began prior to Vatican II, ultimately understand Catholics to have broken from tradition by the 1970s and 1980s.¹³

Reactions to the society-wide destabilization – what Hartman calls a “slaughtering of sacred cows” – are understood to have deepened Americans’ embrace of the individual. Put another way, historians see Americans’ focus on the individual as emerging from the diminution of respect for tradition and authorities, making it the exaltation of the individual a type of liberation from the norms of consensus America.

McIntyre, *After Virtue: A Study in Moral Theory* (South Bend, IN: University of Notre Dame Press, 1981). For a sociologist’s take on the exaltation of the individual, see Anthony Giddens, *The Consequences of Modernity* (Oxford: Oxford University Press, 1990).

¹¹ See Hugh McLeod, *The Religious Crises of the 1960s* (Oxford: Oxford University Press, 2006).

¹² Thomas J. Sugrue, “The Catholic Encounter with the 1960s,” in *Catholics in the American Century: Recasting Narratives of US History*, ed. R. Scott Appleby and Kathleen Sprows Cummings (Ithaca and London: Cornell University Press, 2012), 66-67. See also Philip Gleason, *Contending with Modernity: Catholic Higher-Education in the Twentieth century* (New York: Oxford University Press, 2003); Amy Koehlinger, *The New Nuns: Racial Justice and Reform in the 1960s* (Cambridge, MA: Harvard University Press, 2006).

¹³ Joseph Chinnici, “The Catholic Community at Prayer, 1926-1967,” in Chinnici, Joseph. “The Catholic Community at Prayer, 1926-1967,” in *Habits of Devotion: Catholic Religious Practice in Twentieth-Century America*, ed. James O’Toole (Ithaca and London, Cornell University Press, 2004): 9-88; James McCartin, *Prayers of the Faithful: The Spiritual Life of American Catholics* (Cambridge: Harvard University Press, 2009); Timothy Kelly, *The Transformation of American Catholicism: The Pittsburgh Laity and the Second Vatican Council, 1952-1972* (South Bend: University of Notre Dame Press, 2009),

Historian Thomas Borstelmann, in the introduction to his book *The 1970s: A New Global History*, poses the important question:

When the familiar world begins to disintegrate, when the center seems no longer to hold, when authorities are revealed as corrupt, when things turn out to be quite different from what one has long believed, the crucial question becomes: How does one respond? This is the moment when uncertainty becomes productive – or not. Will it be liberating, a breaking free of old, unexamined assumptions to new wisdom and new action? Or will it be enervating, sapping one’s faith in other people and in the possibilities for social reform and improvement?¹⁴

Borstelmann identified several centrifugal responses. Responses included: a turn towards private economic achievement, projects of self-liberation, a focus on the individual in a corrupt and unknowable world, and postmodern attacks on “grand narratives.”¹⁵

This study contends that American Catholics, along with liberal Protestants and the human rights activists in Amnesty International, successfully inhabited, defended, and even strengthened a deeply cherished religious tradition in the face of sexual revolution, a divisive Vietnam War, and the general loss of authority. It challenges prevailing interpretations of the 1960s and 1970s by attempting to show that America’s culture war proved a very fertile ground for a traditional worldview. A natural law tradition that accentuated prerogatives of conscience over unjust laws flourished in the crucibles of the 1960s and 1970s, and spread widely across American society. These decades were indeed divisive and rancorous, but countless Americans strengthened tradition in the face of change and turbulence. A culture war cannot automatically be understood to deracinate

¹⁴ Thomas Borstelmann, *The 1970s: A New Global History from Civil Rights to Economic Inequality* (Princeton: Princeton University Press, 2012), 9.

¹⁵ *The 1970s*, 10-14. On the 1970s as centrifugal and individualists see Bruce Schulman, *The Seventies: The Great Shift in American Culture, Society, and Politics* (New York: De Capo Press, 2002). It is worth noting that the erosion of authority and organization also generated a fair share of political energy. Michael Foley has argued that the Americans responded to the revelation that the emperor had no clothes by organizing a new grass roots neighborhood politics to counteract threats posed by deindustrialization, environmental denigration, and family values. Michael Stewart Foley, *Front Porch Politics: The Forgotten Heyday of Activists in the 1970s and 1980s* (New York: Hill and Wang 2013).

individuals from the deeper streams of tradition. Catholics learned in the 1940s and 1950s that the moral world had two chief moral authorities: law and conscience. They were taught to favor conscience if laws became unjust, unclear or illegitimate. When the sexual revolution, conscription for the Vietnam War, and the broader meltdown of authority called into question the legitimacy of law, Catholics, following tradition, amplified the role of conscience in moral decision-making. This was not an existential push for self-liberation or the realization of a pluralistic self; nor a slide into narcissism: conscience language marked the ascendancy of a deeply held tradition. American Catholics spoke a traditional vocabulary of conscience to act on deeply internalized religious lessons. Catholics successfully remained in this traditional moral imagination throughout the 1960s and 1970s.

This study suggests that historians need to move beyond a rather hidebound definition of tradition as “family values.” The actions of historical subjects in the 1960s and 1970s are usually understood to be motivated by quests for liberation, breaking norms, or realizations of autonomy. Tradition, in such accounts, is often understood to be a set of values, conformist in nature, extending from the white heteronormative Cold War family.¹⁶ Tradition, as this study defines it, structures moral imaginations and resonates in historical subjects through repetition of specific linguistic clauses (explained below). Tradition, for better or worse, is not strictly sexual or racial in nature: traditional calibrations of law and conscience can be implanted in historical subjects by way of education; carried onwards with a repetition of the traditional language; deepened

¹⁶ For more nuanced approaches to tradition, see Saba Mahmood, *Politics of Piety: The Islamic Revival and The Feminist Subject*. (Princeton: Princeton University Press, 2004); see also John Seitz *No Closure: Catholic Practice and Boston’s Parish Shutdowns* (Harvard: Harvard University Press, 2011).

through research on well-worn topics; and beamed into public discourse with declarations, homilies, broadsides, radio announcements, and even television. Catholics expanded tradition throughout the 1960s and 1970s with repetition of arguments and language that had roots in the thirteenth century corpus of Thomas Aquinas.

Historians of American Catholicism of the past generation have been trying to understand what most defines the twentieth century Catholic worldview. Robert Orsi has located the real presence – in the Eucharist, but also the saints, print culture, and holy objects – at the center of what he calls the “Catholic imaginary.”¹⁷ In other areas of his work, Orsi has set bodily suffering at the imaginary’s core.¹⁸ John McGreevy has made the case that Catholic institutions, particularly the parish and its connections to sacred space, are most influential on the Catholic idiom.¹⁹ James O’Toole has shown that confession – a sacrament at the center of a divine drama of sin and redemption – set the zeitgeist of mid-century American Catholic life.²⁰ The present study attempts to contribute to historians’ understanding of the Catholic worldview by demonstrating that the poles of law and conscience, and the intricate system designed to reach equilibrium or pivot authority to conscience, provided the fundamental structures of the Catholic moral imagination between 1940 and 1985. Time spent at institutions and in confessionals

¹⁷ Robert Orsi, *History and Presence* (Cambridge, MA: The Belknap Press of Harvard University Press, 2016).

¹⁸ By Orsi, on the importance of the body and suffering to Catholicism, see also, *Between Heaven and Earth: The Religious Worlds People Make and the Scholars Who Study Them* (Princeton: Princeton University Press, 2004: 19-47; *Thank You, St. Jude: Women’s Devotion to the Patron Saint of Hopeless Causes* (New Haven and London: Yale University Press, 1996); and “U.S. Catholics between Memory and Modernity: How Catholics Are,” in *Catholics in the American Century: Recasting Narratives of US History*, ed. R. Scott Appleby and Kathleen Sprows Cummings (Ithaca and London: Cornell University Press, 2012): 11-42.

¹⁹ *Parish Boundaries*, 13-21.

²⁰ “In the Court of Confession: American Catholics and Confession, 1900-1975,” 131-186.

reinforced this worldview: Catholics learned the relationship of law and conscience from catechisms, school teachers, priests, and confession manuals. As a result, Catholics inhabited a world with two authorities, law and conscience, and Catholics shuttled constantly between the two poles, trying to discern a proper moral path. The importance of conscience could never be denied by Catholics. This particular type of subjectivity was a structuring element of the Catholic worldview. In times of rapid change when various factors diminished the capacity of laws to direct moral behavior, Catholics made the appropriate shift to conscience. The cultural wars of the 1960s and 1970s were understood through the lens of the law and conscience worldview, and the result was a decisive swing to conscience.

The theology of conscience can be found in numerous genres of print. This study is based on an analysis of several types of primary source documents, including private letters, class lecture notes, state paperwork, campaign materials, sacred texts, academic books, homilies, newspaper articles, conference papers, periodicals, and internal memos. Across the sources, Catholics wrote in a pre-constructed language of law and conscience. Catholics detailed the intricate system of releases and balances between law and conscience, in the forensic language of the natural law, in a wide variety of print genres throughout the 1960s and 1970s. Catholic writings conveyed the age old formula of law/conscience; offered defenses of the shift to conscience; and provided new intellectual approaches to shore up the importance of conscience. This study suggests that the sources (and the sundry recapitulations of the formula) offer a window onto the essential structures of the Catholic moral imagination, structures that held from 1940 to 1990. Across the genres of print, phrases used to describe the structures remained relatively

consistent. Sources from a wide variety of social locations – organizations, individual theologians, Selective Service paperwork, letters from laypeople to bishops – repeat a bank of keywords: subjectivity, formation, primacy, proximate, tradition, immediate, and internal. The repetition of the phrases helps the historian to reconstruct the grooves of subjects’ moral imaginations. Catholics told fellow Catholics and political authorities, time and again, that the moral world they inhabited truly had two important and reciprocating poles. Catholics expressed desires to remain in this worldview – and expand it – as moral authority entered a period of flux in the 1960s, 1970s, and 1980s.

This study also includes analysis of non-Catholic sources in which the Catholic tradition of following, forming, and defending conscience appeared. The Catholic tradition of law and conscience, particularly the “formation of conscience,” appeared, for example, in the print media of Presbyterian organizations during the Vietnam War and the academic work of Presbyterian theologian C. Ellis Nelson. A handful of Protestant intellectuals called upon Catholic sources to produce new definitions of conscience during and just after the Vietnam War. Sources analyzed in this study show how Catholics in Amnesty International – at both the grassroots and executive levels – understood the organization’s prisoner of conscience campaign to extend the Catholic tradition of protecting conscience. This study suggests that the spread of Catholic ideas, and the general influence of Catholics on American history, can be found in “non-Catholic” archives and sources. Catholic conscience talk placed the reactions of Liberal Protestants and secular human rights activists the America’s culture war into the grooves of Catholic tradition. Liberal Protestants and human rights activists, discovering the depth

of the Catholic theology of conscience, moved to defend a moral proposition rooted in late medieval natural law.

Roman Catholics and Liberal Protestants even used the discipline of developmental psychology to shore up the shift to conscience. Members of both faith traditions used a modern toolkit and a fresh scientific nomenclature to help establish the conscience as the individual's chief moral authority. A handful of Liberal Protestant academicians, influenced by developmental psychology and Catholic theology, replaced an understanding of conscience as directly connected to God with the notion that consciences are formed by mediating institutions like churches, families, and canonical texts. This study draws upon sources from outside its primary milieu (Catholicism) to demonstrate how influential the Catholic theology of conscience became in the 1960s, 1970s, and 1980s. Both groups drew simultaneously upon the insights of developmental psychology to update the tradition of following conscience. The discipline of developmental psychology helped Catholics to produce a new bank of keywords for the theology of conscience in the late 1960s and early 1970s: responsibility, adulthood, maturity, reciprocity with "the other," internalization, and "formation." As authorities lost legitimacy, Catholics found that the tools of developmental psychology – growth, stages, and the internalization of rules – fortified conscience. In a world without legitimate authority, and one where rules and laws were in flux, each individual needed a robust conscience as their guide. Developmental psychology helped Catholics to strengthen conscience – the traditional outcome – as law lost authority.

The first section of this study explores how Catholics learned and lived a tradition of following conscience. Catholics learned a moral language of conscience at midcentury

from schools and a robust print culture. The first chapter contends that midcentury Catholics lived in a moral world structured by the relationship between divine law and individual conscience, and that this midcentury moral structure affirmed the imperatives of conscience – following conscience – at various junctures. Midcentury Catholics set the divine law and the individual conscience on an equal footing, sometimes tipping the balance to conscience. Catholics learned of the moral world God had created and duties to follow conscience from confession manuals, newspaper articles, widely available pamphlets, and standard catechisms. Confession – a regular routine for Catholics across the United States in the 1950s – socialized laypeople into a moral cosmos defined by God’s divine laws and the individual conscience. Catholics created and inhabited a moral world in the 1940s and 1950s structured in fundamental ways by an ongoing attempt to strike the proper balance between divine law and individual conscience.

The second chapter explores how this Catholic moral world remained in place as the state conscripted Catholic men into the army for World War II and the Cold War garrison state. The imperatives of following conscience were so axiomatic, and so well established in moral tradition, that Catholic thinkers could not deny them, even in wars as thoroughly patriotic as the Second World War and the Cold War.²¹ Catholics understood their Church in the 1940s and 1950s to be an important line of defense in protecting the individual conscience from the state. Catholic priests and theologians held fast to the proposition that, should an individual Catholic determine a war unjust, such a Catholic

²¹ On the integration of religion and American life during World War II, see Deborah Dash Moore, *GI Jews: How World War II Changed a Generation* (Cambridge, MA: Harvard University Press, 2006); see also Andrew Preston, *Sword of the Spirit, Shield of Faith: Religion in American War and Diplomacy* (New York: Anchor Books, 2012). On the rise of religion in the 1950s and the early Cold War, see Kevin Schultz, *Tri-Faith America: How Postwar Catholics and Jews Held America to its Protestant Promise* (New York, 2011): 327-383; see also Seth Jacobs, “‘Our System Demands a Supreme Being’: The US Religious Revival and the ‘Diem Experiment,’ 1954-1955,” *Diplomatic History* 40 (June 2016): 589-624.

bound himself in conscience not to fight. A handful of well-catechized laypeople attempted to act on this teaching during the Second World War and achieved only mixed results.²² Catholics spoke theology of conscience well before the 1960s and 1970s, often affirming the importance of following conscience rather than law.

The second section of this study (chapters three, four, and five) explores how American Catholics inhabited, defended, and expanded the traditional injunctions to follow conscience. Countless American Catholics enlarged the tradition of following conscience in the face of the sexual revolution, the Vietnam War, and the general crisis of authority in America in the 1970s. Catholics deployed the language of conscience in an effort to remain in a traditional moral world defined by the appropriate balances of law and conscience. As laws lost authority and legitimacy (a ban on artificial birth control, a conscription law to fight an unjust war, and the general legitimacy of authority figures) American Catholics, standing in a deeply held tradition, accentuated the role of conscience in moral decision-making. Priests in Washington D.C., the protagonists of the third chapter, defended the Catholic tradition of following conscience as the local religious authority, Archbishop Patrick Aloysius O’Boyle, insisted that Church teaching forbade the use of artificial birth control. Dozens of laypeople sent letters to O’Boyle decrying the archbishop’s dismissal of the Church’s long standing respect for individual decisions of conscience. Priests and laypeople had learned from midcentury Catholic institutions to make conscience the “proximate guide” of moral authority. They wanted to maintain this traditional commitment in the sexual revolution. During the Vietnam War,

²² For a case study on Christian critics of twentieth century violence, see Joseph Kip Kosek, *Acts of Conscience: Christian Non-Violence and Modern American Democracy* (New York: Columbia University Press, 2009); see also Jack Downey, *The Bread of the Strong: Lacouturisme and the Folly of the Cross, 1910-1985* (New York: Fordham University Press, 2015).

Catholics from all points of the hierarchy – priests, laypeople, bishops and theologians – urged the state to allow Catholics to follow conscience rather than submit to conscription laws. Catholics informed draft board officials and Selective Service agents, a campaign detailed in chapter four, that the Church had always upheld a “primacy of conscience” over the course of its entire history. When lay Catholics accorded conscience a primacy rather than the draft laws, Catholics were following Church teachings. The Catholic Church assumed its traditional role of defending conscience during the Vietnam War, a product of its own self-image as protector of consciences, and in doing so, Catholics became the most dedicated defenders of conscience in American society in the late 1960s and early 1970s.

Catholics took many measures to remain in the traditional moral framework of following conscience. Chapter five charts how Catholics used nomenclature from the academic discipline of developmental psychology to strengthen the long-standing tradition of forming and following conscience. A generation of Catholic educators – laypeople and priests – used the insights of developmental psychology to enhance the “formation of conscience,” the process whereby a Catholic applied broad rules to his or her particular situation. The broader meltdown of authority in American life, and the inability of law to convey moral behavior, compelled American Catholics to shift authority more and more to conscience, a faculty increasingly understood in psychological terms. As Catholics came to understand conscience as “growing,” “developing,” and “maturing,” conscience could be relied on more and more to be the moral lodestar in a world of illegitimate authority and empty laws. Developmental psychology helped conscience achieve its rightful place as the individual’s most

immediate moral authority in a world seemingly bereft of legitimate moral laws.

Conscience talk, on all three fronts, the sexual revolution, the Vietnam War, and the crisis of authority, kept Catholics in a traditional moral imagination.

The third section of this study charts how Catholics convinced other groups to spread the theology of conscience. Catholics helped liberal Protestants and human rights activists in Amnesty International to spread the tradition of following conscience around the globe throughout the 1970s and 1980s. Catholics played a key role in convincing Protestants and human rights activists that defending conscience was a worthwhile cause. Protestants, the subjects of chapter six, joined Catholics in making the case that individuals ought to be permitted to inhabit the tradition of forming and following conscience. Liberal Protestants increasingly turned to psychological and Catholic sources when speaking the language of conscience. With insights from Catholicism, they replaced an understanding of conscience as the individual's unmediated connection to God with a notion of conscience as being "formed" by mediators, organizations, texts, and teachers. A proper formation of conscience created an ethically sensitive person and citizen.

Amnesty International's prisoner of conscience campaign took the traditional prerogatives of following conscience global in the 1970s and 1980s. The organization's prisoner of conscience language tapped deeply-held traditions and recently stoked religious imaginations. Amnesty International, a secular organization upheld the traditional Catholic defense of conscience when they criticized states for imprisoning followers of conscience. Amnesty, a group with Catholics at the executive level and its ground-level ranks, did more than any other group in the world in the 1970s and 1980s to

maintain the traditional theological tenet that conscience ought to be followed rather than unjust laws obeyed. Amnesty defended individuals, Catholic, Protestant, Jewish, and secular, who followed conscience peacefully and yet saw the inside of a prison. The defense of conscience – a charge led by America’s Catholics – had gone global.

With a vocabulary of conscience, countless Americans articulated deeply held desires to remain in a traditional moral imagination. As a series of social and political crises rocked American society, a Catholic tradition carried, expanded, and spread to other quarters of American life. Catholics, along with Liberal Protestants and the activists in Amnesty International, managed not only to sustain a tradition, but to enlarge it, using the tools of psychology to deepen the tradition of forming conscience, and the human rights movement to spread the traditional defense of conscience around the globe. Tradition endured the cultural revolutions of the 1960s and 1970s because countless Americans remained, with prolific campaigning and repetitious phrasing, in the moral imagination of law and conscience.

1.0 CHAPTER 1

“God Desires That We Do His Will From Our Own Understanding Of the Matter ... This Ability We Call our Conscience”: Conscience in Mid-Century American Catholicism, 1939-1960

Introduction

In a 1945 article for *Theological Studies*, Jesuit political philosopher John Courtney Murray set out “the two concerns that run through all of Catholic moral thought.” Murray first noted Catholic concern for “the sacredness of the law of God,” which must, he wrote, “at all costs be kept inviolate.” Murray’s second concern may seem hyperbolic at first glance. He hastened to add that Catholics had an “equally profound concern for the integrity of conscience,” whose every need and circumstance, he explained, “must be respected and whose inner freedom must be safeguarded.”²³

Murray articulated the fundamental balancing act resting at the center of the American Catholic moral imagination: an equipoising of law (objective) and conscience (subjective). American Catholics spoke and thought in a natural law language that considered divine law and the individual conscience as equal poles of moral authority. The division of objective and subjective underwrote an American Catholic worldview that yearned constantly at midcentury to both balance law and conscience.

²³ John Courtney Murray, “Freedom of Conscience: The Ethical Problem,” *Theological Studies* 6 (June 1945), 257.

Catholics learned about the theological world they inhabited, a cosmos of laws and consciences, from sacred texts, teachers, and confessors. The balancing act of law and conscience had roots in the thirteenth century corpus of Thomas Aquinas, and appeared often in Catholic school curricula and print culture at midcentury. The Catholic Church's theological experts explained the relationship between law and conscience in highly technical confession manuals published throughout the 1940s and 1950s. Confession, a routine activity for Catholics across America every Saturday afternoon and evening in the 1950s, offered opportunities for parish priests to teach penitents the proper calibration of law and conscience.²⁴ A generation of Catholic schoolchildren learned they possessed distinctly Catholic consciences – consciences that shared a relationship with God's laws – from texts pored over in grade schools and high school classrooms. The language of law and conscience structured the American Catholic worldview at midcentury in important ways. Law and conscience were cornerstones of a widely spoken moral language as well as key concepts in a shared moral tradition stretching back, it was imagined, to the high middle ages.

John Ford, like fellow Jesuit John Courtney Murray, spoke and thought in the language of law and conscience. Ford, one of the era's preeminent moral theologians, serves as this chapter's tour guide. Ford encountered conscience, and studied conscience, in its many mid-twentieth century dimensions. He knew well the role Catholic theology

²⁴ Divine law is phenomenon historians and theologians locate at the center of mid-century Catholic life, from confession to moral theory. See James F. Keenan, *A History of Catholic Moral Theology in the Twentieth Century: From Confessing Sins to Liberating Consciences* (New York: Continuum, 2010); Charles Curran, *Catholic Moral Theology in the United States: A History* (Washington D.C.: Georgetown University Press, 2008); Leslie Tentler, *Catholics and Contraception: An American History* (Ithaca and London: Cornell University Press, 2004); John McGreevy, *Catholicism and American Freedom: A History* (New York and London: W.W. Norton and Company: 2003); James O'Toole, "In the Court of Conscience: American Catholics and Confession, 1900-1975," in *Habits of Devotion: Catholic Religious Practice in Twentieth-Century America* (Ithaca and London: Cornell University Press, 2004).

assigned conscience and he gave lectures on the role conscience played in the sacrament of confession. His private correspondence, classroom lecture notes, and public writings – analyzed in this chapter – provide an important window onto the dynamics between loyalty to the law and abiding respect for the sacred internal space of conscience.²⁵ The relationship between law and conscience, and striking the proper balance between the two poles, structured Ford’s moral imagination.

This chapter first charts how moral theologians like John Ford defined conscience in specialized texts and in their writings for broader Catholic audiences. It then analyzes the role of conscience in Catholic devotional practices, particularly in confession and in the “examination of conscience.” This chapter attempts to place the relationship of law and conscience at the center of the mid-century American Catholic imagination, and in so doing, it offers context for the generational interest in conscience (1961-1985) this dissertation ultimately hopes to recover and evaluate.

“A Man Must Obey the Conscience When It Is Certain” : Conscience in Academic Theology and Catholic Catechisms

Catholics, to state it plainly, took persons (Catholic and non-Catholic) to have consciences: direct sources of moral guidance enfolded within the bounds of the person, a receiving space for the divine, shrouded from outside viewing. The mid-century Catholic understanding of conscience had two governing, metaphysical characteristics: immediacy and internality. First, American Catholics, to use the Thomistic language of midcentury, defined conscience as the “proximate” (i.e., most immediate) moral guide in an individual’s life. Conscience was taken to be, as one theologian from the period phrased

²⁵ On Ford, see Eric Marcelo O. Genilo, *John Cuthbert Ford, SJ: Moral Theologian at the End of the Manualist Era* (Washington D.C.: Georgetown University Press, 2007).

it, the “supreme subjective source of morality.”²⁶ Second, conscience was understood to dwell in a deep internal space in the Catholic self. The conscience rested, according to one midcentury theologian, “in the innermost sacred sphere of the person.”²⁷ Confession manuals like Daniel Lord’s 1939 *When We Go to Confession* and Aloysius Heeg’s 1952 *Adults Confession Booklet* imagined conscience as an enclosed space, located in the person, where a Catholic could gain a more objective perspective where he or she stood before the divine. For Catholics at mid-century, these two characteristics of conscience – the moral immediacy and the deep internality – made consciences worthy of respect. Importantly, immediacy and internality made conscience the counterweight of law, the distant and external guide for morality. American Catholics had a theology, lived and academic, of conscience – a theology that rendered conscience into a faculty persons really possessed.

The language of conscience figured prominently in midcentury American Catholicism’s most “traditional” and “legalistic” texts – the moral manuals. The moral manuals, produced by a global network of moral theologians, outlined laws meant to guide a Catholic’s life in fasting, worship, and sexuality, in addition to a range of other behaviors. These manuals often listed laws under rather uninspiring section titles like “the moral acts and its determinants,” “the ends of life,” “species of sin,” and “kinds of law.” But in sections on conscience, which appeared in each manual, midcentury theologians outlined the sacred nature of Catholic subjectivity. In the sections on conscience, standard fare in the manual genre, moralists gave law its counterpoint. Take, for example, the statement on conscience found in Henry Davis’ 1952 manual, *Moral and*

²⁶ Frederick E. Flynn, “Two Kinds of Private Judgment,” *Commonweal*, November 9, 1955, 114.

²⁷ Hans Rommen, “Church and State,” *The Review of Politics* 12 (July 1950), 335.

Pastoral Theology. Davis, defining conscience as the “herald of God,” intoned: “a man must obey the conscience when it is certain ... God judges man on the dictates of obeying his conscience ... the certain conscience is the conscience of one who is subjectively certain that the dictates of his conscience are correct.”²⁸ Conscience required only certainty of purpose to condone a moral action, according to *Moral and Pastoral Theology*, not an exact knowledge of God’s law. God then judged subjects on loyalty to their own confident consciences, Davis argued, not observation of laws. Statements like Davis’s on confident consciences overriding the law were standard fare in the manual tradition – and one of many radical propositions that set conscience over the law. Manuals averred, time and again in the 1940s and 1950s, that “certain consciences” deserved respect even if impervious to law.

Moral manuals located conscience closer to the individual than divine laws. In the words of various mid-century Catholics, conscience comprised “the most intimate secret nucleus of man,” “the guide for the whole of one’s moral life,” “the immediate norm of all morality.”²⁹ Conscience served as the individual’s guide for morality nearest by and his or her closest space to bring the divine law into the self. Manuals often called conscience the “proximate norm of morality.”³⁰ The direct proximity of the conscience to the individual accorded conscience urgency and sovereignty in moral decision-making. Manual writer Dominic Prummer claimed internality and immediacy made conscience

²⁸ Henry Davis, *Moral and Pastoral Theology* (New York: Sheed and Ward, 1952), 7.

²⁹ Pius XII, “Christian Conscience as an Object of Education,” *Catholic Action* 34 (May 1952), 17; Dominic Prummer, *Handbook of Moral Theology* trans. Gerald W. Shelton and John Gavin Nolan, (New York: P.J. Kenedy and Sons, 1955), 60; Brendan Larnen, *The Four Freedoms* (Washington, D.C.: National Council of Catholic Men, 1944), 8.

³⁰ *Handbook of Moral Theology*, 60. Antonio Lanza and Pietro Palazzini, *General Moral Theology*, trans. W.J. Collins (Boston: The Daughters of St. Paul, 1961), 182.

“the guide for the whole of man’s moral life.”³¹ Antonio Lanza and Pietro Palazanni, authors of a 1960 moral manual, called conscience, “the proximate and subjective norm ... and consequently,” they reasoned, “human activity confronts that norm.”³² The important role of conscience in Catholic moral life seemed obvious to manual writers: conscience existed as a Catholic’s closest-at-hand guide for moral actions.

Commands issued by a conscience had to be obeyed because conscience was so firsthand. When conscience uttered a command, with confidence, conscience moved to the front of moral authority and law took a backseat. A pair of mid-century manuals noted that, for better or worse, Catholics were “bound to be guided by conscience.”³³ Regardless of the veracity of its conclusion (right or wrong), John McHugh and Charles Callan made clear in a 1949 manual, *Moral Theology*, that a subject must, “neither disobey when [conscience] forbids, nor refuse to obey when it commands.”³⁴ As divine laws were so distant, translation could be easily lost. Or the imagined transmission of divine law to Catholic subject could fail to take place. But a Catholic had his or her conscience. When a Catholic found that conscience allowed or barred a behavior – an assertion of norms direct and proximate – conscience had to be followed.

Most Catholic manuals hoped to draw confessors’ and penitents’ attention to a rather technical definition of conscience. The midcentury Catholic worldview would have law and conscience in sync. According to the manuals, conscience imported the divine law into the individual, internalizing the law, making the divine law the immediate norm.

³¹ *Handbook of Moral Theology*, 60.

³² *General Moral Theology*, 162.

³³ John A. McHugh and Charles J. Callan, *Moral Theology: A Complete Course Based on St. Thomas Aquinas and the Best Modern Authorities: Volume I* (New York: Joseph F. Wager, 1958), 205. Andre F. Browne, *Handbook of Notes on Theology*, (St. Louis, Mo.: Redemptorist Fathers, 1940), 2.

³⁴ *Moral Theology*, 205.

When functioning correctly (a state often reached with the proper education, often called “formation”) conscience applied the divine law to the situation at hand.

Manuals thus took conscience to be a practical guide that performed the concrete function of applying divine laws to specific situations. Manualists called conscience “practical judgment,” an “act of the practical intellect,” or “dictate of the practical intellect.”³⁵ Conscience, properly tuned to import God’s laws, entailed a practical judgment – an act of reason or intellect – that inferred the appropriate here-and-now action from an acquired knowledge of God’s laws. The judgment Catholics made about acts to be performed or avoided – the very judgments themselves – constituted conscience. The 1958 guide by Dominicans McHugh and Callan, carrying a standard definition, called conscience “an act of judgment ... deciding by inference from general principles the moral goodness or malice of a particular act.”³⁶ Conscience, in its ideal and highly technical form, entailed a thought process of practical reason regarding the performance or omission of a particular act. But, manualists pointed out, law had to be funneled into the Catholic’s conscience as the individual considered performing or forgoing a particular act.

Lay Catholics and seminarians learned the theology of conscience – and the axiom that conscience must be followed – from catechisms. A 1918 catechism, *Catechism of Christian Doctrine No. 4*, a standard text, defined conscience as “the immediate internal rule, or standard, of good morals,” and explained to readers that “we are never permitted to act against our conscience, when it commands or forbids

³⁵ Andre F. Browne, *Handbook of Notes on Theology*, (St. Louis, Mo.: Redemptorist Fathers, 1940), 2; Francis Connell, *Outlines of Moral Theology* (Milwaukee: The Bruce Publishing Company, 1953), 38; Dominic M. Prummer, *Handbook of Moral Theology* trans. Gerald W. Shelton and John Gavin Nolan, (New York: P.J. Kenedy and Sons, 1955), 58.

³⁶ *Moral Theology: A Complete Course Based on St. Thomas Aquinas*, 201.

anything.”³⁷ Reverend Felix Kirsch and Sister M. Brendan’s 1939 catechism, *Catholic Faith Explained: A Teacher Manual For Catholic Faith*, put it succinctly: “It is never right to act against conscience.”³⁸ Catholics were taught to heed the subjective aspects of their faith (the conscience). A midcentury catechism published by Herder and Herder noted that “God desires that we do his will from our own understanding of the matter ... this ability we call our conscience.”³⁹ Dispensing the axioms of conscience theology, the catechism warned readers that “anyone who goes against the clear judgment of his conscience commits a sin against God,” adding for good measure that, “not even orders or threats from other people should ever force us to do anything against our conscience.”⁴⁰ Catechisms – like their manualist interlocutors – contained instructions for when Catholics could shift from law to conscience, or from one cornerstone of the moral worldview to the other.

Catholics also learned the ideal relationship of law and conscience from their catechisms. Syncing the individual conscience with law remained the ideal but the connection had to occur at the point of conscience, and at the individual’s behest. God’s divine laws needed individual consciences to take root in the individual. A catechism published at the turn of the century noted that “by our understanding we attain to the knowledge of the law and of our duty,” concluding that, “this knowledge is called conscience.”⁴¹ Catholic catechisms linked conscience to the moral law again and again as the twentieth century pressed on. The *Catechism of the Christian Doctrine*, based on the

³⁷ John Joseph McVey, *Catechism of Christian Doctrine No. 4, Revised According to the Code of 1918* (Philadelphia: Institute of the Brothers of the Christian Schools, 1926), 112-113.

³⁸ Felix M. Kirsch and Sister M. Brendan, *Catholic Faith Explained: A Teacher Manual For Catholic Faith* (Washington D.C.: The Catholic University of America Press, 1939), 340.

³⁹ *A Catholic Catechism*, (New York: Herder and Herder, 1957), 303.

⁴⁰ *Ibid.*, 304

⁴¹ Francis Spirago and Richard F. Clarke, *The Catechism Explained: An Exhaustive Exposition of The Christian Religion* (New York: Benzinger Brothers, 1899), 283.

1917 revision of canon law, answered the question, “What are the means of perfecting our conscience?” by stating, first and foremost, perfection required “an adequate study of the laws of morality according to our condition in life.”⁴² The 1957 Herder and Herder catechism explained that conscience “must be guided by the natural law, the Ten Commandments, the example of Christ, and the teachings and commandments of the Church.”⁴³ Catechisms reinforced the lesson that consciences ought to be formed under the auspices of the divine law.

The midcentury Catholic press spread far and wide this moral worldview of conscience as importer of law. The individual, living in a world of God’s objective laws and individual’s subjective conscience, applied the natural law to the specific act at hand as known to conscience. In a 1941 pamphlet, *The Case for Conscience* (originally a series of radio addresses for the Catholic Hour) a member of the Missionary Oblates of Mary Immaculate told readers that “conscience is nothing more than the moral judgment by which we distinguish right and wrong in conduct ... it is the voice of God in the sense that it applies the Divine Law to individual actions.”⁴⁴ A 1942 article for *The Ecclesiastical Review* reminded Catholics that conscience is “the practical judgment of reason concerning the rightness or wrongness of an act here and now to be performed ... [conscience] is absolutely universal ... it reflects a universal moral order.”⁴⁵ Catholics remained committed to a definition of conscience as application of Divine Law to particular situation throughout the 1950s and into the early 1960s. Franciscan priest

⁴² *Catechism of Christian Doctrine No. 4*, 113.

⁴³ *A Catholic Catechism*, 304.

⁴⁴ Reverend Thomas Smith Sullivan, *The Case for Conscience: Three Address delivered in the nationwide Catholic Hour on Sundays from June 29 through July 31, 1941*. (Washington D.C., National Council of Catholic Men, 1941), 6-7. Liturgy and Life Collection (hereafter LLC), Boston College Burns Library (Hereafter BCBL).

⁴⁵ John O’Brien, “Does Conscience Bear Witness to God?” *The Ecclesiastical Review* 107 (December 1942), 451-452.

Damian J. Blaher, writing for *Friar* in 1959, defined conscience as “simply the mind working; it is an act of intelligence: an act of the mind by which a person applies the general laws of morality to a particular act.”⁴⁶ Catholics held that conscience did not create law but instead convinced the host individuals to apply laws from the universal moral order to specific acts in the world.

Conscience solved a practical dilemma in Catholic moral theology, making it alluring to mid-century moralists. Moral manualists believed God made objective laws (and commissioned the Catholic Church to teach those laws) but that laws required a space, inside the person, to nestle. Objectivity and subjectivity had to be considered in tandem. As the authors of *General Moral Theology* explained, “the law is the remote and objective norm of human operation and yet it cannot reach its efficacy if it does not touch the subject, if it does not enter into him.”⁴⁷ Catholic manuals imagined conscience as the space, in the person, where the law could roost, and become proximate. *General Moral Theology* explained that: “through the conscience law, penetrating man deeply, reaches its full efficacy in the moral order.”⁴⁸ Manuals acknowledged conscience as the most immediate source of moral guidance for the individual, but hoped confessors, teachers, penitents, and parents made consciences importers of divine laws.

But a conscience could not simply be programmed by an external authority to import divine laws into the person. The law-importing conscience had to be cultivated and realized through a Catholic penitent’s own individual education, what Catholics called “formation.” The midcentury imaginary also took this side of the equation as axiomatic. Two of the era’s preeminent moral theologians, the aforementioned John Ford

⁴⁶ Damian J. Blaher, “Any More About Conscience?” *Friar*, 11 (February 1959), 63.

⁴⁷ *General Moral Theology*, 184.

⁴⁸ *Ibid.*, 182.

and his friend Gerald Kelly, both Jesuits, explained the role of education in forming conscience in their 1958 guide, *Contemporary Moral Theology*. The authors, signaling their allegiances, used a 1952 address made by Pope Pius XII on the “Christian Education of Conscience.”⁴⁹ The Pope’s statement, Ford and Kelly wrote, rightly acknowledged conscience as “the ultimate and deciding norm for personal action.”⁵⁰ But, equally important, the Pope made clear that conscience had to be “enlightened.” To enlighten a conscience, Ford and Kelly contended, it needed tutoring in the divine law, which the Church had a special commission to teach: “the Church is indispensable because it was to the Church that Christ left the moral treasure of mankind – including both natural and divine positive law.”⁵¹ The conscience was internal to the individual but, to illuminate conscience properly, it needed proper and careful (Catholic) formation from the outside. Parents and teachers acknowledged consciences as an individual’s ultimate norm, but with an eye towards cultivating the conscience to draw in the divine law. Ford and Kelly reasoned that, “it is only through conformity with the teaching of the Church that the individual conscience can have security from error.”⁵² Only proper, self-directed cultivation or the proper “formation” from teachers and parents brought conscience to the law.

Manualists circulated an expansive array of literature with the lesson that conscience ought to be formed under the auspices of law. Catholic authorities stated clearly the function they wished Catholic conscience to perform (import the divine law),

⁴⁹ For full text see, Pius XII, “Christian Conscience as an Object of Education,” *Catholic Action* 34 (May 1952): 17-19.

⁵⁰ John C. Ford and Gerald Kelly, *Contemporary Moral Theology: Volume I* (Westminster Maryland, The Newman Press: 1958), 109.

⁵¹ Ibid.

⁵² Ibid., 111.

but were quick to point out that such a conscience appeared with education, not imposition. Catholics made it a fundamental goal of the midcentury division of objective and subjective to bridge the gap at the node of conscience, by forming conscience. Bede Jarrett, as part of a series in *The Catholic Worker*, called conscience “a faculty, like the musical faculty, which first of all must be inherent before it can be cultivated, but which assuredly requires cultivation ... it needs to be taken in by someone who has both judgment and taste, by whom it may be fashioned to its best purpose.”⁵³ A conscience reared under non-Catholic principles, Jarrett added, could be “distorted or even destroyed.” A priest writing for *Homiletic and Pastoral Review*, likening conscience to an alarm clock, noted that were conscience to sound the alarm at the right moment, awakening the Catholic to the sin he or she was about to commit, conscience “has to be instructed, to be educated, because ... it is just your reason, your mind ... there may be such a thing, therefore, as a false conscience, a conscience that is mistaken on certain points.”⁵⁴ A true conscience (a turn of phrase explored below), to be a true conscience, had been instructed in divine law, as taught by the Catholic Church. The 1952 statement on conscience by Pope Pius XII reinforced this lesson. Albert Meyer, Archbishop of Milwaukee, drew upon Pius XII’s speech in a commencement address at Mount Mary College in 1955. Meyer told his audience that “conscience is a faithful echo, a clear reflection of the divine norm in human action ... the formation of the Christian conscience consists, before all else in ‘enlightening the mind regarding the will of Christ, His law, and His way.’”⁵⁵ A Catholic penitent may have found it difficult, given the

⁵³ Bede Jarrett, “Conscience,” *The Catholic Worker*, October 1941, 4.

⁵⁴ Stephen J. Brown, “Discourse on Conscience,” *Homiletic and Pastoral Review*, 42 (Summer 1942), 1096.

⁵⁵ Albert Meyer, “Finished Women of Character,” *The Catholic School Journal* 55 (September, 1955), 212.

widespread circulation, to disavow the prescriptive understanding of conscience as a reproducer, direct and internal, of the divine law.

And yet, manualists like Ford recognized the limits of simply making conscience the applicator of the divine law. Ford and his fellow manualists proved to be lenient when individuals rebuffed law in favor of conscience. The recognition of conscience as the “proximate source” of moral guidance granted conscience a theological power to hold laws at bay.

Ford granted conscience the power to overrule law in an exchange of letters in the fall of 1944 with famous Catholic physician John Rock. Ordained to the priesthood in 1932, and receiving a doctorate in moral theology from the Gregorian in Rome in 1937, Ford was a rising star in the field of moral theology in the early 1940s. When a lay Catholic doctor wrote Ford to tell him that Rock’s research on birth control had scandalized the Catholic medical profession, Ford went out of his way to make Rock aware his research efforts contravened divine law. Ford told Rock in a private letter that Catholic moralists did not condone his work. Rock replied sharply that, “of course as you must have assumed I am very sorry that no one among several Catholic moralists who have charitably considered the ethics of my various gynological [sic] and research activities can sanction this or that part of my work.”⁵⁶ Ford had done his duty as a mid-twentieth century Catholic moral theologian: he reminded a law-breaker of his infraction. But Ford went no further than an epistolary reminder. Rock ended his letter by assuring Ford that “I have carried on [my research] with a serene conscience.”⁵⁷ That Rock’s conscience remained “serene” was all that Ford needed to learn. “The public defense of

⁵⁶ John Rock to John Ford, October 10, 1944. John Ford Papers (hereafter JFP), New England Province of the Society of Jesus (Jesuits) Archives (hereafter NEPSJA), Box 33, Folder 15.

⁵⁷ Ibid.

moral principles is part of my work, especially when they have been publicly violated,” Ford wrote. But Ford hastened to add that, “on the other hand, I am careful not to trouble the waters of personal conscience unnecessarily.”⁵⁸ Conscience occupied such an important place in the manual tradition that even one of its most influential teachers backed-peddled when a Catholic conscience proved confident if confronted with official laws.

Enlightenment along the lines of the divine law worked for some consciences, and not for others. Manualists recognized that, depending on cultivation and education, conscience might assume one of several conditions. At several rungs of the teaching, where law failed, conscience could become the individual’s moral standard-bearer. The manuals imagined a range of situations where conscience, rather than law, might need to be the individual’s chief moral guide.

The most optimal condition of conscience was a “true” conscience. A true conscience apprehended and applied the laws correctly in an almost mechanistic fashion. It brought the objective and transcendent order of God’s laws to bear on a concrete action in the world. The conscience became true or false, as McHugh and Callan put it, “as it agrees or disagrees with the external divine or human law.”⁵⁹ Penitents had obligations to realize a true conscience. As Prummer wrote in his 1957 manual: “everyone is obliged to use serious care to possess on all occasions a true conscience ... it is of supreme importance that his moral life be guided by a correct and not by a false standard.”⁶⁰ The true conscience provided the best guide for a subject to avoid violating God’s laws. It recognized that an inflexible transcendent legal order governed specific human acts. It accurately conveyed to its host the obligation to obey and apply correctly the laws to the

⁵⁸ John Ford to John Rock, October 14, 1944. JFP, Box 33, Folder 15, NEPSJA.

⁵⁹ *Moral Theology: A Complete Course*, 203.

⁶⁰ *Handbook of Moral Theology*, 60.

situation at hand. Objective law and subjective conscience met to create a “true conscience.”

“Certainty” marked the next best condition of conscience. A true conscience apprehended the law (and it possessed certainty), and did, in reality, understand the law. But the truth could be lost and if a Catholic still possessed a certain conscience, a Catholic’s actions were blameless before the law, even if false. A certain conscience held an important, liberating power in its ability to trump law in the midcentury objective/subjective imaginary. In the words of the 1952 guide quoted at the outset of this chapter: “one must obey the conscience when it is certain ... the certain conscience is the conscience of one who is subjectively certain that the dictates of his conscience are correct.”⁶¹ Manual writers believed God respected Catholics who acted with certain, even if a slightly misguided consciences. The certain conscience may very well have been objectively incorrect (it misapplied God’s law to the situation at hand) but certainty made an action acceptable. Certainty forgave many errors. As Andre F. Brown wrote in his *Handbook of Notes on Theology*, “in order to licitly follow one’s conscience, moral certitude as to the lawfulness of an action is required. Ordinarily a wide moral certitude ... is sufficient.”⁶² If conscience could not be made true, it should be made certain. Even without the law, it could proceed.

Manualists valued certitude so highly because, as they explained to Catholic penitents, actions performed with a doubtful conscience offended God. The doubtful conscience comprised a supremely undesirable condition of conscience wherein the penitent did not know where God stood on a particular issue but took on a concrete action

⁶¹ *Moral and Pastoral Theology*, 7.

⁶² *Handbook of Notes on Theology*, 2.

nonetheless. The doubtful conscience ignored the important signposts of a worldview considerate of objective and subjective. Doubt was not the same as ignorance: a penitent with a doubtful conscience possessed the means (manuals, confessors, and teachers) to alleviate the doubt, but the penitent with a dubious conscience did not take the time to study Church laws, and undertook the action whilst under the cloud of doubt. The manualists hoped that the doubtful conscience motivated a penitent to properly educate (or form) his or her conscience: the doubtful conscience, aware of its undesirable state, would be replaced with truth – or proceed with an action upon being transformed into a certain conscience (shielding the penitent from sin). Actions performed with a doubtful conscience were strictly prohibited by the manuals. Herbert Jone and Urban Adelman's 1961 guide instructed Catholic penitents that, "in practical doubt about the lawfulness of an action one may never act."⁶³ No one, Dominic Prummer's manual thundered, "is allowed to perform an act while in a state of positive practical doubt."⁶⁴ Alexander's *College Moral Theology* boomed: "a person is forbidden to act if the moral value of what he is about to do is doubtful in his mind."⁶⁵ Acting with a doubtful conscience suggested to manualists that a penitent wavered on the existence of God's transcendent legal order.

Other genres of Catholic print reinforced the manuals' lesson that acting with a doubtful conscience was profoundly sinful. Acting with a confident conscience, be the actions objectively true or objectively false, trumped acting with a doubtful conscience: an assured conscience shielded a Catholic from sin; doubt always invited sin. Moralists impressed upon Catholic readers the need to know *why they did* what they did, *exactly*

⁶³ Herbert Jone and Urban Adelman, *Moral Theology* (Westminster, Maryland: The Newman Press, 1961), 41.

⁶⁴ *Handbook of Moral Theology*, 64.

⁶⁵ Anthony Alexander, *College Moral Theology* (Chicago: Henry Regnery Company, 1957), 49.

when they did it. The imaginary of objective law and subjective conscience was intended to help Catholics meet the specific situation with the universal law. Daniel Lord, a Jesuit priest, wrote in his 1941 pamphlet, *When We Go to Confession*, that doubt rendered the goodness or badness of an act moot: acting with a doubtful conscience, true or false, was a sin. “If a person suspects that something is wrong and deliberately does not find out whether or not it is wrong,” Lord explained, “he is guilty of sin whether the action itself is wrong or right ... this person acts on a doubtful conscience.”⁶⁶

Life as a Catholic, as imagined in the manuals, was not for the glib. Above all else, Catholic moral life privileged the certainty of conscience, right or wrong. English monk Bede Jarrett explained for the readers of *The Catholic Worker* in 1941 that, “I may not act until my conscience is really determined. I cannot act, that is, when my conscience is in doubt ... were I to do so, I should in effect be saying to myself, I don’t know whether this is right or wrong, but I’m going to do it anyway ... Obviously this would be altogether a disrespectful attitude to God, a complete disregard for the law of God.”⁶⁷ Priests offered lay Catholics this warning on a regular basis. In response to a Boston layperson’s question, “is it wrong to do something while in doubt as to whether it is right or wrong?” the editors of *The Sign*, a popular Catholic magazine, counseled in 1950 that “doubt must be settled before you take action ... to act with an uncertain conscience manifests a willingness to do what is sinful.”⁶⁸ The replacement of a doubtful conscience with a true conscience remained the ideal, but even a certain conscience sufficed. Doubt was anathema.

⁶⁶ Daniel Lord, *When We Go to Confession* (St. Louis: The Queen’s Work Press, 1941), 22-23.

⁶⁷ Bede Jarrett, “The Infallibility of Conscience,” *The Catholic Worker* IX (November 1941), 4.

⁶⁸ “Doubtful Conscience,” *Sign*, 30 (August 1950), 46.

It is worth mentioning that doubt too had a potentially liberating effect: the penitent did not have to obey a law if the penitent doubted the law's authority. Catholic respect for conscience overrode enforcing the laws at several junctures of the manual tradition, and doubting consciences could also find a loophole.

John Ford understood the emancipatory qualities of doubt well enough to explain them to Madame Chiang Kai-shek in a letter dated March 9, 1943. In the spring of 1943, Chiang had made a few derogatory remarks about manualism in a speech given at her alma mater Wellesley College. In the speech, Chiang appeared to criticize "probabilism," the moral system used by Ford and Jesuit confessors. Chiang, echoing seventeenth-century critiques of Jansenist Blaise Pascal (1623-1662), argued that probabilism led to "laxism." Meaning, probabilism provided so many loopholes for penitents to avoid the law, that it allowed Catholics to hold flippant attitudes about obedience to the law. Ford wrote Chiang a letter of gentle (if pedantic) correction. If a Catholic doubted the binding nature of a law, Ford explained, a Catholic need not subscribe to it. If a penitent was unsure if the law applied to a particular situation, following the law might offend God, and as such, the law did not bind conscience. "Laws (whether of man or God)," Ford wrote, "do not bind the conscience unless they have moral certainty, in a broad sense of that term, as to their meaning and validity."⁶⁹ For Ford, doubt's potential to disregard the law had the practical effect of reducing anxiety.⁷⁰ His corrective missive stemmed from a concern for priests who heard the confessions of penitents with a fixation on observing the law down to its minute details. The manualists' injunction that acting in doubt

⁶⁹ John Ford to Madame Kai-Shek, March 9, 1943. JFP, Box 14, Folder 1, NEPSJA.

⁷⁰ Various confessors attempt to bar or dissuade overly scrupulous penitents from examining their consciences. Daniel Lord wrote that, "The scrupulous should in the examination of conscience do exactly what their regular confessors tell them to do. If they have been told to make no examination at all, they should obey." *When We Go to Confession*, 27.

offended God produced “inevitable dilemmas of conscience” as to what is sinful or not sinful in the eyes of God: the need for certainty could produce “scrupulosity,” even paranoia. Ford explained to Chaing that, “if a man must always consider himself hedged round with restrictions and not free to act until he can prove with speculative certainty that his actions will be sinless, it would lead to inhuman and intolerable anxieties of conscience.”⁷¹ The quest for certainty, in other words, could drive a penitent mad. Thus, if a Catholic doubted the binding nature of a law, they could forgo the law. Only when a Catholic remained certain the law applied to a particular situation did they need to follow the law. Doubt had its advantages.

Moralists warned catechumens about the pitfall of having an “erroneous conscience.” As Redemptorist pamphleteer D.F. Miller defined it, erroneous conscience “comes up with the judgment that a certain action about to be performed is good, when actually it is contrary to the objective law of God.”⁷² The act of failing to correctly apply divine law to a given situation composed an erroneous conscience. The redeeming quality of an erroneous conscience was that the subject was not aware of the erroneous application of the law: such a person operated under a veil of ignorance. Catholics recognized the erroneous conscience as a partially liberated subjective state beyond the coercive reach of the law. One could theoretically possess a conscience that completely ignored the objective laws because such a conscience had never contemplated the existence of such laws in the first place. Miller explained that one followed an erroneous conscience without sin unless a priest or a manual somehow induced doubt; if the penitent somehow picked up a scent, however faint, that the action might not be in

⁷¹ Ibid.

⁷² D.F. Miller, *What is Your Conscience?* (Liguori, Missouri: Ligurian Pamphlets Redemptorist Fathers, 1956), 16.

line with the objective law of God, following such an erroneous conscience invited sin. One then had a duty to study the law. “The man must obey his erroneous conscience, but in so doing he sins if he could have corrected it,” as one priest coached.⁷³ But the erroneous conscience remained inoculated from any coercive disabuse of its error. It retained a special place in the Catholic imagination of objective law and subjective conscience.

Erroneous consciences, which were certain (they believed an action to be right), but not true (the action was, in fact, false), had only achieved a blamelessness before the law, and had not led to objectively true actions. Persons with erroneous consciences failed to apply the laws of God to a given situation. Yet the erroneous conscience, if it persisted, maintained its moral immediacy and internality and, thus, Catholics accorded the erroneous conscience a special distance from the coercion of law. Catholic writers sometimes marveled at how, despite the obvious legibility of the law, the world appeared full of individuals with erroneous consciences. “This aptitude to recognize through experience the dictates of the moral order is the basis of human conscience,” as one guide wrote. And yet, the authors lamented, “despite his rational nature, man has proved himself capable of forming an erroneous conscience.”⁷⁴

Erroneous consciences troubled John Ford, but he admitted they had rights to exist, and, per the two-tracked worldview and its manuals, a power to keep coercion at bay. On one hand, as Ford lectured in 1959 to a class of future Jesuit confessors, Catholics had by the 1950s come begrudgingly, but admirably, to respect the erroneous conscience. Ford told his students that “nowadays we just say absolutely that in a case of

⁷³ Thomas Deman, “The Dignity of Conscience,” *Blackfriars*, 34 (March 1953), 115.

⁷⁴ John H. VanderVeldt and Robert P. Odenwald, *Psychiatry and Catholicism* (New York: McGraw-Hill Book Company, 1952), 18.

invincible ignorance it is a sin not to follow one's conscience when it commands an objectively sinful act."⁷⁵ If, even in the light of contact with the law, conscience remained impervious to the truth, Catholics had come to respect conscience enough to let it walk away uncorrected. A conscience had achieved an "invincible ignorance" if teaching and confessing could not convince the penitent to replace false ideas with true ideas. Ford wrote in his lecture notes, perhaps ambiguously, that Catholics were "very lenient today, but logical."⁷⁶ On the other hand, Ford instructed his students that a good moralist – and as we see below, a good confessor – remained skeptical about the erroneous conscience. Ford argued that the Catholic Church and its moralists had yet to determine if erroneous consciences were truly invincible. This remained an open question at midcentury even as some moral theologians came down in favor of respecting erroneous consciences.

Ford was personally skeptical that a Catholic could legitimately claim ignorance of the moral law. He reminded the future confessors in a lecture on "Pastoral Remarks on the Erroneous Conscience" that, for an erroneous conscience to be replaced by a true conscience, "so much of it depended on education."⁷⁷ No Catholics, Ford reasoned, could claim to be ignorant of the Church's teaching that fornication was wrong (Protestants might, however). Erroneous conscience seemed unreasonable to Ford: even if the penitent were ignorant of the law, God would not condone sinful acts. The erroneous conscience needed to be disabused of error with knowledge of the law, but if it clung to error, Ford conceded, the conscience had to be respected and allowed on its way.

Ford did not stand at the crossroads of law and conscience alone. Catholic moralists, specialists in teaching the natural and divine laws, recognized that the sheer

⁷⁵ John Ford, "The Conscience in General." JFP, Box 14, Folder 1, NEPSJA.

⁷⁶ Ibid.

⁷⁷ John Ford, "Pastoral Remarks on the Erroneous Conscience," JFP, Box 14, Folder 1, NEPSJA.

religious pluralism of American life entailed a permanence of erroneous consciences by the hundred-thousands, perhaps millions. But Catholic moralists, products of a worldview composed of objective laws and subjective consciences, accommodated this arrangement. Catholic moralists performed a two-step dance at mid-century: affirming an individual's right to follow an erroneous conscience, but never conceding such consciences knew the objective truth. The erroneous conscience existed beyond the reach of divine laws, the divine laws God revealed to the Catholic Church, unless overcome through proper formation. As Dominican priest Brendan Larnen, who published his radio addresses on *The Four Freedoms* in the form of a pamphlet, wrote, "no matter what creed may separate us from our fellow Americans in religious belief, we are all united ... in that we obey our conscience, for conscience is the immediate norm of all morality ... we cannot quarrel with any man who follows his conscience." The absence of conscience-correction did not signal acceptance: "we may believe, and even rightly... that his is an erroneous conscience ... we may try, and even rightly too, to correct his conscience," Larnen wrote.⁷⁸ But Larnen concluded that Catholics cannot, under any circumstances, deny the right to follow conscience, even the erroneous conscience. In his pamphlet *What Is Your Conscience?*, Redemptorist D.F. Miller used the Baptists (a favorite example for Catholic moralists) to draw the same conclusion. Baptists were bound to follow erroneous consciences (and Catholics obliged to respect Baptists' erroneous consciences) until doubt arose in their own minds.⁷⁹ Baptists had erroneous but certain consciences, and following certain consciences, as stated in Catholics' officially-approved moral manuals, remained perfectly acceptable and even right. Miller did not venture a

⁷⁸ *The Four Freedoms*, 8. See also, Francis Connell, *Freedom of Worship: The Catholic Position* (New York: Paulist Press, 1944).

⁷⁹ *What Is Your Conscience?*, 16.

suggestion as to how Catholics might incept Baptists' consciences with doubt. Baptists' consciences, as a rule, were, to use the manualists' phrase, "invincibly ignorant."

Catholic moralists, Ford included, celebrated the acceptance of erroneous consciences as "progress." German theologian Hans Rommen recognized in a 1950 article for *The Review of Politics* that Catholics had made momentous progress since the Middle Ages in recognizing that fellow citizens were obligated to follow consciences, even if the consciences were erroneous. The Inquisition provided a dark example of Catholics violating consciences on a mass scale and disabusing consciences of error coercively. Rommen concluded that education encompassed the only means at Catholics' disposal to illumine consciences. "Respect for conscience demands that the religious error of a person be enlightened by appropriate, that is, spiritual means, by means which do not violate his freedom and personal dignity," Rommen wrote.⁸⁰ Catholics could correct consciences with education, as with Ford's approach, for example, but not by force. If education failed to yield a true conscience, or create a doubtful conscience, the conscience – certain or erroneous – existed beyond the reach of the law.

This section has explored how theological experts in the Catholic Church defined conscience as the believer's internal, and most direct, guide for morality. Moralists like John Ford hoped consciences would be formed to import the divine laws (the external guide for morality) into the subject's conscience (the internal guide for morality). This marked the ideal of a worldview that placed emphasis on objective divine laws and the individual's subjective conscience. The best conscience, a "true conscience," one that correctly applied laws to specific situations, was to be realized only through education and "formation." But when this transmission failed to take place, moralists respected the

⁸⁰ Hans Rommen, "Church and State," *The Review of Politics* 12 (July 1950), 335.

individual conscience as it stood. The erroneous, certain and doubtful consciences were, even as they remained impervious to law, sacred internal states.

“Only God Can Read Consciences” : Conscience in Catholic Self-Examination and Confession

Catholic laypeople encountered strands of the manualists’ understanding of conscience, albeit in a more accessible format. The moral manuals produced by the likes of Anthony Alexander or Andre Browne, full of technical definitions and proofs (and an occasional syllogism), were simply not suitable for widespread Catholic practice. Laypeople drew their understanding of conscience from confession manuals (pamphlets that could be read to prepare for confession), a more accessible but no less grave genre of mid-century manualism.

Confession manuals tuned lay Catholics into a moral universe structured by law and conscience. But these guides had a more practical point of emphasis. For laypeople, sins rested on conscience, and laypeople could examine conscience to bring these sins to their attention. Catholics were encouraged to conduct forensic examinations of their own consciences, pinpointing precisely and efficiently particular sins in order to prepare to confess them to a priest. The examination, Fr. Daniel Lord wrote, entailed a “sincere and not-too-prolonged effort to get at the sins on our conscience and to find the words to express them simply and candidly.”⁸¹ Conscience, in this more popular use, had been charged with the important task of recording sins.

As a space where sins rested, conscience possessed a theological gravitas for American Catholics. The sacred nature of the examination of conscience extended from the reality that only individuals could examine their own conscience. Outsiders could

⁸¹ *When We Go To Confession*, 19.

know what rested on conscience only with a special invitation to be privy to its contents. The conscience remained inscrutable to community members or political authorities. It served as a sacred space in the self where only the self could go and, Catholics thought, make contact with the divine in a particular way. Lessons on conscience in Catholic devotional life, connected by and large to the confessional, reinforced the mid-century lesson that the Catholic self really possessed a sacred subjective aspect that only the individual could read, probe, and form.

How did an examination of conscience work? The layout of a standard examination of conscience manual provides initial answers. A pair of Jesuit confessors published *An Adult's Confession Book: With Prayers, Directions, and an Examination of Conscience suitable for Adults* in 1940. The book prepped the penitent for confessing his or her sins, with attention to the quantitative and qualitative weights of such sins. "In this examination of conscience," the priestly authors explained, "venial sins are shown in small italic letters, like these: *venial*. Venial sins that may become mortal sins are shown in small back letters like these: **venial** or **mortal**. Mortal sins are shown in large letters like these: MORTAL."⁸² *Italicized words*, **words in bold**, and words with ALL CAPITAL LETTERS helped the penitent to ascertain the gravity of each particular sin.

This particular examination proceeded, in style often used by mid-century confessors, of moving the penitent's examination of conscience through the Ten Commandments, commandment-by-commandment. The examination of conscience structured the penitent's moral world on the relationship of conscience and law – *An Adult's Confession Booklet* showed penitents how the conscience recorded infractions of

⁸² Aloysius J. Heeg and Aloysius J. Wilwerding, *An Adults Confession Booklet: With Prayers, Directions, and an Examination of Conscience Suitable for Adults* (June 1940), 13.

God's laws. The questions based on the third commandment (the obligation to worship on the Sabbath) addressed the venial, potentially mortal, and certainly mortal sins: "Did I MISS MASS ON SUNDAYS OR HOLYDAYS THROUGH MY OWN FAULT?" "Did I **come late to Mass through my own fault?** How late?" and "Did I *misbehave in Church?*"⁸³ The conscience stored this data and awaited the penitent's finely tuned (and sometimes scripted) act of interrogative retrieval. Guides like these helped Catholics to recall sins (infractions of laws), already known to God, so they could be confessed to a priest. God remembered these sins, keeping a strict account of the penitent, and the examination gave the Catholic some access to these records.

An examination of conscience improved a Catholic's standing with God if it led to a good confession of sins. American Catholics understood conscience at mid-century to be linked tightly with the preparatory phases of the sacrament of confession. A 1950s-era confession manual, *The Catholic Boy Examines His Conscience*, motivated the penitent with these words: "The value of an examination of conscience lies in the fact that in using it well, we come to recognize certain sins and faults as our own particular weakness. In reminding ourselves of this regularly, we are spurred on to eliminate these defects from our soul."⁸⁴ The examination of conscience spurred the penitent to eliminate defects from their souls with a motivation to make a thorough confession. A priest who reviewed over a dozen confession manuals for his 1954 master's thesis observed flatly that "the examination of conscience is a means to an end. It is means for obtaining the

⁸³ Ibid., 14.

⁸⁴ Leo F. Griffin, *The Catholic Boy Examines His Conscience* (Huntington, Indiana: Our Sunday Visitor Press), 3. Archdiocese of Detroit, Printed Material, Box 1, Folder 55, University of Notre Dame Archives (hereafter UNDA).

integrity of confession.”⁸⁵ Penitents and confessors obtained integrity in the sacrament by rooting out all the sins that rested on conscience: with a manual like *An Adult’s Confession Booklet* in hand, and taking some time at home or in the pew to themselves, the penitent began the extraction of sins before entering the confessional.⁸⁶ The self-examination entailed a deeper theological maneuver: no one but the penitent himself or herself could reach down and pull out the sins that rested on their consciences. It was an inner sanctuary, the space closest at hand, to access the divine.

The sheer quantity and diversity of guides attest to the prominence of conscience-examining in midcentury American Catholic life. The popularity of the examination stemmed by and large from the reality that confession was a popular practice at mid-century. The examination of conscience prepared the penitent to make an efficient and comprehensive confession. But other trends contributed to the wide circulation of examinations of conscience. Various genres of Catholic print culture carried examinations of conscience far and wide. Examinations appeared in Sunday Missals (books often taken to mass), prayer books, confession manuals, as articles in Catholic periodicals, meditations in Catholic newspapers, and as inserts in broader works of spiritual literature like Rev. J.M. Leven’s *The Key of Heaven*.⁸⁷ Missals published in 1942 by Father Stedman, *My Sunday Missal*, and Father Lasance, *The New Roman Missal*, both contained examinations of conscience.⁸⁸

⁸⁵ John Xavier O’Connor, *A Survey of the Examination of Conscience as Found in Some Popular Prayerbooks*. Master’s Thesis, Catholic University of America, (June 1954), 4.

⁸⁶ On the importance and frequency of confession, see James O’Toole, “In the Court of Conscience: American Catholics and Confession, 1900-1975,” in *Habits of Devotion: Catholic Religious Practice in Twentieth-Century America* (Ithaca and London: Cornell University Press, 2004): 131-185.

⁸⁷ J.M. Leven, *The Key of Heaven* (New York: The Regina Press, 1947).

⁸⁸ Joseph F. Stedman, *My Sunday Missal*, (Brooklyn, New York: Confraternity of the Precious Blood, 1956); F. X. Lasance, *The New Roman Missal: In Latin and English* (Boston: The Benzinger Brothers, 1937): 1793-1796.

Catholics of any position in the Church could find an examination tailored to their needs. Writers specialized and sub-specialized examination of conscience manuals to reach as many constituencies of the faithful as possible. The 1955 guide by John D. Franz, *The Parish Priest's Examen*, suited the hard-working priest in a busy diocesan parish; the *Examination of Conscience According to Saint Bonaventure* served enclosed Franciscans; the "Examination of Conscience for Business Ethics," appearing in *The Catholic School Journal* in 1956, assisted Catholics who worked in the high-powered business firms of the 1950s; and Leo J. Trese's 1957 piece in *Grail*, "Examination of Conscience for Husbands and Wives," helped Catholic married couples.⁸⁹ Catholics had guides made for every stage of life and social position, gender included. The Archdiocese of Detroit commissioned Reverend Leo Griffen in the 1950s to produce both *The Catholic Boy Examines His Conscience* and *The Catholic Girl Examines Her Conscience*, aimed at adolescents.⁹⁰ The examination of conscience manuals and frequent confession reinforced the overarching moral order of law and conscience.

Three crucial institutions of mid-century Catholic life – schools, parishes, and religious orders – taught Catholics, both adults and children, to examine conscience. Both print culture and institutional rhythms built up the moral world of law and conscience among American Catholics. The racks of literature in the vestibules of Catholic Churches

⁸⁹ See, for example, John D. Franz, *The Parish Priest's Examen* (Springfield, Illinois: Templegate Publishers, 1955). Pamphlet Collection, UNDA, 7/69. This guide had the priest ask his conscience: "Did I observe Canon 136 on Diocesan state of clerical dress?" "Have I cultivated a life of prayer and study imposed on me by norms 124-131?" and, when taking Communion to the sick, "Do I carefully place the blessed sacrament in the pyx before I place it in the burse?" The pyx is metal container that holds the consecrated host. The burse is a bag or assemblage of cloths that is used to move the Eucharist (in the pyx) away from the altar. Philotheus Boehner, *Examination of Conscience According to Saint Bonaventure* (New York: The Franciscan Institute, 1953); Sister M. Therese, "Examination of Conscience on Business Ethics," *Catholic School Journal* 7 (April 1956): 67-71; Leo J. Trese, "Examination of Conscience for Husbands and Wives," *Grail*, 39 (December 1957): 11-15.

⁹⁰ Leo F. Griffin, *The Catholic Boy Examines His Conscience* (Huntington, Indiana: Our Sunday Visitor Press); and Leo F. Griffin, *The Catholic Girl Examines Her Conscience* (Huntington, Indiana: Our Sunday Visitor Press, 1956). Archdiocese of Detroit, Printed Material, Box 1, Folder 55, UNDA.

shelved guides that could be purchased for a dime or a quarter. Daniel Lord's *When We Go To Confession* went for 10 cents and D.F. Miller's 96-page guide, *The Examination of Conscience for Adults* went for 25 cents. Catholic confessors like Athanasius Steck and Leo Pyzalski tailored examination of conscience manuals to the needs of male and female members of religious orders.⁹¹ Catholic educators regularly taught Catholic school children (as we explore below) the examination of conscience to prepare children for First Communion and the first confession. Catholics talked to conscience and asked it questions. An entire genre of pedagogical literature suited this mid-century educative task.

Each catechism dedicated several pages to the examination of conscience. A catechism published in 1933 defined the examination of conscience as a "means of recalling as carefully as possible the sins committed since the last good confession."⁹² The purpose of examining one's conscience, a 1944 catechism commentary for parochial schools, explained, "is to think over and find out what our conscience reproaches us with having done wrong."⁹³ Catechisms linked the examination of conscience with the emphasis on importing church and natural laws into the individual's conscience. "The best manner of examining our conscience is to think on the commandments of God and of the Church and to ask ourselves at each commandment: Have I sinned against it?"⁹⁴ Catholics learned they inhabited a moral world structured by the relationships between law and conscience from catechisms studied at parochial school. Catholic school children

⁹¹ Members of religious orders also examined consciences to prepare for confessions. See Rev. Leo Pyzalski, *Confession, Direction, Particular Examen for Religious* (Chicago: Holy Legion Office, 1941) LLC, BCBL; Athanasius Steck, *My Spiritual Director* (Chicago: Franciscan Herald Press, 1953) LLC, BCBL.

⁹² Peter Cardinal Gasparri, *The Catholic Catechism* (London: Sheed and Ward, 1933), 46.

⁹³ Ferreol Garardey, *Commentary on the Catechism of Rev. W. Faerber for the Parochial Schools of the United States* (New York: P.J. Kennedy and Sons, 1944), 368.

⁹⁴ *Ibid.*, 369.

learned from their catechisms to prepare for a good confession with an examination of conscience.

Catholics were instructed to examine their consciences with great frequency, perhaps once in the morning and then again in the evening. By the evening, a Catholic should have committed several sins (broken a handful of laws), even sins they resolved to conquer that very morning. “Nothing makes conscience so alert, so industrious, so determined as the nightly examination, and against nothing makes that examination so practice as the morning resolution,” a 1946 catechism guide advised.⁹⁵ The guide’s author impressed the seriousness of a good examination of conscience on his readers: “reasonable care must be employed in the examination of conscience,” he wrote, “such as one would give a serious matter of business.”⁹⁶

Catholic educators and confessors in mid-century America wanted children to be apt conscience-examiners. Catholics began examining their consciences in grade school. Jesuit confessor Aloysius Heeg helped Catholic students prepare for confession with his 1941 manual, *A Little Child’s Confession Book: With Prayers, Directions, and an examination of conscience suitable for children in the lower grades*. Heeg explained the guide’s purpose to the young Catholic penitent, before providing a litany of questions (Questions like: Did I *willingly* think of play and other things when I prayed? Was I lazy? Did I do anything that was *really* impure? Etc.), in a straightforward fashion: “Here are some questions to help me think of my sins. When I find a sin that I did, I see if I can tell

⁹⁵ M.A. Schumacher, *I Teach Catechism: A Manual For Priests, Teachers, and Normal Schools* (New York: Benzinger Brothers, 1946), 395.

⁹⁶ *Ibid.*, 507.

it in just a few words and say about *how many times* I did it.”⁹⁷ Heeg used a preferred method among Catholic educators: the examination of conscience by way of the Ten Commandments. In an article for the *Catholic School Journal*, Sister M. Angela (OSB) explained to fellow Catholic teachers that her students learned duties to God, home and Church through an examination of conscience based on the Ten Commandments. Sister Angela displayed the commandments on the blackboard and students examined conscience accordingly: “Having the commandments written out and before the eyes of the littlest ones makes it easier to teach God’s laws,” she wrote, “I have found this project ... very helpful in the teaching of an examination of conscience.”⁹⁸ A member of the Christian Brothers, an order specializing in education, had student-penitents take the examination of conscience a step further: the conscience could be examined by a student as a way self-debriefing after a confession. “Teach them,” he wrote, “to evaluate to some extent the penance the priest imposes. Would Father ask them to say three Hail Mary’s if they were guilty of mortal sin?”⁹⁹

Catholic educators like Jesuit Pierre Ranwez offered the readers of the magazine *Lumen Vitae* advice on how to craft examination of conscience manuals for Catholic children. Understanding God’s law, he thought, helped Catholic students to understand “oneself.” Catholic children learned they inhabited a moral world structured by the relationship of law and conscience and that only the individual Catholic had the capacity to import law into a his or her conscience. He instructed that Catholic Children of the

⁹⁷ Aloysius J. Heeg, *A Little Child’s Confession Book: Prayers, Directions, and Examination of Conscience suitable for children in the lower grades* (St. Louis: Queen’s Work Press, 1941), 5.

⁹⁸ Sister M. Angela, “God Sees and I see: An Examination of Conscience for First Communion,” *Catholic School journal* 55 (May 1955), 166.

⁹⁹ Brother Dominic Edmund, “Forming the Youthful Conscience,” *Catholic School Journal* 62 (October 1962), 38.

ages 6 and 8-years-old should be handed confession manuals that “teach the child objective norms of morality ... Whilst refining the child’s conscience and training it to judge its fidelity to God ... Such a knowledge of God’s demands is, moreover, the best way of drawing oneself to see oneself clearly.”¹⁰⁰ For Catholic educators, knowledge of the law and knowledge of the self, converging in conscience, proceeded apace. Catholics learned they inhabited a world defined by the pillars of law and conscience at a young age.

The conscience tightly linked to confession also had a sacred subjective aspect: no one entered conscience but with a penitent’s permission. As a Redemptorist priest declared succinctly, in a 1962 article for *The Liguorian*, “only God can read consciences.”¹⁰¹ The conscience remained closed to earthly authorities or other lay Catholics. Catholic theology encrypted the information stored in conscience to help penitents reconcile their relationships with God. It was not the purpose of conscience, imagined by manuals and confessors to remember sins, to render penitents vulnerable to punishment or ridicule. For Catholics, conscience was a sacred storage space located inside the individual: the individual could probe their own consciences; find sins with an examination of conscience; or open up conscience to a priest during confession. Catholics reasoned that God knew all the sins resting on their consciences. But any others, priest included, had to be invited into the individual conscience. Only under the seal of confession did the lay penitent allow the priest to enter into his or her conscience; confession marked the only acceptable instance when another earthly personage could peer into, and extract knowledge from, an individual conscience.

¹⁰⁰ Pierre Ranwez, “Examination of Conscience,” *Lumen Vitae* VII (July-September 1952), 434.

¹⁰¹ Louis G. Miller, “Nothing to Confess?” *The Liguorian* 50 (July 1962), 39.

Even in confession, however, priests required divine assistance to see into the penitent's conscience. Daniel Lord urged penitents to confess all sins because the priest had (and required) the help of Christ: "Christ, standing back of His priest, follows the course of the confession and sees deep down into the human conscience," Lord wrote.¹⁰² Church teaching protected conscience from any unwanted visitors. Calling conscience "the most intimate and secret nucleus of man," Pius XII explained that "only the priest may enter [conscience], as a guardian of souls and minister of the sacrament of Penance."¹⁰³ But even in confession, Pius added, "conscience does not cease to be a jealously guarded sanctuary, of which God wishes the secrecy to be safeguarded with the seal of the most sacred silence."¹⁰⁴

Catholics defended conscience from outsiders that threatened to violate its sacred precinct. In the moral cosmos of law and conscience, the law protected the individual's conscience. John Ford, in one expression of the balance between law and conscience, worried throughout his career that mental health professionals violated the consciences of religious subjects with the use of psychological diagnostics. Religious subjects, the ones Ford worried about, were the members of religious orders who were not Superiors. Religious subjects were governed by Mother or Father Superiors, who made choices about their careers and ministries. Psychology gained ground in Catholic circles in the early-to-mid 1960s – and Ford expressed his reservations about the use of psychological tests in religious life with his 1963 book, *Religious Superiors, Subjects and Psychiatrists*. When religious superiors used psychological tests, or employed psychologists to test the order's subjects, they violated the consciences of the less senior members of the religious

¹⁰² *When We Go To Confession*, 5.

¹⁰³ "Christian Conscience as an Object of Education," 17.

¹⁰⁴ *Ibid.*

organization. The dreams, virtues, peccadillos, vices, fantasies, failures, achievements, and callings a religious subject shared with a psychologist were deeply private matters that, before they were vocalized, had rested in conscience. “When the psychiatrist or psychologist uses personality tests,” Ford wrote, “the patient opens up the secrets of his interior psychic life, revealing not only much of his conscious but also much of its unconscious content ... some personality tests ... are calculated to elicit from the subject many matters which belong to the domain of conscience.”¹⁰⁵ For Ford, the internal parts of conscience, exposed when the psychologist handed findings to the Superior, could easily be used to discipline the subject or change his or her career trajectory.

The special information lifted from conscience should never be used to discipline a religious subject. Ford arrived at the conclusion (and was not alone) that: “secrets of conscience ... enjoy an inviolability just short of that of the secret of confession.”¹⁰⁶ As such, until psychologists could prove that their tools were capable of treating internal states with delicacy, religious communities should not endorse psychological approaches to religious subjects. Ford – as expressed in his letter to Madame Chaing about the emancipatory potentials of doubting consciences and in his classroom remarks on tolerance of the erroneous conscience – had a career of tilting towards respect of the “secret psychism” of conscience. Catholic natural law, Ford argued in his 1963 book, entailed a respect for the psychic privacy of conscience.¹⁰⁷

Catholics expressed their deep longings to see the self as God viewed the self with their many examinations of conscience. Catholics examined conscience, as one confessor

¹⁰⁵ John Ford, *Religious Superiors, Subjects and Psychiatrists* (Westminster, Maryland: The Newman Press, 1963), 27.

¹⁰⁶ *Ibid.*, 93.

¹⁰⁷ *Ibid.*, 51.

put it, to “see our sins as God sees them and not as we imagine them to be in our own minds.”¹⁰⁸ A lay writer touted an examination as a means to discover “disloyalty and infidelities to Mary’s Son.”¹⁰⁹ The *Catechist and the Catechumen*, a manual for Catholic school teachers based on the catechism, explained that with an examination, Catholics “try to make ourselves feel what God thinks of us with these sins on our soul.”¹¹⁰ The examination of conscience provided a vantage point for the Catholic self to see, momentarily, the way God might see him or her.

Fulton Sheen thought the potential to reach an Archimedean point gave the examination of conscience a distinct advantage over Freudian psychoanalysis. Freudian psychoanalysis, though potentially useful, was merely the self, searching the self. In the end, “couch analysis,” allowed the patient to project self-discovered pathologies onto others, specifically mothers and fathers. The examination of conscience, in contrast, helped the Catholic to see the self in an objective divine light, and the ability to identify sin precisely allowed the individual to discover and root out the sin. Sheen advised Catholics to imagine the examination of conscience as a cashier emptying a register after a long day of transactions. “Just as a businessman at the end of a day takes out his cash registers the records of credits and debits,” Sheen wrote, “so, too, at the end of every day, every soul should examine his conscience, not using himself as a standard, but seeing it as it appears in the light of God, his Creator and his Judge.”¹¹¹ Living in the moral structures of law and conscience provided Catholics another advantage: a Catholic conscience-examiner could apprehend, with great precision, when and where they

¹⁰⁸ Pierre Ranwez, “Examination of Conscience,” *Lumen Vitae* VII (July-September 1952), 432.

¹⁰⁹ “That Daily Examen,” *Action Now*, 4 (June 1951), 5.

¹¹⁰ Joseph Weigan and James J. Hartley, *The Catechist and the Catechumen: A Manual of Religion for Teachers and Private Instruction* (New York: The Benzinger Brothers, 1924), 128.

¹¹¹ Fulton Sheen, *Peace of Soul* (New York: Garden City Books, 1949), 81.

violated a law. The examination brought to light the “hidden faults of the day” and the “weeds that are choking the growth of God’s grace and destroying peace of soul.”¹¹² It was not enough to discover the “babyhood” roots of sinful states. The examination of conscience promised control over sins – infractions of law so discovered could be confessed, forgiven, and avoided in the future. A Catholic held himself or herself in a divine light with an examination of conscience. As sins were extracted and unburdened, Sheen reasoned that a penitent’s happiness ensued.

The examination of conscience revealed a special self-knowledge to its practitioners. The Sodalists, a fraternity-like organization of Catholic college students, encouraged members to make a nightly examination of conscience to gain self-knowledge. A 1951 article in the organization’s magazine, *Action Now*, explained that Catholics needed “knowledge of God but also knowledge of the self.”¹¹³ Those who failed to examine conscience may not come into possession of self-knowledge: “failure to examine the conscience might let a man go on day after day without knowing himself,” *Action Now* advised, adding that, “in the light of grace the illumined conscience is one of the best ways to avoid serious sins.”¹¹⁴ Confessors regularly explained the benefits of acquiring self-knowledge through the examination of conscience. Catholics imagined that only the self was able to find the self’s defects with a proper examination of conscience. The 1955 examination of conscience guide by M.M. Philippon, entitled *In Silence Before God*, told penitents that “neglect of the practice of examination of conscience means rejection of self-knowledge ... examination of conscience is a searching into oneself in the light of God. It is a sincere searching that acknowledges God’s grace with gratitude

¹¹² Ibid.

¹¹³ That Daily Examen,” *Action Now*, 4 (June 1951), 5.

¹¹⁴ Ibid.

... and which finally urges the soul to fresh endeavor in the pursuit of its ideal.”¹¹⁵

Redemptorist Louis G. Miller advised that “the first step towards spiritual maturity is to work at the acquiring of self-knowledge.”¹¹⁶ The quest for self-knowledge took the examination of conscience beyond the usual list of sins. Miller recommended that “each individual should set out with the desire to profit by their researches; to keep seeking the answers to the questions: what kind of person am I? What traits assert themselves most often in my life? What virtues come most easily; what faults manifest themselves most often?”¹¹⁷ This information culled from conscience, self-extracted, was privy only to the self and to be used only to acquire spiritual virtue. The spiritual states that sprung from conscience were not intended to be disciplined by others or disregarded.

The majority of confession manuals defined conscience as a silent recorder of a Catholic’s infractions of God’s laws. Daniel Lord’s 1941 guide, *When We Go To Confession*, and the 1950 manual, *Adults Confession Booklet*, both focused conscience examiners on infractions of the laws. Confessors may have preferred laws because they were easily communicated, but a serious commitment to God as a law-maker, and Church as divinely commissioned to teach and regulate adherence to the laws, permeated such examination of conscience manuals. The focus on law reflected Catholics’ confidence that, properly instructed in the law, penitents could identify sins precisely. The 1949 confessional manual, *Examination of Conscience For the Teen-Age and Up*, by Paulist priest Paul Flynn was fairly typical in its focus on laws and confidence in identification of sins. Its style was somewhat different in that it had the penitent examine the

¹¹⁵ Marie-Michael Philipon, *In Silence Before God: An Examination of Conscience* (Westminster, Maryland: The Newman Press, 1955), 7. LLC, BCBL.

¹¹⁶ “Nothing to Confess,” 40.

¹¹⁷ Ibid.

conscience with statements and not questions, but its emphasis on the laws made Flynn's guide mainstream. Flynn began his guide with a list of the Ten Commandments and provided a pithy table of the "Commandments of God's Church," which included reminders to "Attend mass on Sundays and Holydays," "To fast and abstain on appointed days," and "not to marry non-Catholics."¹¹⁸ Flynn's guide then went habitual sin-by-habitual sin (PROFANITY, FIGHTING, DRINKING): Flynn first explained to the penitent how they acted when under the influence of said state of sin; then he explained the "causes" of the actions; and finally Flynn offered "cures." One of the sinful states listed by Flynn was "**DANGEROUS ATTITUDES.**" Marks of the "**DANGEROUS ATTITUDES,**" according to Flynn, included questioning the Church's laws, questioning the Church's restriction on participation in non-Catholic rituals, and complaining about how the Church condemned certain magazines and movies. "The Cause" of this dangerous attitude, as the manual explained, included neglecting to live a "truly Catholic life," ignoring the sacraments, and forgetting that, "**MY EYES ARE THE WINDOWS OF MY SOUL ... AND IT IS THE GOD-GIVEN DUTY OF THE CHURCH TO PROTECT MY SOUL AND LEAD IT TO ETERNAL HAPPINESS.**"¹¹⁹ For the "Cure," Flynn prescribed reflection on the God-given authority of the Church. This entailed recognition that the Catholic Church is the one true Church founded by Christ, the Church is "truly your mother," and seeking advice from priests, as they knew the answers to problems and, as such, could actually help a Catholic penitent. Flynn closed out his

¹¹⁸ Paul Flynn, *Examination of Conscience for the Teen-Age and Up* (New York: The Paulist Press, 1949), 7. LLC, BCBL. Other commandments included confession at least once a year, to receive Holy Communion during Easter, and to contribute to the support of Catholic pastors. Religious orders had similar guides. See Philotheus Boehner, *Examination of Conscience According to Saint Bonaventure* (New York: The Franciscan Institute, 1953). Guides like these could appear in Catholic magazines. See .J. Lebreton and T. Suavet, trans. Marie Ponsot, "Examination of Conscience for Adults," *Cross Currents*, VIII (Fall, 1957): 289-293.

¹¹⁹ *Ibid.*, 40.

guide with the sunny advice that, “If you live these rules, you’ll find that your life will be far happier than it has ever been.”¹²⁰ God created a moral universe of laws, and Catholics used conscience examination manuals to self-tune conscience into the larger cosmos of laws. The knowledge self-extracted from conscience helped the inquisitor to master the rigors of a spiritual life defined by laws.

Ford left the production of highly detailed confession manuals to his fellow priests, but he was no less committed to extracting the sins that rested on penitent’s consciences. Ford encouraged Jesuit confessors to actively examine the conscience of their penitents during confession in his “Pastoral Remarks on Erroneous Conscience,” lectures delivered in a 1959 class he taught at Weston theologate. Confession was the only arrangement under which a priest could peer into a penitent’s conscience, and Ford encouraged confessors-in-training to seize the moment. In response to the confession of a sin, Ford told Jesuit confessors to engage in a dialogue by asking a penitent who had just offered up a sin: “Did you think at the time you did it [the sin] you were doing something ... morally sinful?”¹²¹ Ford urged confessors to press penitents if they mentioned a sin or asked the confessor about the classification of a sin. When the penitent did so, or asked about a sin, Ford reasoned it was often indicative of an erroneous conscience which could be defeated with knowledge of the divine law. “When the penitent asks: is it a sin to kiss, to pet, or go to the movies or read True Love Stories, or go out with a married man? Do not answer the question directly,” Ford instructed.”¹²² Instead, “first find out what is on their consciences.”¹²³ The confessor should ask the penitent why these acts or

¹²⁰ Ibid., 44.

¹²¹ John Ford, “Pastoral Remarks on the Erroneous Conscience,” JFP, Box 14, Folder 1, NEPSJA.

¹²² Ibid.

¹²³ Ibid.

indulgences burdened their conscience. When the conscience bothered the penitent after an act – or the penitent had doubt about an action – it suggested the conscience had knowledge of the natural law the penitent ignored. The conscience might be tuned into the world of God’s laws, whereas its host might not, and the conscience might return the penitent to the proper balance of conscience and law. The continued agitation provoked theologians to consider whether God had placed some special knowledge in conscience unbeknownst to its host. The assiduous confessor, Ford advised, questioned the penitent until she apprehended why her conscience bothered her. The penitent, realizing that her conscience knew the objective law, might follow its lead.

A Catholic’s failures to act virtuously, not merely his or her infractions of law, also rested on conscience. Catholics produced examination of conscience manuals that had Catholics ask themselves not only “What Evil have I done?” but, “What good should I have done?” As Daniel Lord explained in the introduction to fellow Jesuit Edward Haungs’ 1945 guide, *Examination of Conscience for Married Couples*: “We are strong on asking ourselves about sins we have committed. We forget altogether to ask ourselves about the virtues we should have cultivated.”¹²⁴ Ford and Haungs designed *Examination of Conscience for Married Couples* to, as they put it (giving it a positive spin) “improve home life.”¹²⁵ Questions invited the Catholic husband and wife to determine how each failed to be virtuous in the context of Christian marriage. Had the wife left enough proper spiritual literature around the house for the children? Had the husband lived Catholic

¹²⁴ Edward J. Haungs, *An Examination of Conscience for Married Couples*, (St. Louis: Queen’s Work Press, 1945), 1.

¹²⁵The guide had the Catholic man ask conscience: “Do I realize that among my co-workers I am a walking advertisement for the Catholic Church?” and “Do I give my wife enough money to run the home?” It had the Catholic woman ask her conscience: “Do I read Catholic newspapers, books, magazines and pamphlets?” and “Do I talk about the children with my husband?” Ibid., 3-22.

values at his place of work? Did husband and wife allow one another “the privileges” of married life?

The *Examination of Conscience For Adults: A Guide for Spiritual Progress*, prepared by confessor D.F. Miller, exemplified the virtue guide genre. Published initially in 1942, Miller’s guide was in its 9th edition by 1957. Miller had the penitent move virtue-by-virtue (Justice, Chastity, Obedience, etc.) over the course of a year. Every month the penitent considered a different virtue. Miller dedicated March to “Love of God.” This examination of conscience was a five-step process that included studying the particular virtue, examining the conscience with questions of different sin gradations (mortal sin; venial sin; helps and counsels), and then finishing with a short prayer and a separate, longer prayer. Miller began March with an explanation of Love of God: “The love of God is the infused theological virtue by which we love God above all other things because of His infinite perfection and loveliness, and manifest that love in thought, word and deed.”¹²⁶ His guide then had the penitent ask conscience about mortal (serious) sins regarding the “Love of God.” This included: “Have I broken a serious vow made to God, by which I had bound myself under pain of mortal sin?”¹²⁷ Then on the venial (less serious) sin: “Have I seldom, if ever, made a real act of love of God, except such as were implicit in the fulfilment of other duties?”¹²⁸ Before moving onto the “Helps and Counsels,” a section designed to help the penitent live the Love of God: “Have I given any time to the thought of God’s goodness, in creating me out of nothing, in redeeming me with His Blood, in raising me to the supernatural state, and surrounding me with

¹²⁶ D.F. Miller, *Examination of Conscience for Adults: A Guide for Spiritual Progress* (Liguori, Missouri: The Liguorian Press, 1957), 24. General Collection: Printed Material (hereafter PGEN), 95/3727, UNDA.

¹²⁷ Ibid., 25.

¹²⁸ Ibid., 26

means to advance in virtue?”¹²⁹ Then, to end the month of March, Miller provided a long prayer: “My Lord, give me Thy love, but a fervent love which will make me forget all creatures; a strong love which will make me conquer all difficulties in order to please thee.”¹³⁰ Catholics who used virtue guides like Miller’s had a comprehensive playbook of examinations (serious, less serious, counsels) and prayers at their disposal. Catholics prayed for a power to see as God sees, and determine precisely where they failed to live up to Christian virtues.

Examinations of conscience focused on virtues were a regular habit for members of Catholic religious orders, or at least should have been, as their constitutions made clear that religious subjects were to examine conscience almost daily. According to a 1945 article in *The Review for Religious*, the rules of most religious orders required two daily examinations of conscience, one at noon and another at the end of the day.¹³¹ Members of religious orders produced examination of conscience manuals to guide these (and other) self-interrogations. Two members of the Sisters of Notre Dame linked examinations of conscience to the annual liturgical cycle with their 1943 guide, *Soul Clinic: An Examination of Conscience for Religious Teachers*. The authors placed the examination in a package of prayers, meant for an afternoon prayer-session, that included Adoration, Thanksgiving, the Prayer for Light, Contrition, and a Prayer for Mary. For an examination of conscience during the season of Advent, the season set aside to prepare for Christmas, Sisters were to confront and ask their consciences individually: “The world is in a state of upheaval because the majority of the people are guided by the spirit

¹²⁹ Ibid., 27.

¹³⁰ Ibid., 29.

¹³¹ James L. Kleist, “The Daily Examination of Conscience,” *The Review for Religious* 4 (January 1945): 37-47; see also, Richard L. Rooney, “New Vitality for the Old Examen,” *The Review for Religious* 5 (September 1946): 296-300.

of pride, selfishness, greed and jealousy. Is there evidence of this spirit in my own life?” “Do I meditate frequently on true greatness, that is, the spiritual power to rise above the proud and selfish instincts of human nature and follow the lead of the Savior in His humility and self-effacement?” and “Am I determined to advance in the spirit of humility and self-effacement during this season of Advent and become, with other great apostolic souls, a true precursor to the Son of God who came down to earth to save us?”¹³² Sisters could also examine conscience at the time of their “monthly recollection” – a monthly assessment of spiritual progress. Fr. Victor’s *Monthly Recollection with Examination of Conscience for Sisters* suited this purpose and moved the conscience-examiner vow-by-vow (poverty, chastity, obedience) and value-by-value (intention, charity, humility). To keep the vow of poverty in mind, sisters were to ask conscience: “Have I taken care of everything given for my use?” “Have I any attachment for trifles (pictures medals, letters, photos, etc.)?” and “In the world, people have to work to live, they earn their daily bread by toil. Have I often wasted time, spent hours in idleness?”¹³³ Catholics, vowed religious and laypeople alike, examined conscience to identify the aspects of life, both broad and microscopic, where they failed to embody Christian virtues.¹³⁴

Not all Catholic moralists were satisfied with the mid-century examination of conscience. Catholic educators like Pierre Ranwez who studied examination of conscience manuals found flaws. Some Catholic educators had come at mid-century to criticize how lists of sins found in manuals conflated major sins (mortal) with less serious

¹³² Two Sisters of Notre Dame, *Soul Clinic: An Examination of Conscience For Religious Teachers* (New York and Cincinnati: Frederick Pustet Company, 1943), 48-49.

¹³³ Rev. Father Victor, *Monthly Recollection with Examination of Conscience for Sisters* (Westminster, Maryland: The Newman Press, 1949), 16-17.

¹³⁴ Members of religious orders also examined consciences to prepare for confessions. See Rev. Leo Pyzalski, *Confession, Direction, Particular Examen for Religious* (Chicago: Holy Legion Office, 1941) LLC, BCBL; Athanasius Steck, *My Spiritual Director* (Chicago: Franciscan Herald Press, 1953) LLC, BCBL.

sins (venial). D.F. Miller justified the form of his virtue-driven guide (explained above) with the lament that lists of sins consistently “lack completeness, or they make no clear-cut distinctions between mortal and venial sin, or they make no reference to the helps and counsels that might build up virtue and prevent sin.”¹³⁵ The 1954 thesis by OSA Joseph Xavier O’Connor, “A Survey of the Examination of Conscience as Found in Some Popular Prayerbooks,” took confession manuals to task in its concluding section. O’Connor’s general critique, after reading 19 such books, was that mid-century manuals made many actions appear as sins that, in fact, were not sins at all. “The main fault with some of the examinations under survey,” he wrote, “is the fact that they list as sins acts which are not sinful...they therefore lead one to believe something to be sinful which is not sinful.”¹³⁶ O’Connor found it laudable, for example, that such guides encouraged penitents to examine conscience with questions about “neglect of morning and evening prayer” but such omissions were hardly sins, and the manuals made it appear as if forgoing morning and evening prayers required confessing, when by any reasonable measure of sin, they did not need confessed. It is here that Ford’s lessons on doubting laws could prove useful.

Jesuit Pierre Ranwez, who worked at the International Center for Religious Education, located in Brussels, was even more critical of the guides. Lists, he argued in a 1952 article for *Lumen Vitae*, did not produce a real examination, only a technical analysis of external behaviors. Lists based on the Ten Commandments, for example, “dim the basic truth that Christian conduct should be built upon the Gospel and

¹³⁵ *Examination of Conscience for Adults: A Guide for Spiritual Progress*, v.

¹³⁶ *A Survey of the Examination of Conscience as Found in Some Popular Prayerbooks*, 30.

Sacraments.”¹³⁷ In an article published eight years later, Ranwez deepened his critique of examinations for adults and children. As a result of the lists, “many adults only examine their consciences very superficially,” Ranwez argued, adding that “they have in mind a list of typical faults and consider whether any actions of this nature have been committed; but there are many deviations or faults, less easy to discern, which do not come under the list.”¹³⁸ Ranwez argued that the lists ought to be replaced with silence, recollection before God, prayer before God, and meditation on words, commandments and beatitudes. Children, Ranwez insisted, should also be exposed to this approach of examination: “the examination of conscience will therefore chiefly consist in considering the words of Jesus and recollecting oneself in the presence of God, taking its normal place in the prayer life of the child.”¹³⁹

Conclusion

This chapter has looked at Catholic conscience as defined in theory and as it was realized in sacramental practices. Catholics inhabited a moral world structured by law and conscience, and the relationships between law and conscience. Catholics’ respect for the conscience, in theory, often competed with, and won out over, Catholic’s commitment to teaching God’s laws. Even in a cosmos of God’s laws, the conscience marked a sacred subjectivity for American Catholics. Conscience had a two-fold definition at mid-century: first, as the most immediate guide for moral decision-making; and, second, as an inner sanctuary, close at hand, that rested deep in the confines of the self. Conscience as construed by Catholics was a subjective space that could only import laws after having undergone the proper cultivation and education. If the individual had a

¹³⁷ “Examination of Conscience,” 433.

¹³⁸ Pierre Ranwez, “Forming Moral Conscience in the Very Young Child,” *Lumen Vitae*, (1960), 75.

¹³⁹ *Ibid.*, 76.

conscience that was certain, but at odds with the law, or an erroneous conscience that attempted and failed to apply laws correctly, Catholic moralists accorded such a conscience respect by offering it a distance from the law. Ford stood at the crossroads of this tension: God had given the Church an “indispensable treasure – the divine and natural laws” but also given individuals conscience, “an ultimate and deciding norm for personal action.” Ford resolved this tension by titling towards a respect of the individual conscience: the doubting conscience did not have to follow a law; the erroneous conscience could be declared “invincibly ignorant” and sent on its way; a religious subject’s conscience deserved protection from psychologists’ personality tests; and a famous doctor with a “serene conscience” did not need his conscience “troubled unnecessarily.”

This chapter has also examined the role of conscience in the practice of confession at mid-century. Catholics at all stages of life, in a range of professions, and working in various sectors of the church were socialized into a cosmos of law and conscience by way of the manuals and extensive institutional commitment to confession. Catholics asked conscience questions in an effort to discover and root out the sins that rested on conscience. Examining conscience was believed to help the individual to see the self as God sees it. With a fresh understanding of the self, a Catholic could more successfully pursue a life of virtue. Catholics could understand precisely where they stood in the cosmos of laws. Only the individual could explore this “innermost space” or “supreme subjective norm of morality.” It was not to be exposed to any other living person, save a priest in the confessional. Catholics had an intimate level of contact at mid-century with the special subjective space of conscience.

This chapter, looking at Catholic conscience in theory and practice, has concentrated on the moral and devotional, in-house side of Catholic theologies of conscience. It has, in other words, explored intra-Catholic dynamics. With this framework in place, we can explore how Catholics deployed the moral and theological definitions of conscience in the sometimes contentious mid-century public political debates over the conscription of Catholic men into the World War II and Cold War army. The next chapter examines how the provocative teaching on conscience fared in the context of war. We now move from the internal dynamics of American Catholicism – its theory and practice of conscience – to how a teaching on conscience interfaced with the demands of citizenship in a time of war.

2.0 CHAPTER 2

“Conscience Is Indeed the Sacred Flame Which Must Be Protected”: Conscience Defended, Lived, and Frustrated in World War II and Cold War America, 1940-1957

Introduction

The Catholic moral world structured by the balance of law and conscience endured America's wars, hot and cold. During the Second World War and the early Cold War, Catholics did not mute their commitments to the immediacy and sovereignty of conscience. Catholics openly acknowledged – in periodicals, pamphlets, private letters, academic journals, and newspapers – that conscience, the supreme subjective source of morality, had to be followed when made certain. The manualists' teachings on conscience, traditions firmly established in Catholic circles, endured the Second World War and the early Cold War consensus: erroneous conscience merited protection from the law; a subjectively certain conscience had to be followed; and a conscience that purported to know God's objective will (and still erred) had to be obeyed.

Catholics pondered war, and the state's conscription laws, with the moral structures of law and conscience. John Ford advanced in a public fashion the argument that a Catholic man could follow conscience in disobeying the state's orders to take part

in *specific* bombing operations. As we note below, popular writer and Jesuit priest Daniel Lord stated unequivocally in a popular pamphlet published in 1939 that, should a Catholic judge a war unjust, he obliged himself in conscience *not to participate*. Catholic men still had to form and follow conscience in a time of war. Its immediacy and sovereignty still granted conscience an authority more proximate than laws.

During World War II, a minority of Catholic laymen attempted to live – that is, act on – the tradition that persons truly possessed direct sources of moral guidance called consciences. Catholic theology and its natural law language convinced a handful of devout Catholic laymen that conscience was a faculty they really possessed, and could tip the balance towards in response to conscription. Laymen Dwight Larrowe, Gordon Zahn, and Vincent La Barbera, attempted to make real, in the world, the manual lesson that Catholics were obliged to follow conscience if a war had been deemed unjust by the individual Catholic.

The theology of conscience, as lived by these laymen during World War II and the Cold War, did not set them outside of the conflict. Catholic theology stipulated that a Catholic must follow conscience in certain situations but the formula could not predict what would follow as a result. Religion as it is lived, historian Robert Orsi reminds scholars, involves setbacks, frustrations, and denials, along with more rarified (sometimes spontaneous) encounters with the sacred or transcendent.¹⁴⁰ The theology of conscience as these laymen lived it in World War II and Cold War America produced tension with Church officials and invited investigative exercises from the state. Larrowe, director of a Catholic conscientious objector labor camp in New Hampshire, for example, outlined the

¹⁴⁰ Robert A. Orsi, *History and Presence* (Cambridge and London: The Belknap Press of Harvard Press, 2016).

theology of conscience for bishops at the National Catholic Welfare Conference in letters calling for support of Catholic conscientious objectors in his labor camp. The NCWC ignored Larowe. The Chancellor of the Archdiocese of Boston told Gordon Zahn in 1945 that Zahn's textbook formulations of conscience produced only an erroneous conscience unworthy of any official support (even as the Church's official theology of conscience claimed to respect erroneous consciences); and Le Barbera's priests told the New York draft board, to whom Le Barbera looked for an appeal in the mid-1950s, that the Catholic Church did not support Le Barbera's stand of conscience. The provocative and traditional teaching conscience was widely available and well known, but church officials' refusal to translate the theology of conscience into an official stance made the lived theology of conscience – the attempt to bring it into the wartime world – a lonely and dangerous road.

Catholics were not alone in making conscience claims on the World War II and the Cold War home fronts. This chapter briefly explores the Protestant theology of conscience, a phenomenon that will be the main subject of the dissertation's final chapter. Mainline Protestants lambasted the Truman Administration and the nation's draft boards for placing, and detaining well after the war's end, men (particularly Jehovah's Witnesses) who claimed conscience would not allow them to fight in the war. An important layer of the theology of conscience – beyond the formal articulations by scholars and attempts by laypeople to live the theology in the world – included religious leaders' critiques of the state when government officials failed to respect conscience. The Protestant theology of conscience became important between 1946 and 1948 when a phalanx of mainline Protestants accused the Truman administration, in a conspicuous

media campaign, of denying a minority of Americans – still in prison because of objections to World War II – the dignity that came with following the internal movements of conscience. The Protestant theology of conscience had different underpinnings than the Catholic theology of conscience: Protestant theologies of conscience did not spring from a manual framework or the just war tradition, but extended instead from Protestants' abiding commitment to the notion that to perform authentic actions (political or religious) a Christian's motivations had to be produced internally by conscience and could not be forced from an outside authority. Methodists, Presbyterians and Congregationalists thought of their churches as mediators between the legitimate power of the state and an individual's movements of conscience. The Protestant stand against the Truman administration marked the first time in postwar American history where groups – in this instance the Federal Council of Churches and series of local Protestant organizations – advocated publicly on behalf of those imprisoned for, the advocates claimed, acting in line with conscience. Protestants often prefaced their advocacy by disavowing the individual's capacity to reject war; but the nature of action should not matter, or be penalized by the state, they argued, if it had been born of conscience.

This chapter has four sections. The narrative is chronological, proceeding from World War II to the end of the Cold War. The first two sections examine Catholic conscience claims in World War II, a third will look at Protestants, and the final section returns to the Catholic defense of conscience in the Cold War. The first section charts how American Catholics circulated the theology of conscience – with its radical lessons on certainty and the duty to follow conscience in an unjust war– in a wide array of print

sources including magazine articles, dissertations, pamphlets, academic articles, newspapers, and private memos. The second section shows how a small group of lay Catholic men attempted to incarnate the theology of conscience in the world. The theology of conscience as it was lived against state conscription laws, this section hopes to show, entailed tragedy, disappointment, and bodily pain. The third section shows how mainline Protestants struck similar themes by criticizing the Truman Administration for detaining men who acted on lessons to follow conscience. A crucial layer of the broader theology of conscience – introduced in this section and explored in later chapters – includes Protestant and Catholic campaigns on behalf of men who followed conscience, heeding orthodox theologies, and yet saw the inside of a prison. The final section explores how American Catholics continued to elaborate and live the theology of conscience in Cold War America.

“He Must Be Left With His Conscience” : The Traditional Theology of Conscience in World War II America

During the Second World War, Catholic authorities did not cast aside the immediacy and sovereignty of conscience. Even the Catholic conscientious objector, a controversial prospect in many Catholics’ eyes, had to be guided by his conscience. An editorial in *America* published just 6 days after Pearl Harbor declared that, “his conscience must be his guide.”¹⁴¹ Two weeks later, the editors repeated the argument. Even if a conscience could not be properly formed, “he must follow his conscience, it is true...,” the editors averred.¹⁴² The magazine’s editors dared not deny that such individuals must follow conscience. When a Catholic CO accused Jesuit Paul Blakely of gainsaying the importance of conscience in 1942, Blakely clarified that he never

¹⁴¹ “Conscientious Objectors,” *America* December 13, 1941, 266.

¹⁴² “War and Conscience,” *America*, December 27, 1941, 322.

committed such apostasy in a rebuttal editorial for *America*. “Let me say I have never heard of a Catholic moralist who holds that a man may disregard, or act against, his conscience,” wrote Blakely, “I did not write that a man might follow his conscience. I said that he *must* [emphasis his].”¹⁴³ To argue otherwise denied a well-established Catholic teaching.

Catholics had obligations to follow conscience in the case of an unjust war. Catholics were, as a rule, bound in conscience *not to participate* in an unjust war. Popular writer Daniel Lord stated this rule clearly in his colloquial 1939 pamphlet – invitingly titled – *So You Won’t Fight, Eh?* In the rush to take up arms, Catholics must pause to consult conscience. “If a country is engaged in a clearly unjust war,” Lord wrote, “then conscience has to enter in.”¹⁴⁴ If a Catholic found the war unjust – a conclusion that could be reached with the proper approach and discovery of corresponding evidence – he bound himself in conscience not to fight. Conscience always trumped orders to fight in an unjust war. Lord concluded that, “God gave each nation and individual a conscience. We cannot fight a war that violates our conscience.”¹⁴⁵ Lord was a prolific writer and his easy-reading pamphlet probably reached a wide audience.

The Catholic’s obligation in conscience to reject unjust war also spread with the pen of Monsignor George Barry O’Toole. O’Toole, a philosophy professor at Catholic University of America, offered a strong defense of conscience in a series of articles for *The Catholic Worker* published between 1939 and 1941, gathering the writings into a 1941 pamphlet, *War and Conscription at the Bar of Christian Morals*. O’Toole argued that all modern wars were unjust and that Catholics were, as a rule, obliged in conscience

¹⁴³ Paul Blakely, “An Answer to the Objectors Who Deny Any War is Just,” *America*, March 7, 1942, 593.

¹⁴⁴ Daniel Lord, *So You Won’t Fight, Eh?* (St. Louis Missouri: The Queen’s Work Press, 1939), 7.

¹⁴⁵ *Ibid.*, 8.

not to participate. “Where such immoral methods are the order of the day,” O’Toole wrote, citing the bombing of non-military targets, “no Christian can in conscience participate.”¹⁴⁶ Secular governments waged modern wars with immoral means. No Catholic could participate in modern wars without committing terrible sins. All modern nations, O’Toole wrote, “are secularized and ... have legislated religion and morals out of all public life ... relegating Christian ideals to the privacy of the individual conscience.”¹⁴⁷ Conscience perforce became a Catholic’s guide.

O’Toole’s argument found a following, especially among readers of *The Catholic Worker*. The obligation to follow conscience in the case of an unjust war circulated among American Catholics in the early 1940s in the form of two mass-produced pamphlets. When Catholic conscientious objectors showed up to the headquarters of the NCWC in Washington D.C., a priest complained that, “all of them are reading Monsignor O’Toole...who says that...if there is a war like World War I that a Catholic is obliged in conscience to go to jail or to a concentration camp rather than be conscripted.”¹⁴⁸

The strength of O’Toole’s case was its clarity, but for moral theologians like John Ford, it may have been too sweeping to declare Catholics obliged in conscience to refuse modern war *in toto*. But perhaps a case could be made that Catholics had an obligation in conscience to reject the specific exercises of modern warfare that targeted civilians. In a 1944 article for *Theological Studies*, Ford suggested Catholics were bound in conscience not to participate in particular military operations that targeted civilians, what Ford called “obliteration bombing.” Ford conceded at the outset of his article that the Catholic

¹⁴⁶ George Barry O’Toole, *War and Conscription at the Bar of Christian Morals* (New York: The Catholic Worker Press, 1941), 37.

¹⁴⁷ *Ibid.*, 36.

¹⁴⁸ H.T. Carrol to Monsignor Ready, January 23, 1941. National Catholic Welfare Conference (hereafter NCWC), Catholic University of America Archives, (hereafter CUAA), Box 59, Folder 1.

Church had no specific law on modern war, and so it remained difficult to bind a conscience to a particular path.¹⁴⁹ But Ford went about making a case that lay Catholics were obliged in conscience to refuse orders to bomb non-military targets because saturation bombing violated the natural law. Ford built his case on statements made by Pope Pius XII in which the pope condemned certain “procedures of war,” and so, Ford reasoned, a “burden on conscience” could be established in moral teaching that Catholics were bound in conscience not to take part in obliteration bombing.

Ford urged confessors to enforce the teaching. When a penitent had “tremendous upheavals in conscience” about bombing – if the Catholic bombardier had taken part in the exercises fully aware it was wrong – the priest should refuse him absolution. If the penitent bombed in ignorance of the rule, however, he could be absolved.¹⁵⁰ Ford’s article made the case that a Catholic could be bound in conscience to refuse the military’s orders to drop bombs on civilian targets, liberating the Catholic soldier from orders that, if carried out, threatened the eternal destiny of his soul.

The matter of individual conscience lingered despite the acknowledged finitude of the individual. Ford noted in passing that Catholics had a “well-established rule” to follow civil authorities. Catholic theologians often explained that individuals were not capable – due to a lack of evidence and the impossibility of a bird’s eye view – of passing judgment on the actions of the state: a Catholic could not, because of the finiteness of individuality, judge the state’s actions. But if the conscience were to somehow become unsettled it was conscience that the Catholic was bound to follow, not the draft law. A 1941 editorial for *America* adumbrated how deference to state authority gave way to

¹⁴⁹ John Ford, “The Morality of Obliteration Bombing,” *Theological Studies*, 5 (1944), 268.

¹⁵⁰ Ibid.

conscience: “Ordinarily the presumption favors the government,” the editors wrote. “The Government is supposed to have access to facts unknown, and practicably unknowable to the citizen, and it is further assumed that the Government has decided upon war only as the last means of preserving its existence and well-being.”¹⁵¹ Here the editors mentioned the long-established tenet of Catholic political theory that the state has rights extending from its role to preserve the common good. But, right on the heels of giving the benefit of the doubt to the state, the editors asserted that, “presumption must yield to evidence, and should the individual citizen conclude that he must in conscience accept what he deems to be evidence overthrowing the presumption, his course becomes plain ... his conscience must be his guide.”¹⁵²

A cable wired on the *National Catholic Welfare Conference News Service* in 1942 by Catholic philosopher John K. Ryan articulated the dual-sided imagination of law and conscience: “it is certainly not within the mental competence of every citizen to decide upon the wisdom and morality of the most momentous questions of national importance,” Ryan admitted.¹⁵³ But this didn’t settle the matter of conscience. Ryan noted that a Catholic still had to weigh the evidence. Conscience had a stubborn proximity. Ryan conceded that “the supremacy of conscience ... still remains ... hence, if after deliberation with competent authorities, the decision reached is that the war is unjust, then a man has the duty of following the sincere and enlightened dictates of his conscience.”¹⁵⁴

¹⁵¹ “Conscientious objectors,” *America*, December 13, 1941, 296.

¹⁵² *Ibid.*

¹⁵³ John K. Ryan, “Conscientious Objection: A Point of View,” *National Catholic Welfare Conference News Service*, n/d but 1942 or 1943 . NCWC, Box 59, Folder 1, CUAA.

¹⁵⁴ *Ibid.*

A Catholic man could follow conscience during times of war even if it were an “erroneous conscience.” Catholics officially defined the erroneous conscience (as explained above) as a conscience that assumed knowledge of the law and either misconstrued the knowledge or failed to properly apply the law. Catholic conscientious objectors, like Catholic penitents more generally, were authorized to follow erroneous consciences. As British Catholic writer H. Davis explained in *The Clergy Review*, a London periodical read on the American Catholic scene: “the out-and-out conscientious objector, who will not obey the State in the matter of fighting because, he avers, to fight is contrary to the dictates of his conscience, is certainly denying a fundamental right to self-defense ... [yet] he will retort, of course, that he must obey his conscience.” Davis conceded that: “He must, indeed, even if it be erroneous.”¹⁵⁵

The erroneous conscience denied the imperatives of the state to ensure the common good (the error), and yet it still had to be followed. Davis reminded readers of the obligation to correct an erroneous conscience with knowledge of the law, but, as Franciscan Friar Cyprian Emmanuel, a researcher who addressed the question of conscientious objection with a 1940 article for *The Catholic Mind* noted, even when study failed to remove error, the erroneous conscience still had to be followed. One must, Emmanuel advised, study both the civil and the Church teaching but:

In spite of all good will and requisite diligence, however, it can happen that one remains in complete or partial ignorance of the law or misunderstands its true meaning ... this is known as an invincible erroneous conscience ... the individual is obliged to obey the dictates of such a conscience just as rigidly as though it were in perfect accord with the law.¹⁵⁶

¹⁵⁵ H. Davis, “War: Christian Principles,” *The Clergy Review* (October 1939), 287.

¹⁵⁶ Cyprian Emmanuel, “Conscientious Objection to War,” *Catholic Mind*, October 22, 1940, 395. See also, Emmanuel, *The Morality of Conscientious Objection to War*. (Washington D.C.: The Catholic Association For International Peace, 1941).

Respect for the erroneous conscience was so well established in manuals and catechisms that affirming its important place in the moral law was passé to some Catholic commentators. A 1941 Catholic University of America dissertation titled with the direct question “Who May in Conscience Object to Military Service?” noted in passing that, “all admit that the subjective conscience, invincibly erroneous, must be followed, no matter what the objective reality.”¹⁵⁷ The theological premise that one must follow an erroneous conscience was axiomatic at the commencement of the war, and subsequently reaffirmed throughout.

Catholic writers were wont to remind audiences that when a civil law sufficiently mirrored a divine law, Catholics could be prodded to follow the law as a duty extending from conscience, marking disobedience to the law as a sin. The draft laws that met high moral standards for a just war earned the capacity to bind a conscience to obedience. In a June 1941 article for *The Commonwealth*, Jesuit priest Wilfrid Parsons, a political science professor at Georgetown University and former editor of *America*, explained that states bound consciences to obedience because states acted in the name of the common good. “The government of a nation has a supreme duty of looking out for the common good, and therefore has been given by the natural law ... the office of directing the external actions of the citizens to the common temporal good,” he wrote. As it pertained to a just war, he added, the state “can lay upon the conscience of every citizen the obligation of bearing arms, unless certain citizens are exempted from this obligation by a higher

¹⁵⁷ John F. O’Brien, “Who in Conscience may Object to Military Service?” A Dissertation Submitted to the Faculty of the School of Sacred Theology of The Catholic University of America (Washington D.C., Catholic University of America, 1941), 28.

law.”¹⁵⁸ A 1941 Catholic University of America dissertation on “The Obligation in Conscience of American Citizens to Obey Civil Laws,” noting that, “authorized government can command its subjects in such a way that it would be a sin for them to disobey, i.e. they can be made to obey under an obligation of conscience,” concluded that the Selective Service Act bound Catholics in conscience.¹⁵⁹ Even if the dissertation, a requirement for a licentiate in sacred theology, posited a theological claim (the state “acts directly as the minister or instrument of God himself...”) it offered a practical recommendation: the state, which, in the natural law, had a right to exist, must: (A) draft the proper amount of soldiers to defend the common good and (B) draft male citizens only when it did not have enough volunteers forthcoming to fill its ranks.¹⁶⁰ The researcher, a student at Catholic University of America, finding that the civil law reflected the divine law, concluded: “by its nature the Selective Service Act is obligatory in conscience.”¹⁶¹ Citizens (Catholics and others) had an obligation in conscience to help the state secure the common good. Arguments like these raised the stakes of disobedience to the law: to disobey a law that bound conscience constituted not merely a civil offense against the state but a grave sin against God.

Yet, Catholics felt the need at midcentury to appraise the capacity of civil laws to bind conscience. The law had to meet high moral standards to bind Catholic conscience to obedience. The theology of conscience placed considerable pressure on state law to mimic divine laws. French Catholic philosopher Jacques Maritain, publishing an excerpt

¹⁵⁸ Wilfred Parsons, “The Conscientious Objector: Can A Catholic find Doctrinal Justification for Conscientious Objection?” *The Commonweal*, June 27, 1941, 223.

¹⁵⁹ Gregory Francis Hamseath, *The Obligation in Conscience of American Citizens to Obey Civil Laws*. (Ph.D. Dissertation, Catholic University of America in Sacred Theology, 1941), 7.

¹⁶⁰ *Ibid.*, 16.

¹⁶¹ *Ibid.*, 36.

of his book *Christianity and Democracy* in the April 1944 edition of *The Atlantic*, raised the bar high: “The dictates of authority,” he wrote, “are binding in the conscience only because authority has its source in God.”¹⁶² And as political theologian John Courtney Murray framed it in a 1945 article: “the rights of conscience can be safeguarded only by a total organization of society that will take its inspiration and its architectural lines from the moral law.”¹⁶³ Catholic catechisms explained how civil laws were binding upon conscience. In response to the question, “Do civil laws bind in conscience?,” the *Catechism of Christian Doctrine No. 4* answered “Yes; laws properly so called, passed and promulgated according to the constitution of the State, bind in conscience not matter what may be the form of government.”¹⁶⁴

Civil laws became laws “properly so called” only when analogous to the divine law; if they were improper laws – they did not bind a Catholic’s conscience to obedience. If society did not take its inspiration from the moral law, a Catholic was authorized by traditional teaching to elevate conscience over the law. Individual Catholics were to make certain that civil laws like the Selective Service Act of 1940 were in conformity with the divine law before granting such laws the esteem of binding a conscience.

Priests who wrote on conscientious objection during World War II encouraged Catholics to retreat to the confines of private study to evaluate the binding authority of draft law on conscience. Catholics considered the war effort through the preexisting framework of law and conscience, and not vice versa. Cyprian Emmanuel’s 1941 *Catholic Mind* article described “objective conscientious objectors” (i.e., “those whose

¹⁶² Jacques Maritain, “The Leaven of Conscience,” *The Atlantic*, 173 (April 1944), 94.

¹⁶³ John Courtney Murray, “Freedom of Conscience: The Ethical Problem,” *Theological Studies* 6 (June 1945), 274.

¹⁶⁴ John Joseph McVey, *Catechism of Christian Doctrine No. 4, Revised According to the Code of 1918* (Philadelphia: Institute of the Brothers of the Christian Schools, 1926), 115.

objecting conscience is in conformity with the objective, actually existing divine law”) as those who had reached their status “by private study and personal interpretation and application of the law in the light of actually existing conditions have reached the reasoned conviction that this particular war, or every armed conflict between civilized states today, is immoral.”¹⁶⁵ If the Catholic used the proper (“objective”) processes of evaluation, the discrepancies between God’s laws and man’s laws could be discovered. Upon the revelation that man’s laws fell short of God’s, the laws no longer bound conscience: conscience, a subject’s most immediate moral guide, then trumped the law.

Catholic sociologist John F. O’Brien, also writing in 1941, called the “objective conscientious objector” – who, he asserted, must follow conscience – as one who took a stand “in conformity with actual conditions ... and is both formally and materially correct.”¹⁶⁶ O’Brien contended that “if the [individual’s] investigation proves the objective injustices of the measure, as it can prove it, then objection is demanded.”¹⁶⁷ Catholics put loyalty to conscience in front of obedience to the law; law had to meet certain standards to become a moral law capable of binding a conscience to obedience. Where the law failed to meet these standards, it became “objectively” correct to follow conscience (the proximate moral guide in a believer’s life) rather than the law.

Catholics imagined conscience as having a radical potential to ignore the authority of civil laws. Civil laws to prepare for war received no quarter in the moral world of law and conscience; conscience could be elevated over any state law no matter a law’s intended purpose. John Ford argued that when a Catholic doubted the law, made by God or man, he unbound his conscience from obedience to the law. Catholics living in a

¹⁶⁵ “The Conscientious Objector to War,” 398-400.

¹⁶⁶ “Who in Conscience may Object to Military Service?”, 29.

¹⁶⁷ *Ibid.*, 30.

moral structure of laws and consciences had to be certain the human law mirrored the divine: when a civil authority forsook moral authority, Catholics were to follow conscience, even if it meant disobeying the law. Bede Jarrett, a Dominican Monk responsible for founding the Blackfriars Priory at Oxford University, and a regular writer for *The Catholic Worker*, commented in 1941 that:

It is the teaching of the Church that I must always follow my conscience ... I can never try and shelter myself behind authority, and say that though my conscience objects, I have a right to put it aside and follow authority blindly ... I am certainly wrong, for in that case I should be using authority to break up conscience.¹⁶⁸

This lesson was fairly widespread at mid-century, appearing in various periodicals alongside conventional definitions of conscience as “application of natural law principles.” A Jesuit writing for the *Homiletic and Pastoral Review*, a sort of trade journal for the busy priest, explained in a 1942 article that, “No one, as you know, has a right to command you but one who has authority ... But if [parents, superiors, or rulers] command one thing, and conscience commands another, it is conscience that must be obeyed, because the authority which comes through the voice of conscience is higher than they, higher than kings and emperors, for it is the authority of God Himself.”¹⁶⁹ Conscience, being more immediate, and the moral guide closest at hand, had to be followed.

A commentary on conscience prepared by priests-in-training at St. John’s Seminary in Brighton, Massachusetts that appeared in September of 1961 in *The Catholic Messenger* of Davenport, Indiana felt no need to blunt this teaching on conscience. “Human authority must recognize the function of conscience in the moral lives of individual men,” the statement went, “otherwise the exercise of human authority loses its

¹⁶⁸ Bede Jarrett, “Conscience and Authority,” *The Catholic Worker*, December 1941, 4.

¹⁶⁹ “Discourse on Conscience,” 1095-1096.

own moral character ... God, Whose law is the ultimate norm both of conscience and of human legislation, makes use of human authority as a means of forming and directing the consciences of individual men.”¹⁷⁰ And to make the point, the editorial added that, “State laws obliged only when they do not contradict the higher laws of God as interrogated by the higher law of God and the Church.”¹⁷¹ Catholics subjected the world’s laws to teachings on conscience and law often during World War II and the Cold War.

O’Brien and Emmanuel applied the teaching on certain conscience, and indeed its counterpoint, the doubting conscience, to questions about war. When a Catholic made a conscience confident, especially with a study of church teaching, the theology permitted (obliged, even) the Catholic to follow the conscience that had been made certain. Recall the words of a 1952 moral manual: “a man must obey the conscience when it is certain ... the certain conscience is the conscience of one who is subjectively certain that the dictates of his conscience are correct.”¹⁷² In theory, then, the Church encouraged Catholics to follow consciences made certain that participation in the war ran afoul of divine or natural laws.

The flipside of the certain conscience was the doubting conscience. Doubt did not help a Catholic conscientious objector. If conscience remained uncertain, a Catholic objector offered the benefit of the doubt to the state’s conscription laws. When unable to shake a doubting conscience, the Catholic could enlist in the armed forces: conscientiously objecting to a state’s law with a doubting conscience offended God. Recall the 1941 words of Dominican Bede Jarret: acting with a doubtful conscience, he wrote, “would be altogether a disrespectful attitude to God, a complete disregard for the

¹⁷⁰ “Your Conscience: Can It Be Trusted?” *The Catholic Messenger*, September 21, 1961, 9.

¹⁷¹ Ibid.

¹⁷² Henry Davis, *Moral and Pastoral Theology* (New York: Sheed and Ward, 1952), 7.

law of God.”¹⁷³ A writer for *The Ecclesiastical Review*, applying this lesson to war, advised in 1941: “It is only right that when there is doubt as to the justice of the nation’s cause, individual citizens should presume its righteousness.”¹⁷⁴ An assessment of the war might make a Catholic an “objective conscientious objector” but the conflicting evidence might also induce doubt.

There was considerable evidence on the scene in the 1940s that authorities like Jesuit Paul Blakely, a regular editorial writer for *America*, could cite to induce doubt in an individual Catholic’s position: the American bishops had pledged support in a letter to the president; Japan attacked the United States, making the war a defensive operation; and the state had a duty to protect the common good. Blakely argued in a 1942 editorial published in *America* that, “when, after careful examination ... we still boggle at a conclusion, then the presumption in favor of the government must prevail.”¹⁷⁵ Blakely also emphasized the doubt-producing qualities of subjectivity: Catholics did not have all the facts, and could not proceed with certainty. “If my conscience leaves me hesitating to decide whether or not I have all the facts from which to draw a conclusion,” Blakely explained, “then it is licit for me to resolve that doubt in favor of the Government.”¹⁷⁶ Doubt gave law the upper hand over conscience.

At the end of the day, solitude with conscience mattered most. A settled conscience remained the most important outcome of the prolonged period of individual discernment in response to conscription laws. Catholic authorities emphasized the state’s duty to secure the common good, but conceded that educating fellow Catholics about the

¹⁷³ Bede Jarrett, “The Infallibility of Conscience,” *The Catholic Worker* IX (November 1941), 4.

¹⁷⁴ Timothy J. Champoux, “Conscientious Objection,” *The Ecclesiastical Review* 104 (June 1941), 519.

¹⁷⁵ Paul Blakely, “An Answer to the Objectors who Deny any War is Just,” *America*, March 7, 1942, 593.

¹⁷⁶ *Ibid.*

state's prerogatives, as they mirrored the divine law, did not always take root in the persistent subjective aspect of the Catholic self, the conscience. A Catholic could follow conscience even if conscience remained completely impervious to laws. After walking readers through the duty to correct an erroneous conscience, Jesuit Paul Blakely wrote in *America* that "should the assistance fail to move him, then he ... must be left with his conscience, and with the prayers of his brethren."¹⁷⁷ A Catholic could take ultimate comfort in the knowledge that conscience remained unblemished, even when facing the prospect of corporeal punishment. "The man who pleads conscience," a 1941 editorial in *America* explained, "must be ready to suffer for conscience's sake, and find his solace in the reflection that his conscience, in this respect at least, is clear."¹⁷⁸ Wilfred Parsons recognized that, in war as in penance, only the individual could know what rested on conscience. No outsider could form the conscience for the individual. At the end of the instruction period the Catholic was alone with God in the sanctuary of conscience: what the individual and God discussed remained shrouded from an external forensic analysis. "One should say in conclusion," Parsons wrote, after explaining the just war framework and the provocative nature of the certain conscience, "that in all this there has been no intention of judging the interior dispositions of Catholic conscientious objectors. Their conscience is known to God alone, and by Him alone are they justified or condemned."¹⁷⁹ Parsons ended by noting that such a conscience could be called erroneous. But, in that case, Parsons would have to concede that Catholics had to follow

¹⁷⁷ "Re-Examination of Conscience for Conscientious Objectors," 454.

¹⁷⁸ "Conscientious Objectors," 296.

¹⁷⁹ "The Conscientious Objector: Can A Catholic find Doctrinal Justification for Conscientious Objection?", 226.

consciences believed to be subjectively correct even when they were objectively erroneous. The conscience needed to be settled, even if by error.

“God Gave Us the Voice of Conscience to Guide Us Away From Evil and The Obligation To Follow The Dictates of Conscience” : The Lived Theology of Conscience in World War II America

The results of following conscience differed markedly from theological imaginations of magazine articles and academic dissertations, which never quite explained what happened after a Catholic followed conscience, just that a Catholic could or had to follow conscience. The teachings on conscience, as acted on by individual Catholics during World War II, was met with cool indifference from officials at the National Catholic Welfare Association, rebuke from religious authorities, inquisitions from local parish priests, and prolonged spells in labor camps. Bringing the theology of conscience into the world also invited suspicion from state officials. As Catholic laymen attempted to live the theology of conscience in the world during the war, the results were struggle, disappointment, and discomfort. As Catholics considered the world and its wars from the perspective of law and conscience, the world did not always conform. The repetition of the lessons on conscience and the dualistic language of subjective/objective learned in Catholic schools convinced select Catholic laymen to follow conscience in World War II America, but the in-the-world results were not individual integrity and church support – they included hard labor, dismissal, emptiness, scrutiny, and abandonment by the Church itself.

Laymen attuned to the language of the manuals desired to live out the Church’s teachings on conscience in response to draft laws. Dwight Larrowe, director of the camp for Catholic conscientious objectors in Stoddard, New Hampshire elucidated the theology

of conscience in a 1942 letter to the Archbishop of Portland (Oregon), Edward Howard. The letter was one part exegesis and another part request for funds. Howard, perhaps with connections to the NCWC, seemed in a position to offer financial and catechetical support. Larowe, a Catholic from New York City, began his letter by making the case that the war, as a result of obliteration bombing, was unjust. According to mainstream arguments (Lord and O'Toole) such a revelation was enough to bind the conscience to non-participation. But Larowe had other points in mind. He looked for a Papal pronouncement of a just war, and not finding one, Larowe turned to conscience. Larowe explained to the bishop that, "Since the Pope has not pronounced the allied powers to be waging a just war, the decision as to its justice (and accordingly to one's participation in the war) is the responsibility of the individual conscience."¹⁸⁰ Only explicit rules bound consciences to obedience.

Larowe pushed Howard to actively teach the Church's traditional and provocative position on conscience. "As you are Archbishop of Portland," he wrote, "you can explain our position and can aid young Catholics whose consciences are speaking against participation in mass hatred and murder which is war, but are ignorant and confused as to the rights of conscience, which the Church recognizes and protects."¹⁸¹ Howard, if he was well versed in the teaching, could hardly have blamed Larowe for assembling such a case. Its primary ingredients – to follow conscience in the absence of a strict law, the recognition of conscience by the Church – were available in standard moral manuals, cheap pamphlets, and in the Catholic press.

¹⁸⁰ Dwight B.E. Larowe to Edward D. Howard, May 19, 1942. NCWC, CUA, Box 59, Folder 1.

¹⁸¹ Ibid.

Catholic laypeople urged the Church to back its provocative teachings on conscience, but Church officials at the National Catholic Welfare Conference had only cold shoulders to offer. The lived reality of following conscience during World War II entailed abandonment. The NCWC ignored the Catholic laypeople who lobbied in 1941 and 1942 for official material and theological backing of the camp in Stoddard, New Hampshire. Larowe made the case in his letter to the archbishop of Portland that the camp was a Catholic operation: detainees offered an evening prayer (compline) and encouraged local priests to visit as often as possible. But the NCWC had decided as a matter of policy to ignore Catholics' conscience claims. As a memo passed between NCWC officials in 1940 stated: "the Catholic Church has no attitude towards conscientious objectors." The Church official who passed the memo penned at the bottom of the memo that, "the church recognizes the right of government to demand service in times of national dangers. Preserving the state is part of church teaching."¹⁸² Laypeople like J.A. Reilly who asked the NCWC for information on the camp with the plea that, "I am only trying to act on the incontrovertible teaching of Catholic ethicists in regards to the morals of model work ... [a camp] is the only alternative I have in conscience to being put in the army," were ignored.¹⁸³

NCWC officials prepped church bureaucrats to demur. Church officials who were to meet with a delegate from the Stoddard Camp were advised – in a note from the Conference's Secretary General Michael Ready – that Catholic CO's, "do not have ecclesiastical blessings as far as I know ... [they make] dangerous arguments ... do not

¹⁸² NCWC, "Memo in Response to Washington Post's Inquiry If he has plans to Register," July 11, 1940. CUA, NCWC, Box 59, Folder 1,

¹⁸³ J.A. Reilly to the National Catholic Welfare Conference, March 31, 1941. NCWC, CUA, Box 59, Folder 1.

answer him either way.”¹⁸⁴ A memo written up by an NCWC official in 1941 about the meeting explained that the delegate brought the works of George O’Toole, Daniel Lord, Cyprian Emmanuel and John O’Brien to support his position.¹⁸⁵ The teaching that a Catholic could and must follow conscience was available in several iterations of mass-distributed print and from a wide array of highly esteemed Catholic authorities. But the NCWC neither affirmed nor denied the well-known arguments on conscience in World War II. A Catholic could and had to follow conscience, but this did not inspire the NCWC to offer those who attempted to bring the theology of conscience into the world any official, positive backing. As a result, lay Catholics’ attempts to live the teachings on conscience, though theologically valid regarding the legitimacy of obedience to civil laws, went unsupported. The camp at Stoddard closed in 1943. Larowe went first to Camp #52 at Powellville, Maryland, before moving on to the Rosewood Training School in Owings Mills, Maryland.

The lived experience of adhering to the Church’s teachings on conscience included derision and dismissal by highly placed Church officials. The very Catholic authorities who set laymen into a moral world structured by the propulsions of law and conscience disavowed the framework in the context of war. Gordon Zahn, a lay Catholic drafted from Milwaukee, Wisconsin, affirmed his Church-bestowed responsibility to follow conscience with a reading of the just war framework. Zahn, working in the Civilian Public Service program as assistant director for the Rosewood Training School, wrote the Chancellor of the Archdiocese of Boston Joseph Nelligan in 1945 to explain

¹⁸⁴ General Secretary to Motovan, April 15, 1941. CUA, NWCW, CUA, Box 59, Folder 1.

¹⁸⁵ Mr. Motovan to Monsignor Ready, “Memorandum: Discussion with Mr. Arthur Sheehan of the Catholic Worker Regarding Catholic Conscientious Objectors,” April 16, 1941. CUA, NWCW, CUA, Box 59, Folder 1.

how Church teachings on conscience allowed a Catholic to resist the draft. Zahn did not want to pass judgment on the war for the entire Church, but, as he explained to Nelligan, all he and his fellow Catholic COs could do was “follow the conscience, which we feel is well enough informed to suggest that this war is not as just as they say.”¹⁸⁶ Zahn had done his due diligence in informing his conscience: the war appeared unjust and he was therefore bound in conscience not to participate. Nelligan, invoking the argument that Catholics failed the Church if they did not fight in just war (the state had to protect the common good), reminded Zahn: “of course you can say that your conscience tells that this war is wrong; we can only reply that your conscience is in error.”¹⁸⁷

The chancellor’s incorrect interpretation of the erroneous conscience brought Zahn to realize that, for some clergymen, the teaching on conscience was a mere shibboleth. As an erroneous conscience comprised sacred subjectivity beyond the coercive reach of the law in official teachings, having an erroneous conscience should not have proved a problem. Catholic COs like Zahn had properly weighed the evidence, and upon the revelation of the war being unjust, bound themselves in conscience not to fight, as instructed by tradition. Zahn wanted his fellow Catholics to know the importance of conscience and that Catholics had an obligation, well-established in Church teaching, to follow it. He explained to a Father Carthy in a 1945 letter that, “God not only gave us the skills and ideas to do evil, he also gave use the voice of conscience to guide us away from evil and the obligation to follow the dictates of conscience.”¹⁸⁸ Zahn then lamented to his correspondent how a friend in the navy, a lay Catholic who knew the war to be unjust,

¹⁸⁶ Gordon Zahn to Monsignor and Joseph Nelligan, July 10, 1945. Gordon Zahn Papers (hereafter GZP), 1/01367,

University of Notre Dame Archives (hereafter UNDA).

¹⁸⁷ Reverend Joseph M. Nelligan to Gordon Zahn, July 7, 1945. GZP, 1/01367, UNDA.

¹⁸⁸ Gordon Zahn to Father Carthy, September 29, GZP, 1340, UNDA.

still had to fight in an immoral war, because “he does not know that church teachings permit him to follow conscience.”¹⁸⁹ The lived reality of following the church’s teachings on conscience proved the theology to be a dead letter in certain situations.

Trusted religious authorities warned lay Catholics of dire consequences should they persist in following conscience. Lay Catholics approached priests looking for advice on the legitimacy of conscience claims only to discover, after being scrutinized by the priests, that following the Church’s provocative teachings on conscience resulted in the practical consequences of jail time and a permanent record. When a priest encountered a Catholic conscience claimant, the protocol was to first explain the just war framework (the state had a right to defend the common good, etc.) in an attempt to make the conscience claimant cautious about advancing their claim; then priests checked the conscience claimant’s state-of-mind for signs of neurosis or scrupulosity; and finally priests evaluated the conscience claimant’s commitment to practicing his Catholic faith as demonstrated by mass attendance and frequenting Catholic institutions. Jesuit W.J. Gerard, stationed at Camp Livingston in Louisiana, wrote John Ford seeking advice on counseling a particularly discerning conscientious objector. His letter reflects how Gerard scrupulously worked his way through the check list. Gerard explained to Ford that he responded at first with the usual considerations of “ethics justifying self-defense, the right of survival against an unjust aggressor, etc.”¹⁹⁰ After explaining the just war framework, the priest evaluated the CO’s mental capabilities, and hours of consultation convinced Gerard the CO was “neither coward nor neurotic.”¹⁹¹ Gerard could easily dismiss the CO’s claim. The case became more problematic when Gerard learned of the CO’s

¹⁸⁹ Ibid.

¹⁹⁰ W.J. Gerard to John Ford, April 26, 1944. JFP, NEPSJA, Box 46, Folder 6.

¹⁹¹ Ibid

Catholic bona fides: “I have every reason to be convinced of his sincerity; he is a good Catholic, frequently at the Sacraments, deeply interested in what I can tell him about prayer, and amazingly calm and reasonable.”¹⁹² Gerard concluded that he could not offer the CO any hard and fast advice, and he explained to Ford how he worried about the young man’s permanent record and his prospects for employment after the war. But Gerard did not advocate for the young man’s case.

The decision to live the manual teachings on conscience in World War II often resulted in questioning at the hands of respected priests and confessors. It was difficult for Catholic priests to accept a lay Catholic’s conscience claim, even if the possibility of following conscience stood as a well-known plank of both the manual tradition and the just war framework. New York City priest Joseph Kelly tracked down parishioner Raymond Carey for a consultation session upon learning Carey had declared himself a CO to a local draft board. Kelly commenced the usual evaluative sequence upon confronting his parishioner. In a letter to NCWC staffers, Kelly explained how he “stressed the point that the present international situation is too complex for any ordinary individual to analyze it properly and that in the case of doubt of the justice of the war, the present favors legitimate authority, and ... [Carey], like all other citizens, must yield to the judgment of lawful civil authority.”¹⁹³ The conscience-follower pushed back: Carey had read O’Toole’s pamphlet and learned from Jesuits at Fordham that he could follow conscience in the case of an unjust war. As his explanation of the just war framework did not induce doubt in the conscience claimant, Kelly proceeded to evaluate Carey’s physical appearance, and commitment to the church. Kelly noted that Carey was “neither

¹⁹² Ibid.

¹⁹³ Reverend Joseph T. Kelly to Monsignor Michael Ready, March 6, 1941. NCWC, CUA, Box 59, Folder 1.

a dumbbell nor a crank,” and that he was a “splendid type of young Catholic,” who was “clean cut.”¹⁹⁴ This made Kelly sympathetic with Carey’s case. Moreover, he was eloquent and well-versed in the theology of conscience. Carey told Fr. Kelly that he could not fight because “I cannot see in conscience where this war we are about to get into can be a just war ethically.”¹⁹⁵ The priest rebutted, as he explained in the letter to the NCWC, with a pragmatic line of inquiry. Moving past the teaching on conscience, he asked Carey: what happens to people who refuse to serve in the army?

Catholic conscientious objectors would be sent to labor camps and, once interned, the Church could not help them. Larowe and Zahn were forced into the Civilian Public Service despite elucidations of the orthodox position. The decision to bring the theology of conscience into wartime America could result in years of punitive labor for its individual adherent. Kelly delivered the bad news: “either accept military service,” Kelly told Carey “or be ultimately put in some concentration camp with a motely group of crackpots, fanatics, and parlor-pinks.”¹⁹⁶ Kelly’s advice was standard fare. Church authorities were not eager to protect Catholic conscience claimants from corporeal punishment at the hands of civil authorities.

Catholic commentators like Cyprian Emmanuel argued that states did not have to respect “subjective” conscientious objectors. The state could not coerce a conscientious objector with a “purely subjective and falsely conceived duty resulting from an invincibly erroneous conscience,” but neither was the state obliged to respect such a conscience.

¹⁹⁴ Ibid.

¹⁹⁵ Ibid.

¹⁹⁶ Ibid.

Subjective COs did not follow a conscience formed with the objectively existing law.¹⁹⁷

Emmanuel suggested that states accommodate subjective conscientious objectors but also left the door open for corporeal punishment. To follow conscience, one had to follow conscience the correct (Catholic) way. If not, time in a work camp was a perfectly acceptable outcome, even for the subjective Catholic conscientious objector. A 1941 editorial in *America* plotted the trajectory:

we venture to assert that there is something awry with the conscience of the American Catholic who refuses to support the Government in the present war ... if, however, the conscience cannot be set aright its unfortunate possessor cannot look for sympathy from his better-informed fellow Catholics ... he must follow his conscience ... but he must also accept without repining the extremely unpleasant consequences to which it leads.¹⁹⁸

Time in a camp became more likely if a conscience claim was made without attending to just war logic. In a 1951 article for the *Homiletic and Pastoral Review*, the priest-editor argued that Catholic conscientious objectors could object with the just war logic, but not with an invocation of the fifth commandment, “Thou shall not kill.” “Such a claim would be a contradiction if he were a Catholic,” the editors wrote, “so are all Catholics who have honest but crooked consciences, even perverted consciences in a material sense ... a spell in the work camp might straighten out the young man’s reasoning process.”¹⁹⁹ A flimsy conscience claim merited time in a labor camp. But Catholic moralists held out the possibility for a conscientious objection made with an objective conscience.

¹⁹⁷ Cyprian Emmanuel, *The Morality of Conscientious Objection to War*. (Washington D.C.: The Catholic Association For International Peace, 1941), 23.

¹⁹⁸ “War and Conscience,” 322.

¹⁹⁹ “A Catholic Conscientious Objector?” *Homiletic and Pastoral Review*, 51 (January 1951), 375.

“Obedience To Conscience Is The Strength of The Church and of Democracy”: The Mainline Protestant Defense of Conscience in the Early Cold War

Protestants had, in a fashion similar to Catholics (but with a different theology) affirmed provocative teachings on conscience throughout World War II. Mainline Protestant men were, according to official statements, free to follow conscience in response to the call to arms. Protestant bodies pledged to support their efforts.²⁰⁰ Methodist bishop G. Bromley Oxnam, chairman of a key Federal Council of Churches Committee on Conscientious Objection, imagined the Protestant churches as mediating between the coercive power of the state and an individual Protestant’s internal movements of conscience.²⁰¹ Motivation for an authentic action had to spring from the internal nature of conscience and could not be forced from the outside. Conscience had an unmediated connection to God, and no state or church should stand in the way. As a 1940 article in *Social Action*, published by the Congregational Churches, put it: “the outward public behavior of persons can be largely brought under control, but their motives and private opinions cannot. Conscience ... applies directly to this latter area – to the inner desires and convictions which outward behavior springs.”²⁰² But the *Social Action* article and a round of wartime editorials for the *Christian Century* never denied the coercive role of the state. *Century* writers like Milton Mayer, George Coe and Earl H.

²⁰⁰ In a 1944 pamphlet, the Methodists pledged to support “the right of individuals to answer the call of his governed ... according to the dictates of his Christian conscience.” *The Social Creed of the Methodist Church: Includes Paragraphs on the Church and War and Moral Support of Conscientious Objectors*, Adopted by the General Conference of the Methodist Church, May 5, 1944. Federal Council of Churches, Committee on the Conscientious Objector (hereafter FCCCO), Box 4, Folder “Correspondence: Re: Subjects, Amnesty for COs, Correspondence with Denominations/churches,” Swarthmore College Peace Collection (Hereafter SCPC).

²⁰¹ G. Bromley Oxnam *Conscience, the Church, and Conscription: Guidance for Conscientious Objectors*, (Chicago: Commission on World Peace, 1943).

²⁰² Robert L. Calhoun and Roland H. Bainton, “Christian Conscience and the State,” *Social Action*, October 15, 1940, 11.

Ferguson were pessimistic that a Protestant's conscience claim, while important, should completely stave off state power.²⁰³

In the years that followed the conflict with Germany and Japan, America's Cold War state and its conformism seemed to smother individual conscience. Public rhetoric conveyed Americans' concern for conscience. In June of 1950 Republican senator Margaret Chase Smith gave her instantly famous speech, "The Declaration of Conscience," in which she accused anti-communists of using "totalitarian techniques" to suppress the individual's ability to criticize the state. If Americans lost rights to criticize, protest, hold unpopular beliefs, and independent thinking, Smith argued, "thought control would have set in."²⁰⁴ Some Americans, religious groups among them, shared Smith's concern. The bishops of the Protestant Episcopal Church and an umbrella organization of 22 Boston-area Jewish groups issued public statements in 1947 decrying the threat anticommunism posed to conscience.²⁰⁵ The Episcopal Bishops declared that the "inquisitorial investigation of men's personal beliefs is a threat to freedom of conscience."²⁰⁶ Catholics shared the concern. The editors of *America* lamented in November of 1947 that the early Cold War marked a "time when the claims of conscience against official tyranny are more ignored than heeded."²⁰⁷

²⁰³ George A. Coe, "What is this Freedom of Conscience?" *The Christian Century*, January 12, 1944, 43-45; Earl H. Ferguson, "Conscience and the State," *The Christian Century*, July 15, 1942, 882; Milton Mayer, "Conscience and the Commonwealth," *The Christian Century*, July 12, 1944, 828-830.

²⁰⁴ Margaret Chase Smith, *Declaration of Conscience*, June 1, 1950. American Rhetoric Website <http://www.americanrhetoric.com/speeches/margaretechasesmithconscience.html> (accessed 10 June 2013).

²⁰⁵ "Freedom of Conscience Imperiled in U.S., Jewish Council Charges," *Daily Boston Globe*, December 31, 1947, 1; "Bishops Denounce any Probe of Men's Personal Beliefs," *Daily Boston Globe*, November 8, 1947, 1.

²⁰⁶ "Bishops Denounce any Probe of Men's Personal Beliefs," *Daily Boston Globe*, November 8, 1947, 1.

²⁰⁷ "Amnesty For Cos," *America*, November 29, 1947, 227.

The continued incarceration of World War II conscientious objectors after the conflict's end and the growth of the Cold War state heightened concern for conscience. A burst of intense concern appeared in 1949 when the Federal Bureau of Investigation sentenced Quaker Larry Gara to 16 months of hard labor for counseling a young conscientious objector to resist the draft. Conscience seemed a dangerous word in the late 1940s. *The Reporter for Conscience's* Sake quipped that, "it is entirely conceivable that some ministers will be afraid to mention conscience to their congregants in a sermon."²⁰⁸ The Cold War environment and its conformism made it difficult to stand up in the name of conscience. An editorial in *The Nation* complained that Americans had left "prisoners of conscience" to languish without coming to their aid. Americans seemed to sacrifice a historic respect for the freedom of conscience for the sake of security. "Respect for the individual conscience, which is basic to democracy and religious liberty, is lacking right now," *The Nation* wrote in 1951.²⁰⁹

The laments obfuscate both the theology of conscience and the first postwar crusade on its behalf. The provocative theology of conscience continued to come off Catholic printing presses well into (and beyond) the 1950s. Mainline Protestants made a public stand against the Truman administration in 1946 and 1947, using theologies of conscience to make their case. Protestants sent Truman dozens of letters demanding the release of conscientious objectors who remained in prison well after the conflict had concluded.

Mainline Protestants came to the aid of conscience claimants in a conspicuous fashion in the years just after World War II. Nearly 1,500 conscientious objectors

²⁰⁸ "When Minister Meets Rebel," *The Reporter for Conscience's* Sake, June-July 1949.

²⁰⁹ "Prisoners of Conscience," *The Nation*, July 14, 1951.

remained in American prisons immediately following the war, and mainline Protestants brought theologies of conscience to the attention of political authorities, particularly President Truman, in a campaign to spring the conscientious objectors from prison.

Protestants viewed the rights to follow conscience as an extension of America's historic commitment to religious freedom, and linked a call for amnesty with the nation's long-standing commitment to conscience. As Roy Burkhardt put it in *The Church and the Returning Conscientious Objectors*, a pamphlet issued by the Federal Council of Churches in 1946: "freedom of religious conscience has been one of our country's most cherished principles ... the conscientious objector in World War II stands in the long tradition of Americans for whom religious convictions surpass all other claims upon their lives ... he has taken his stand declaring 'God help me, I can do no other.'"²¹⁰ Protestant objectors followed in the footsteps of Martin Luther.

Truman failed America's historic commitment to conscience by leaving the nearly 1500 conscientious objectors in jail. 300 Protestant ministers prepared a letter for President Truman in 1946 encouraging him to honor America's commitment to freedom of conscience: "we feel that this treatment of minority group motivated by the highest idealism – more than a year after the hostilities with Japan – is not in keeping with the heritage of freedom of conscience and religion which you and all of us cherish."²¹¹ Christmas, 1946 seemed to Protestant Herbert Klemme the ideal time for Truman to honor America's heritage. "The Christmas season is traditionally a season for the expression of benevolence and clemency," Klemme wrote, "It is, furthermore, a festival

²¹⁰ Roy A. Burkhardt, *The Church and the Returning Conscientious Objector* (New York: Literature Department of the Federal Council of Churches, 1946), 6.

²¹¹ "300 clergymen ask President to Free Imprisoned 'Objectors,'" *Boston Globe* August 18, 1946, C22. See also "Bid Truman Free War Objectors," *New York Times*, August 18, 1946, 10.

whose religious origin makes us conscious of our obligation to free men of faith and to our heritage of freedom of conscience.”²¹² Truman had invoked freedom of conscience in speeches given in 1946 and 1947, and mainline Protestants hoped he took the theology of conscience seriously enough to make political decisions in favor of conscientious objectors still detained in jail, or reentering society with a criminal record.²¹³

Amnesty honored the sacrosanct status of conscience. Conscience had a primordial anchoring in an individual’s life, Protestants argued in their letters to Truman, and actions motivated by conscience deserved respect from authority. Protestants assured Truman they did not agree with the content of the individual’s conclusion (i.e., the decision to reject the war), but respect for actions motivated by conscience signaled concern for the individual’s deepest convictions, an exercise Protestants believed American democracy required. Oxnam, on behalf of the Federal Council of Churches, wrote a letter directly to Truman explaining that, “While most churchmen do not share the views of these men concerning war, they are fully sensitive to the vital importance of preserving freedom to believe and to act according to the deepest convictions of the individual conscience.”²¹⁴ Conscience deserved respect no matter its conclusions. The Commission on Christian Social Action of the Evangelical and Reformed Church called for amnesty in September 1946, proclaiming, “We believe that a presidential amnesty in their behalf would be practical recognition by our government that the supreme loyalty of

²¹² Herbert F. Klemme to President Truman, November 25, 1946. FCCCCO, Box 4, Folder, “Amnesty For COs: Correspondence with denominations/Churches,” SCPC.

²¹³ Harry S. Truman: “Address in Columbus at a Conference of the Federal Council of Churches,” March 6, 1946. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws/?pid=12599>; see also “Truman Calls US and Tyranny’s Foe,” *New York Times*, August 5, 1947, 16.

²¹⁴ Quoted in Walter Von Kirk to Social Action Secretaries of the Federal Council of the Churches of Christ in America, April 11, 1946. FCCCCO, Box 4, Folder, “Amnesty For COs: Correspondence with denominations/Churches,” SCPC.

the individual conscience is to God.”²¹⁵ Mainline Protestants did not agree with the conscientious objector’s rejection of war, but recommended amnesty in 1946, basing their conclusions in a theological understanding of the dignity of actions motivated by conscience. The United Council of Church Women, endorsing Oxnam’s statement, wrote their own letter to President Truman to point out that, “though most Churchwomen do not share the conviction of the Conscientious Objector regarding war, they feel obedience to conscience is the strength of the church and of democracy, and they will strongly support in the proclamation of amnesty.”²¹⁶

Mainline Protestants, with a safe distance from the centrifugal exigencies of war, openly accused Harry Truman and various levels of government bureaucracy of failing to treat conscience with the respect it deserved. Truman and the state, they charged, had bungled conscience claims during World War II and continued to do so well after the conflict. The 1946 letter 300 Protestant ministers sent to Harry Truman also complained about how, “it is surely regrettable that, here in the United States, men whose only crime has been fidelity to conscience should continue to be punished in some cases with sentences which will not expire until 1951.”²¹⁷ The state needed to do more for those who, religious and secular, followed conscience rather than the letter of the law. Oxnam recommended in a 1946 article for *Survey Graphic* – an article that attempted to bridge the impasse between Protestants and the Truman Administration – that, “when a citizen is convinced that law is morally wrong, the community should do all in its power to make it

²¹⁵ The Commission on Christian Social Action of the Evangelical and Reformed Church, “A Statement on Amnesty for Conscientious Objectors,” September 1946. FCCCCO, SCPC, Box 4, Folder “Amnesty For COs: Correspondence with denominations/Churches.”

²¹⁶ Mrs. George D. Barbour to President Truman, August 10, 1946. FCCCCO, SCPC, Box 4, Folder “Amnesty For COs: Correspondence with denominations/Churches.”

²¹⁷ Quoted in “Bid Truman Free War Objectors,” *New York Times*, August 18, 1946, 10.

possible for him to follow the dictates of conscience ... provision should be made for the absolute exemption of the individual whose sincerity is unquestioned.”²¹⁸

Protestants commented in the late 1940s on how state bureaucracies, particularly the draft boards, failed to honor conscience during World War II, and that the continued imprisonment of conscientious objectors only deepened the wound. The Human Relations Commission of the Protestant Council of the City of New York issued a statement March of 1948, sent to President Truman, condemning draft boards that, refusing to grant pardons, denied “the basic Christian concept of the dignity of each individual person and his obligation to follow the dictates of his conscience.”²¹⁹ A writer for *The Christian Century*, noting how the “purpose of our government is to protect consciences of men from oppression,” concluded that, “measured by that standard, our government must be set down as a failure.”²²⁰

“I Am Bound In Conscience To a Moral Law Which is Superior To Any Man-Made Law”: The Theology of Conscience in Cold War America

Catholics would continue work in the conscience/law framework throughout the 1950s as the state drafted men for service in the Cold War garrison state. Lay Catholic men attempted to follow conscience in Cold War America – and theologians defended the prerogatives of conscience. Inhabiting a moral world structured at mid-century by the poles of law and conscience made Catholics able and eloquent defenders of those, Catholics and non-Catholics alike, who followed conscience.

²¹⁸ G. Bromley Oxnam, “Freedom of Conscience in the USA,” *Survey Graphic*, 35 (146), 312.

²¹⁹ Human Relations Commission, The Protestant Council of the City of New York, “Resolution on Plenary Amnesty for Conscientious Objectors,” March 1948. FCCCCO, Box 4, Folder, “Amnesty For COs: Correspondence with denominations/Churches,” SCPC.

²²⁰ Josephine Johnson, “Why is Conscience a Crime?” *The Christian Century*, November 27, 1946, 1437.

John Ford spun intricate defenses of conscience in the early years of the Cold War. Ford held fast to the argument that a Catholic could invoke conscience to resist orders to participate in unjust military operations. In May of 1951 Ford received a letter from “William,” who explained to Ford that, “I have been battling with my conscience since the summer of 1948 over whether or not I can participate in another war.”²²¹ Having fought in World War II, William, on the cusp of filling out draft papers, anticipated being drafted for Korea. William’s spiritual advisor, a priest at Fordham University, perhaps without answers or perhaps exhausted by William’s persistence, told William to write Ford, a known authority on the relation of law and conscience. William had two questions for Ford; because, as he explained in the letter, “I know I must follow the dictates of a right conscience ... What I want to do now is establish whether or not my conscience is right.”²²² William rejected participation in saturation bombing: Could he even participate in branches of the military other than the Air Force as all of them were somehow implicated in killing civilians? William pondered entering the medical corps as a solution: was the medical corps sufficiently separate from the military so as to avoid sin?

Ford protected William’s conscience from coercion into bombing activities. Ford affirmed that William could serve in other branches of the armed forces, especially ground or maintenance crews. The medical corps was indeed sufficiently separate from bombing operations so as to keep William from sin. William, Ford explained, could offer material support but not formal support. Ford explained the difference between the two modes: William could neither plan a bombing run nor pull the lever dropping the bombs.

²²¹ William to John Ford, May 23, 1951. John Ford Papers (hereafter JFP), Box 46, Folder 6, New England Province of the Society of Jesus (Jesuits) Archives (hereafter NEPSJA).

²²² Ibid.

He could, however, offer “remote material cooperation” in good conscience, as a member of a grounds or preparation crew.²²³

William – like fellow Catholic laymen Dwight Larowe and Gordon Zahn – worked through manual logic. William brought the ideal of the theology of conscience into the Cold War world. William’s notion that he “had to follow the dictates of a right conscience” and that he had to “establish a conscience” were crucial and long-standing pieces of guidance in Catholic manual tradition: these initial stirrings set the Catholic on the path to “proper understanding.” Properly understood, William could invoke conscience to change his placement in the armed forces from bombardier to a member of a grounds crew or medical unit. He aligned conscience with natural law.

William proved the ideal mid-century Catholic penitent in another regard: his search for exactitude, born of reason. William felt he could not trust his feelings and, as a result, he required a logical explanation for moral behavior: conscience had to import the moral law. There was no room for doubt. “I really wish I were a saint,” William told Ford, “for then I would not mistrust my feelings and I would then have an intellect and will that were one with God and I would know for sure what the voice of my conscience was saying.”²²⁴ This search for certainty yielded an obligation to resist a military placement. It was God’s will, as explained by Jesuit moral authority John Ford, that William could challenge any military placement that forced him to contravene his conscience. William’s conscience imported the divine law.

Priests explained the theology of conscience in a straight-forward fashion in conventional press outlets. Paulist priest James Martin Gillis, prolific author and editor of

²²³ John Ford to William, May 25, 1951. JFP, Box 46, Folder 6, NEPSJA.

²²⁴ William to John Ford, May 29, 1951. JFP, Box 46, Folder 6, NEPSJA.

The Catholic World, offered typical exegeses of conscience in a syndicated newspaper column published throughout the United States in September of 1949. Each individual possessed a conscience, Gillis explained in his first installment of three, and God judged each individual on their faithfulness to conscience. “It is a basic principle of Christian ethics that a man’s conscience is strictly his own ... on fidelity to his own conscience he stands or falls. By it he is to be judged,” Gillis reminded readers.²²⁵ The Catholic Church specialized in protecting consciences from intellectual confusion and coercive state power. “The Church holds that conscience is indeed a sacred flame which must be protected against the rude blasts not only of ‘experience’ and ‘contradiction’ but of Caesarism,” he wrote, adding that, “no one in political life does that nowadays, so the task has devolved upon the Church. The chief custodian of the sacred flame of conscience is the Church.”²²⁶ In his final installment, Gillis defended the usual lesson that, after forming conscience with Church teaching, and arriving at a certain conclusion, conscience had to be followed. Gillis explained:

When the individual, utilizing the teaching of the theologians, comes to a judgment as to what is right or wrong, he forms his conscience upon that judgment. Then he must act strictly in accordance with conscience. His judgment and his conscience may be correct or incorrect, but when the moment for decision comes and there is no more time for study, consultation, deliberation, he must follow his conscience as of that moment.²²⁷

Catholics did not hide their provocative teaching on conscience from the public eye or their own members during the early phases of the Cold War.

Generous iterations of this conscience-affirming framework were available in conventional Catholic periodicals. In responses to readers’ questions in the late 1940s and early 1950s, the *Homiletic and Pastoral Review* rehearsed the adage that Catholics could

²²⁵ Father Gillis, “Conscience and the Draft for War,” *Boston Pilot*, September 10, 1949, 4.

²²⁶ Father Gillis, “Conscience Again,” *Boston Pilot*, September 17, 1949, 4.

²²⁷ Father Gillis, “Conscience and the Draft III,” September 29, 1949, 4.

claim conscience in rejecting an unjust war. A 1949 answer to the question, “is it sinful to be a conscientious objector?” began, “it is not sinful for a Catholic to be a conscientious objector, if the purpose of conscription is to prepare for a patently unjust war, a condition seldom verified beforehand.”²²⁸ A 1951 answer to the question “just what is the teaching of the Church on this matter [of war]?” averred: “A Catholic, of course, if he knows his faith and its teachings, can’t be a conscientious objector on principle; but he could object to doing military service in a war that he is convinced is objectively unjust.”²²⁹ A second 1951 answer, phrasing it another way, concluded that, “Catholic subjects owe allegiance to proper civil authorities ... but only within the natural law and the divine law.”²³⁰ A Catholic’s argument could not be flimsy or “subjectivist.” Taking the proper steps in the manual framework allowed a Catholic to follow conscience.

During the Cold War, Catholics urged the state to extend the benefits of the erroneous conscience to conscientious objectors from Protestant denominations. Catholics held that erroneous consciences deserved fair treatment from the state. The erroneous conscience, no matter who held it, could be disabused only with education, not force. The editors of *America* encouraged amnesty for imprisoned Jehovah’s Witnesses as an extension of the erroneous conscience: “The President will do no one a wrong and may right many an injustice by declaring a Christmas amnesty for all those whose conscience, however mistaken, made them violators of the law.”²³¹ The priestly advisors of the *Homiletic and Pastoral Review*, citing the traditional teachings on the erroneous

²²⁸ “Can Catholic Be Conscientious Objector?” *The Homiletic and Pastoral Review* 49 (January 1949), 325-236.

²²⁹ “A Catholic Conscientious Objector?” *The Homiletic and Pastoral Review* 51 (January 1951), 375.

²³⁰ “An Objection to Catholics not Being Conscientious Objectors,” *The Homiletic and Pastoral Review* 51 (June 1951), 853.

²³¹ “Amnesty for CO’s,” 227.

conscience, encouraged a fair treatment of sincere conscientious objectors. “In a country like this where the nation respects an honest conscience, even if it is arrived at by private and erroneous judgment,” the advisors wrote, “we can easily see how provision has to be made by the law for conscientious objectors in respecting the alleged rights of conscience.”²³² Protestants deserved the benefits of the erroneous conscience even if they objected with “fallible private judgment.”²³³

Robert Drinan, a Jesuit scholastic studying for a master’s in law at Georgetown University, recommended in a 1951 article for *The Catholic World* that the state apply the Catholic Church’s teaching on the subjectively certain conscience to Larry Gara. Courts sentenced Gara, a Quaker minister and history professor, to 16 months of hard labor for allegedly counseling a young man to resist the draft. Drinan was well schooled in the provocative theological role conscience played in the mid-century manual tradition. Drinan argued that Gara *merely reminded* the young conscientious objector that he was bound to follow the inner light of his subjectively certain conscience. Following a subjectively certain conscience was no crime. Drinan, taking up the Catholic banner to defend conscience, reminded the state it could not forcibly correct erroneous consciences. “The state may and should seek to correct the vincibly erroneous conscience, but if such a conscience proves to be invincibly erroneous the State does not have the power to violate it,” Drinan wrote.²³⁴

Many pacifists, Drinan conceded, had objectively erroneous consciences; but such consciences, especially for Quakers, were subjectively certain. Drinan – extending the framework of the Catholic manual tradition’s respect for the confident conscience to

²³² “Can a Catholic be Conscientious Objector,” 326.

²³³ Ibid.

²³⁴ Robert Drinan, “Is Pacifist Larry Gara a Criminal?” *The Catholic World* 172 (March 1951), 415.

other faith traditions – contended that, “the most casual acquaintance with the CO position convinces one that many pacifists have the moral obligation to follow their subjectively certain conscience.”²³⁵ Pacifists, like the Catholic penitent, must be allowed to follow an objectively wrong but subjectively certain conscience. It was not a crime for Gara to remind a young conscientious objector he had the obligation to follow his subjectively certain conscience.

Catholics asked state officials to grant erroneous conscience the rights such consciences, even non-Catholic consciences, deserved. The editors of *Commonweal* spoke up for a Jehovah’s Witness whose 1956 conversion earned him a dishonorable discharge from the Air Force. The editors argued that a conscience claim need not result in a punishment so draconian as dismissal and a criminal record. “The state as such has no concern with how the individual has formed his conscience ... the dictates of Airman Cupp’s conscience should have been respected, no matter how erroneous the judges thought it,” the editors of *Commonweal* wrote.²³⁶ The conclusion reached in conscience deserved respect from the state, no matter how erroneous, theologically or legally. Cupp deserved a non-military function and a clean record.

Despite the repeated elaboration of the framework favoring conscience, Gordon Zahn amplified his critique of the Catholic Church’s failures to live up to its teachings on conscience as the mid-century pressed on. Catholics still had much more work to do to bring the theology of conscience into the world – to actually let Catholics act on the teaching to follow conscience in response to the real coercion of conscription. Zahn, a conscientious objector in World War II who had sparred with the chancellor of the

²³⁵ Ibid., 415.

²³⁶ “The Crime of Airman Cupp,” *Commonweal*, December 21, 1956, 302.

archdiocese of Boston, earned a Ph.D. from the Catholic University of America in 1953 as he worked as an aide to Minnesota House of Representatives Member Eugene McCarthy. McCarthy was Zahn's professor at the College of St. Thomas (Zahn earned a bachelor's there in 1947), and McCarthy offered Zahn a job in his new office on Capitol Hill. Zahn accepted the offer and, working under famous Catholic sociologist Paul Furfey, he began a long career of writing and teaching. His public career as an advocate of conscience had roots in his attempt to live the theology of conscience during World War II and in the early Cold War moment. For Zahn, the Catholic Church did not take its traditional teaching to defend followers of conscience seriously enough.

In a 1949 article for *The Journeyman*, an annual published at St. Thomas, Zahn contended that the state had abandoned the laws of God, obliging Catholics in conscience to object. Zahn indicted clergymen who told Catholics with doubting consciences to fight for the state: Catholics, Zahn argued, could not simply hand conscience over to the state. "We make a mockery of our objective claims of morality when we do this," he wrote.²³⁷ Individual Catholics had to determine the justness or unjustness of the war: a Catholic man, according to just war logic and the manual tradition, must form and follow his own conscience in response to the commands of law.

Zahn plugged this theme again in a 1954 article for *The Catholic World*, a well-circulated periodical. Zahn accused Catholic priests (and lay Catholic draft board members) of regularly denying the Church's teaching on conscience. In the late 1940s and into the mid-1950s, Zahn began a campaign to convince the Church to measure up to its provocative teaching on conscience. "Ignorance in any arena involving application of

²³⁷ Gordon Zahn, "Freedom of Conscience Under the State," *The Journeyman: The Primary Annual of the College of St. Thomas*, 1948-1949.

religious principles to patterns of action calls for engagement,” Zahn wrote; “this is especially true when the ignorance results in unjust treatment of Catholic conscientious objectors by Catholics and, even more tragic, in the actual violation of conscience as the result of such social pressures.”²³⁸ Catholics had forced fellow Catholics to violate their own consciences.

Pope Pius XII’s Christmas Message of 1956, in which the Pope announced that “a Catholic citizen cannot invoke his own conscience in order to refuse to serve and fulfill those duties the law imposes,” may have confirmed Zahn’s fears that Catholics denied their own orthodoxy.²³⁹ Pius’s Christmas Message, a wide-ranging denunciation of the modern world, particularly its states and technology, nearly diminished the capacity of lay Catholic men in America to follow the Church’s teaching on conscience. The statement sparked a debate among several archbishops, a number of moral theologians, and state officials at the Department of Justice.

The Department of Justice was prosecuting Catholic conscientious objectors in the mid-1950s, and the chief of the DOJ’s conscientious objector section, T. Oscar Smith, realized the implications of the Pope’s Christmas message: Catholics could not, the Pope argued, invoke conscience to avoid obedience to a draft law. Agent Smith wrote Archbishop Patrick O’Boyle of Washington D.C. to determine the meaning of the statement. Smith wondered if the teaching of the Catholic Church, as stated by the Pope, rendered the cases made by Catholic conscientious objectors implausible. “In view of the reported statement by the Pope,” Smith asked in a letter dated January 7, 1957, “would it now be possible for a member of the Catholic Church to claim, in good faith, exemption

²³⁸ Gordon Zahn, “The Catholic CO of World War II,” *Catholic World*, 179 (August 1954), 340.

²³⁹ Pope Pius XII, “The Contradiction of Our Age,” *The Pope Speaks* 3 (Winter 1956-1957): 343.

from training and service in the Armed Forces of the United States by reason of his religious training and belief?”²⁴⁰ O’Boyle, who consulted with Chicago Archbishop Samuel Stritch on the matter, solicited opinions from Catholic moralists before responding to the Department of Justice. On February 17, 1957, John Ford, well established as a national authority on questions of conscience and the draft law, received a letter from Fr. Joe Mangan, a Jesuit charged with gathering theologians’ opinions. Mangan asked for Ford’s opinion on how to proceed in light of the Pope’s statement.²⁴¹

Ford defened conscience. He encouraged American prelates to stealthily sidestep the Pope’s statement. He advised O’Boyle to provide no response, and just file the letter away in his personal archive. As was obvious to Ford, the DOJ wanted an analysis of the Pope’s message to help prosecute Catholic conscientious objectors. Ford would have the bishops neither hurt nor help Catholic conscience claimants: the Catholic COs did not reject war with an objective claim (it was an error to reject a just war) but that did not, Ford argued, make Catholic COs undeserving of a fair treatment before the law (erroneous consciences retained rights). Were the bishops to explain that objections were offered with erroneous consciences, the DOJ could strengthen its case against Catholic CO’s. Prelates had no good reason to prejudice the state against Catholic conscientious objectors any further; the state should judge the claim with its own procedures and evidence. Ford did not think Catholic conscientious objectors correctly apprehended the Catholic teaching on war, but he asserted strongly that the state did not need to know that Catholic conscientious objectors misunderstood the Church’s teaching. Error was not to be corrected with force, especially force marshalled by a government agency.

²⁴⁰ T. Oscar Smith to Patrick A. O’Boyle, January 7, 1957. JFP, Box 46, Folder 6, NEPSJA.

²⁴¹ Joe Mangan to John Ford, February 17, 1957. JFP, Box 46, Folder 6, NEPSJA.

The crucial theological category in Ford's memo was the erroneous conscience, a cornerstone of the broader theology of conscience, a status that merited the protection of consciences in society or in the confessional. Ford argued that erroneous consciences – possessed by Catholics who were certain in their moral conclusions but managed to misapply or misunderstand the law – deserved protection from the Department of Justice. “Our theology requires us to protect the rights of the erroneous conscience, and when the just laws of the land protect these rights, we should do nothing which might prejudice the administration of such laws,” Ford wrote.²⁴²

The Pope had stated the teaching objectively (Catholics were bound in conscience to fight in just wars) but the Pope never settled the vexing problem of the erroneous conscience. Catholics could invoke conscience and be genuinely wrong, but certainty, even it entailed error, afforded Catholics rights before the law. Ford noted that Pius's statement “does not settle the question whether a Catholic in this or in other matters might have an erroneous conscience and still be in good faith.”²⁴³ According to Ford, Catholics could invoke conscience to refuse to obey a law, and they proceeded with an erroneous conscience, but Catholic moral teaching protected the erroneous conscience. American Catholics, Ford maintained, could politely disregard the Pope's Christmas message. Ford furnished yet another intricate defense of Catholic consciences.

Later that year (1957) when the Federal Bureau of Investigation paid a visit to Fairfield University in search of a Catholic conscientious objector (a 1956 alumnus), Ford advised Edmund J. Hogan, a Jesuit and university administrator, as he had O'Boyle

²⁴² John Ford, “Opinion of John C. Ford SJ on the Letter of T. Oscar Smith of the US Department of Justice, to Archbishop Patrick O'Boyle, Concerning the Pope's Annual Christmas Message (1956) and Catholic Conscientious Objection.” JFP, Box 6, Folder 46, NEPSJA.

²⁴³ Ibid.

before him, to remain silent. Hogan considered telling the FBI that Catholics could be conscientious objectors because well-circulated pamphlets condoning objection with official approval (i.e., O'Toole, Lord, and Emmanuel) from the hierarchy were widely available. Furthermore, Hogan reasoned, confessors could not refuse to grant conscientious objectors absolution after a confession.²⁴⁴ But Ford did not consider it appropriate to give the FBI any “theological dissertation or detailed theological statement.”²⁴⁵ Handing over any statement on conscience to the FBI had the potential to scuttle a Catholic’s case: the theological defense of conscience was rather complex, and couched in a natural law language. The FBI and the DOJ would misconstrue the meaning of “erroneousness.”

The state did not need to know about the manual sequence or the just war framework. Ford was inclined, as he explained to Hogan in a 1957 letter, to protect the conscience. Ford would, for example, have confessors grant absolution to conscientious objectors. “I do not think the matter is so clear that he has to be refused absolution if he claims honestly that his conscience absolutely requires of him that he should not take up arms in a given concrete situation,” Ford wrote.²⁴⁶ A gentle swerve towards the suggestion that the matter was unclear had the potential to help the state condemn a Catholic who invoked conscience. Ford concluded, as he had in response to the Pope’s Christmas Message, that the erroneous conscience should stand on its own terms. Ford told Hogan to “let the Justice Department fight their legal battles; and let them respect the rights of the Catholic erroneous conscience also, as well as that of other religions.”²⁴⁷

²⁴⁴ Edmund J. Hogan to John Ford, March 4, 1957. JFP, Box 46, Folder 5, NEPSJA.

²⁴⁵ John Ford to Edmund Hogan, March 7, 1957. JFP, Box 46, Folder 5, NEPSJA.

²⁴⁶ Ibid.

²⁴⁷ Ibid.

Erroneous consciences, a state reached sincerely even with improper understanding of teaching – a sacred space that should be beyond the reach of the coercion of law – deserved a fair hearing before state authorities, for Catholics, Quakers, or mainline Protestants.

Lay Catholic men, schooled in the manual tradition, continued to bring the theology of conscience into the Cold War world. Vincent Le Barbera, a lay Catholic conscientious objector who invoked the Church's teaching on conscience, tangled with state and federal officials in the mid-1950s. La Barbera, a member of the Blessed Sacrament Church in Brooklyn, New York filed all of the proper paperwork to obtain official CO status from the Selective Service in 1955. La Barbera began this process by sending a lengthy statement loaded with the mid-century teachings on conscience to the New York draft authorities. He had read the teachings of Father George O'Toole and Cyprian Emmanuel, and even done research to find several other theologians who affirmed a Catholic's prerogative to follow conscience. La Barbera proceeded accordingly: he contended to be bound in conscience (stating the widely available argument), no to fight, in response to fight a war he deemed unjust. He told the draft board: "I am bound in conscience to a moral law which is superior to any man-made law and which involves duties which are superior to those arising from any human relationship."²⁴⁸ The certain violations of natural law entailed in modern warfare bound La Barbera in conscience not to participate in war. La Barbera supplied other theological statements to buttress his position. He quoted Paulist priest James Gillis, whose syndicated column was carried in diocesan newspapers all over America. La Barbera

²⁴⁸ Vincent La Barbera, Statement to Draft board, n/d but 1957. Metropolitan Board for Conscientious Objectors (hereafter MBCO), Box 19, Folder, "Le Barbera, Vincent," SCPC.

quoted Gillis as having proclaimed that: “it is quite possible to believe that all modern warfare is immoral ... in that case he must refuse to fight ... in a word he must follow conscience. Such is the teaching of the Church.”²⁴⁹

Le Barbera also made sure to clarify that he was an objective conscientious objector, one who stood upon his Church’s teaching, rather than a subjective conscientious objector who objected from a vague inclination towards humanitarianism. The Church’s teaching, particularly as explained by Emmanuel, helped La Barbera believe he was objective. “Because I am honestly and sincerely convinced that the conditions demanded by the natural law as prerequisites for a just war cannot be fulfilled by any war between civilized states at the present time, I declare myself an objective conscientious objector,” he wrote.²⁵⁰ La Barbera attempted to follow the teaching on conscience as outlined in just war theory and the manuals.

La Babera explained the Catholic theology of conscience to the draft board officials who conducted his official hearing, in a transcript produced from memory after the interrogation. La Barbera, to be sure, pushed his case. When asked how he would respond if Russia invaded the United States, he told the draft board that “he could not in conscience take any violent means to defend the country.”²⁵¹ La Barbera anchored his argument about conscience in the natural law framework: unjust wars obliged the Catholic in conscience to object. La Babera supplied a long list of reasons why modern wars were inherently unjust: saturation bombing, flamethrowers, machine guns, propaganda, etc. George Barry O’Toole was among the theologians that La Barbera

²⁴⁹ Ibid .

²⁵⁰ Ibid.

²⁵¹ Vincent La Barbera, “Resume Hearing before Local Board 645 May, 26, 1955.” MBCO, Box 19, Folder, “Le Barbera, Vincentm,” SCPC.

claimed to have quoted to the draft board members. La Babera quoted O'Toole at length to the draft board by saying, as O'Toole did in his work in the early 1940s, that:

“Immoral practices such as the bombing of civilian centers, the hate-propaganda, and the bloodthirsty [sic] bayonet-drill are essential part of the official war program ... where such immoral methods are the order of the day, no Christian can in conscience participate.”²⁵² Catholic theologians had supplied La Barbera with a traditional natural law framework of law/conscience. La Barbera tipped the balance towards conscience.

Local draft board agents and representatives from the Department of Justice inquired into La Babera's Catholic bona fides in 1955 and 1957 to prepare for official draft board recommendations. Authorities found La Barbera to be a thoroughly catechized, devout Catholic, who argued with his clergymen regarding, among other things, the church's teachings on conscience. Local draft board agents interviewed La Barbera's friends, family, and his local priests. The agents discovered that La Barbera attended mass every Sunday, that he regularly took Communion (which, in the 1950s, meant he frequented the confessional). The FBI learned that La Babera worked alongside his wife in the local Cana chapter, a group of lay advisors for recently married Catholic couples. When draft board officials inquired as to why La Babera and his wife had no children, Le Barbera explained that the couple had attempted to conceive, but had no success. La Barbera and his wife made clear they did not use artificial contraception, as its use violated church teaching.

La Barbera's Catholic credentials were beyond question. But agents found friction between Le Barbera and his local priests. With more digging, the agents found that La Barbera had argued with an assistant pastor of a local parish about conscientious

²⁵² Ibid

objection. Smith noted that the priest had, “argued against the registrant’s taking a pacifist stand but had never convinced the registrant.” The priest conceded that the Catholic teaching on the matter remained rather ambiguous. “There are some writings by Catholic authors which would support the registrant’s claim,” the priest explained to the draft board, “but that it is not the commonly accepted doctrine of the church.”²⁵³

La Barbera’s case failed at the state level in 1955 and moved to the national level in 1957. T. Oscar Smith, the same Department of Justice agent who inquired into Pius XII’s Christmas Message of 1956, scrutinized La Barbera’s file before making a final recommendation to a national draft board. Smith too found that La Barbera, deeply Catholic, had argued with his local priests about the church’s teaching on conscience. Some priests recognized orthodoxy in La Barbera’s stand. Smith analyzed a letter to the draft board from Dominican Francis W. Wendell. Smith concluded that, “[the priest] believes registrant is really following his religious beliefs in his conscientious-objector claim, and although he [the priest] himself does not subscribe to this view, he believes the registration has the right to hold this stand as a matter of conscience.”²⁵⁴

La Barbera hung the crux of his case on the arguments of Father Cyprian Emmanuel. A proper conscientious objection applied the law of God to particular situation at hand. When the civil law ran afoul of the divine law, the Catholic connected his conscience, objectively, to God’s law. According to Smith’s report, La Barbera, citing Emmanuel, argued that “conscientious objection requires that we correctly understand the nature of conscience and its relationship with the moral law and the will of God,” and

²⁵³ T. Oscar Smith, “Resume of the Inquiry, Re: Vincent Frank La Barbera, Conscientious Objector Claimant,” August 23, 1955. MBCO, Box 19, Folder, “Le Barbera, Vincent,” SCPC.

²⁵⁴ T. Oscar Smith to Chairman, Appeal Board, New York City, Eastern District, Panel No. 2, “Re: Vincent Frank La Barbera Conscientious Objector,” April 2, 1957. MBCO, Box 19, Folder, “Le Barbera, Vincent,” SCPC.

that “conscientious objection is in place whenever civil law runs counter to higher moral law.”²⁵⁵ The draft board authorities and Smith could very well have concluded that Catholic authorities and official theology encouraged Catholics to follow conscience, but that local priests challenged lay Catholics when they tried to deploy the more radical sides of theology of conscience. Smith, for his part, recommended that La Babera be granted full conscientious objector status.

Conclusion

A critique emerged during the Second World War and the Cold War, not that the American Catholic Church lacked a teaching on the importance of individual conscience, but that it had failed to live up to and apply its teaching on conscience. The laymen who followed conscience – and attempted to bring the theology of conscience into World War II and Cold War America – lived the theology of conscience, but met abandonment, investigations from local priests, time in labor camps, and questioning at the hands of draft board officials. This chapter has argued that the provocative teaching on conscience remained on the books and was circulated widely on the pages of American Catholic print culture at mid-century (periodical, pamphlet, private letter), but that taking this theology of conscience into a wartime world with conscription proved difficult. Respect for conscience remained established as an important intra-Church tradition during times of war and Cold War “conformism.” Catholics continued to defend conscience from the state. Catholics, importantly, even proved generous in offering the benefits of their teachings on conscience to others. In the 1950s, writers for Catholic periodicals and a young Robert Drinan SJ proved willing to extend the benefits of the manual tradition’s teaching on conscience to conscience claimants from other faiths. The provocative

²⁵⁵ Ibid.

theology of conscience – that conscience was the supreme subjective source of morality, and that conscience resided in the inner core of the person shielded from the outside – endured the emergence of the Cold War state, and even flourished as an intra-Church theological framework. John Ford specialized in smuggling the radical aspects of the erroneous conscience into disputes with the DOJ and the FBI. He provided a provocative and subtle defense of conscience to reject specific operations in his 1944 *Theological Studies* article and his advice to William.

This chapter has also introduced a component of the history of the idea and experience of conscience that will become increasingly important as our narrative presses onward. Not only are definitions of conscience, whether Protestant or Catholic, important to the history of conscience, but so are the forms of political activism conducted in the name of those who acted in conscience and yet saw the inside of a prison. Mainline Protestants launched a public campaign against the Truman Administration over a two year period, from 1946 to 1948, in the name of those who acted in conscience but remained incarcerated well after the war's close. Protestants did not mince words: they accused the Truman administration of failing to honor a fundamental tenet of American history: being free to act in conscience. They critiqued the Truman Administration and the nation's draft boards for mishandling claims of conscience and failing to take the internal movements of conscience seriously.

3.0 CHAPTER 3

“My Husband and I Were Following Our Own Consciences in Light of the Teaching of the Church”: The Theology of Conscience in the Sexual Revolution, 1961-1972

“As far as natural law could be defined, I would say that which conscience dictates is probably the best working guide. For each individual, in any case, conscience – especially if a man has taken reasonable means to inform his conscience – is the practical, working guide. That was worked out in the 12th and 13th centuries by St. Albert the Great and by St. Thomas Aquinas and the point seems reasonably clear by now.”²⁵⁶

-Thomas Roberts, SJ, retired archbishop of Bombay, interview with US Catholic magazine, *Marriage*, on “Conscience and Family Panning,” November 1964.

Introduction

Nearly 5,000 American Catholics gathered at the Washington Monument on November 10, 1968 for the “Unity Day Rally.”²⁵⁷ The rally resembled one of the era’s many civil rights protests or antiwar demonstrations. Activists and politicians in progressive movements for peace and equality headlined the event. Catholic notables Senator Eugene MacCarthy, winner of several primaries as the Democrat’s antiwar

²⁵⁶ A.V. Krebs J.R., “An Interview with Archbishop Roberts: Conscience and Family Planning,” *Marriage* 46 (November 1964), 42.

²⁵⁷ Mary McGarvey, “Happy Throng Strikes a Blow for Dissent,” *The Evening Star*, November 11, 1968. Shane MacCarthy Humanae Vitae Collection (hereafter SMHVC), Box 3, Folder 6, Catholic University of America Archives (hereafter CUAA),

candidate, and Jane Briggs Hart, a Catholic activist and founding member of the National Organization of Women, were the guests of honor. The “54 Conscience Statement Priests,” local celebrities who had publicly defended Catholics’ use of artificial contraception – and had been suspended by Archbishop Patrick O’Boyle as a result – circled among the crowd.

These 5,000 Catholic laypeople and priests told the bishops to honor the traditional relationship of law and conscience in a rather newfangled realm: the matter of artificial birth control. Catholic hierarchies from all over the world had issued statements promoting the freedom of conscience in the wake of *Humanae Vitae*, the Pope’s encyclical condemning artificial contraception, and American Catholics hoped their bishops would follow their peer bishops in Canada, Australia, Germany, the Netherlands, Britain, Scandinavia, Italy, and France. A poster advertising the rally asked Catholics to join in a “dignified, prayerful, public witness supporting the principle of freedom of conscience.”²⁵⁸ The American bishops were late in publishing a response to *Humanae Vitae* compared to their European counterparts. But the American bishops were making amends: they planned to issue a statement on *Humanae Vitae* at their annual meeting scheduled for November 12, to occur just two days after the Unity Day Rally. According to an article in *The Washington Evening Star*, the protestors hoped the American Bishops’ statement would “make birth control a question of conscience decided by each married couple.”²⁵⁹

Whether *The Washington Evening Star* knew it or not, “questions of conscience” had a long history in Catholic life. The traditional relationship of conscience and law, a

²⁵⁸ Unity Day Rally Poster, November 1968. SMHVC, Box 3, Folder 6, CUAA.

²⁵⁹ “Priests Stage Sit-in at Bishops Hotel,” *The Evening Star*, November 11, 1968. SMHVC, Box 3, Folder 6, CUAA.

fundamental structure of the twentieth century Catholic moral imagination, held that a Catholic could shift moral decisions to the conscience, the proximate guide for morality, when he or she questioned the authority of a law. As the rapid distribution of the birth control pill raised questions about the legitimacy of rules in the early 1960s, priests and laypeople remained in the traditional moral imagination — and desired to remain in the tradition — by shifting the decisions about artificial birth control into the court of conscience. Catholics rallied to convince bishops to honor the traditional relationship between law and conscience.

This chapter tells the story of how American Catholics – lay people, priests, bishops and theologians – amplified the moral imagination defined by the relationship between law and conscience as they experienced the first wave of the sexual revolution (the birth control pill). It has four sections. The first section briefly explores the origins of the dispute between the “54 Conscience Statement Priests” and Archbishop O’Boyle. District of Columbia priests – organized officially as the Association of Washington Priests (AWP) just after Vatican II – created tensions with religious authorities when they urged that traditional teachings be upheld. Catholic tradition, as the AWP understood it, respected the “well formed” conscience, as the “proximate” norm of the individual’s morality. The second section, stepping back in time, provides the backstory of how the AWP came to defend the theology of conscience. It reconstructs the theological and personal routes by which priests came to understand the Catholic moral world as structured by law and consciences. The traditional balance of law and conscience recurred in priests’ seminary training, parishes, and confessionals – and in the late 1960s priests in Washington D.C. and Maryland tipped the balance decisively in the direction of

conscience. Priests desired that the Church's respect for conscience be made real in the world undergoing a sexual revolution. The third section explores how American Catholic laypeople came to perceive the spread of artificial birth control through the traditional framework of law and conscience. New catechisms, European theologians, and Catholic school teachers placed the spread of artificial birth control into the traditional relationship of law and conscience. Lay Catholics, well-catechized in the relationship between law and conscience as a result of Catholic schooling and hours spent in confessionals, understood themselves to be acting on tradition when following conscience in the concrete circumstances of marital sexuality.

The fourth section, the body of the chapter, places the priests' and laity's attempts to expand the tradition of following conscience at the center of the Washington D.C. dispute. The section concludes by exploring how the AWP and their lay constituency scored a theological victory but not an institutional victory. The theology of conscience – like 'lived religion' in other iterations – hardly produced the intended results in actual affairs: living the theology of conscience in the world on matters of birth control – tipping the balance towards conscience in real time – resulted in tension with authorities, heart wrenching confusion, formal legal disputes, suspended ministries, and official censure. Catholics had a freedom of conscience – and a duty to follow conscience – but the theology only explained that a Catholic had to follow conscience; it could not predict the results of living the theology of conscience in a modern America in the throes of a sexual revolution.

“This Tradition of Respect for Conscience Need Not Be Set Aside”: Origins, July, 1968

The chain of events in Washington DC that brought 5,000 Catholics out to a demonstration at the Washington Monument began innocently enough. On July 27, 1968 Archbishop of Washington D.C. Patrick Aloysius O’Boyle issued “Guidelines for the Teaching of Religion in the Province of Baltimore and the Archdiocese of Washington.” O’Boyle’s instructions covered a wide range of topics. Inspired by Vatican II, O’Boyle ordered Catholic parishes to form lay councils. But O’Boyle also emphasized the official teaching authority of the Church (the magisterium, as Catholics referred to it), especially its ban on artificial contraceptives. O’Boyle’s instructions reminded District of Columbia Catholics that the magisterium forbade the use of artificial birth control.

O’Boyle issued his guidelines in an archdiocese where priests had been reconsidering their role in the Catholic Church. Priests of the archdiocese of Washington D.C. had recently “come of age,” to use the language of the times, assuming new responsibilities to speak for “The People of God,” the fresh definition of the Church issued at Vatican II. Emboldened by the reforming spirit of the Council, District of Columbia priests organized an informal discussion group to talk about theology and church affairs. It came together initially in the early 1960s as a series of informal meetings for District-area priests to discuss scripture and share fellowship (known affectionately by its members as the “scotch and scripture crowd”).

In the aftermath of the Council, the group’s leaders rebranded their gatherings the “Vatican II Study Group.” The study group sponsored lectures and held discussions about the implications of the Council. Under the direction of Joseph T. O’Donoghue, the assistant pastor of St. Frances de Sales parish, who one historian has described as

“dynamic and intellectually engaging,” the group rechristened itself in 1966 as the Association of Washington Priests, and invited all archdiocese priests to join their ranks.²⁶⁰ The AWP was the first group of its kind in the nation: a group of archdiocesan priests – conspicuously organized – publicly acknowledging their prerogatives to pass judgments on relevant issues in the Church. The AWP planned to voice their opinions where necessary. O’Boyle, well aware of the group, never discouraged the AWP’s formation or even its mission.

The band of priests took issue with how O’Boyle’s Guidelines misrepresented the Church’s traditional teaching on conscience. The group’s executive committee of 8 priests, its chairman John E. Corrigan, and executive officer Joseph Byron sent a letter to Archbishop O’Boyle to voice their concern. The Guidelines, the executive committee claimed, offered “no room for either probable opinion regarding the practice of contraception or the right of conscience so clearly enunciated in the documents of Vatican II.”²⁶¹

Events moved quickly. The AWP became a public pressure group dedicated to reminding local Catholic authorities that the Catholic moral world respected both laws and individual consciences. The AWP went to local reporters immediately. The leaders of the AWP released the letter to the Washington D.C. press, and it appeared on the front page of *The Washington Sunday Star* on July 28.²⁶²

The next day, Pope Paul VI reaffirmed the Church’s ban on contraception with his encyclical *Humanae Vitae*. The AWP, along with a group of American Catholic

²⁶⁰ Morris J. MacGregor, *Steadfast in the Faith: The Life of Cardinal O’Boyle* (Washington D.C.: The Catholic University Press, 2006), 338.

²⁶¹ The Association of Washington Priests to O’Boyle, July 19, 1968. SMHVC, Box 1, Folder 2, CUAA.

²⁶² See “Chronology of Events Involved in the Controversy Between Cardinal O’Boyle and the Forty-four of the Archdiocese of Washington,” SMHVC, Box 1, Folder 11, CUAA.

theologians, then took issue with the encyclical's dismissal of conscience. The day after the publication of the encyclical, at 8:00 pm, the executive committee of the AWP issued the "Statement of Conscience." The priests acknowledged, in a public statement, that lay Catholic couples could live out the Church's teachings on conscience – they could shift moral authority from law onto conscience after appropriate deliberation – in regards to artificial birth control. Quoting the theologians directly, the AWP pledged to "respect the intelligently formed conscience of those people who follow this theological judgment."

²⁶³ The executive committee of the AWP convinced 52 priests working the District of Columbia to attach their signatures to the Statement of Conscience.²⁶⁴

The arrival of artificial birth control did not do away with a moral imagination defined by the balancing of laws and consciences. The AWP immediately understood their campaign as a mission to defend the Catholic Church's long standing respect for conscience. In their initial manifesto, the group claimed to defend "the long practice and tradition in the Catholic Church which respects the intelligently formed conscience of the individual." The AWP, in their own eyes, had merely discussed a well-known tradition in public. They desired that the Catholic tradition of following conscience applied to a Catholic couple's decision to use artificial birth control. "Our public statements," the manifesto continued, "have ... reflected our belief that this tradition of respect for conscience need not be set aside."²⁶⁵ The AWP delivered the Statement of Conscience to O'Boyle and had the statement published in the local press.²⁶⁶

²⁶³ The Association of Washington Priests, "The Statement of Conscience," July 28, 1968. SMCHV, Box 1, Folder 2, CUAU.

²⁶⁴ "Chronology of Events," SMHVC, Box 1, Folder 11, CUAU.

²⁶⁵ Association of Washington Priests, "Statement," July 1968. SMHVC, Box 1, Folder 2, CUAU.

²⁶⁶ Ibid.

“Why Can They Not Follow Their Educated Conscience?”: The Theology of Conscience and Catholic Priests before *Humanae Vitae*

Acute tensions between law and conscience had been in the world, in the parishes and confessionals of priests like those in the AWP, in an intense manner, since at least 1964. “In these days,” one theologian reflected in October of 1964, “the tendency is to extoll the freedom of judgment which is the prerogative of conscience.”²⁶⁷ A writer for *Ave Maria*, a layman, noting the rising tide of the theology in May of 1964, predicted the spread of law/conscience tension into the nooks and crannies of Catholic life. “The problem of freedom of conscience and obedience to legitimate authority has played its own vital – sometimes tragic – role in the lives of great religious Christian figures,” he wrote, citing the examples of St. Paul, Cardinal Newman, Joan of Arc, and Thomas More, before suggesting to his readers that, “in recent days it seems to be presenting growing problems for the ordinary Christian.”²⁶⁸ The writer anticipated that Catholic members of the Parent Teacher Association, Catholic college students, and “ordinary Catholics” would tangle with the theology of conscience as it spread into the corners of Catholic life. The editorial ended with the gloomy prognostication that, “conflict of conscience and authority will almost certainly become more and more of a problem for individual Catholics in the future, and on a very practical daily level.”²⁶⁹

Priests sought advice on how to deal with the surge in laypeople tipping the balance towards conscience whilst in the sacred confines of the confession booth. A priest wrote a letter to the theological experts at the *American Ecclesiastical Review* in 1964 to report that “much is being said nowadays about the ‘primacy of conscience,’”

²⁶⁷ Raymond A. Tartre, “The Law and Love,” *Emmanuel* 70 (October 1964), 389.

²⁶⁸ William J. Jacobs, “Conscience and Authority: An Ancient and Modern Dilemma,” *Ave Maria*, May 16, 1964, 18.

²⁶⁹ Ibid.

and warned his fellow confessors about oncoming confrontations with lay people: “[penitents] tell the priest they have a right to absolution because they have acted in accordance with their conscience ... [lay people] claim that their consciences declare that birth prevention is perfectly lawful.”²⁷⁰ At the very least, Catholic authorities had to acknowledge the party line on the individual Catholic’s obligation to follow an assured conscience. Conscience had an important standing in Catholic circles. The manual expert for the *American Ecclesiastical Review* conceded begrudgingly that “Catholic theology teaches that the proximate norm of morality for each individual is his own sincere conscience.”²⁷¹ Catholic authorities admitted, per tradition, that a confident (i.e., sincere) conscience remained a Catholics’ most important subjective guide for moral decisions.

The amplification of a new linguistic designator – “primacy” – captured the growing beachhead conscience had acquired in the confession box. The Catholic press in America speedily imported the phrase for readers after “primacy of conscience” aired conspicuously on Dutch television in 1964 in an address by Bishop Willem Bekkers. European Catholic authorities were amplifying the role of conscience in moral decision-making. A Catholic newspaper in Davenport, Indiana reported in July of 1964 that Bekkers gave an address “stressing the ‘primacy of conscience,’” and quoted the bishop as saying, “in our life we are confronted daily with situations that compel us ... to a personal decision of conscience.”²⁷² This new language, emanating from Europe, helped American Catholics to enlarge the role of conscience in decisions to use artificial birth control. The American priest who wrote the editors of the *American Ecclesiastical*

²⁷⁰ “Answers to Questions: The Primacy of Conscience,” *The American Ecclesiastical Review* 151 (1964), 343.

²⁷¹ “The Primacy of Conscience,” 343.

²⁷² “Dutch Prelate Stresses That Conscience is Chief Guide,” *The Catholic Messenger*, July 2, 1964.

Review claimed to “have heard that [primacy of conscience] is being applied by some Catholics who claim that their consciences declare that birth prevention is perfectly lawful.”²⁷³ The editors of the *Review* blamed Bekkers’ speech for the spread of the “unfortunate phrase.”

Lay penitents had the formidable card of tradition to play. Catholic commentators perturbed by the initial spike in conscience talk in 1964 in parishes across the country admitted that Catholic tradition granted formal authorization to follow the conscience. “It is a basic teaching that we may go against authority when conscience obliges us to do so,” the pessimistic writer for *Ave Maria* reminded readers.²⁷⁴ For the generation of Catholics trained with penance manuals and natural law theory, the importance of conscience was axiomatic. A priest who noted the surge felt compelled to admit that “every moral theologian affirms the subjective supremacy of the individual conscience; right or wrong, conscience must be obeyed.”²⁷⁵

Priests reckoned with the legitimacy of laypeople’s considerable theological literacy on conscience and law as early as spring 1964. Monsignor J.B. Conway (whose advice column “The Question Box” was carried by Catholic newspapers across the United States) responded to a question about artificial birth control with the words – widely available at midcentury – that, though Catholic teaching banned the use of artificial birth control, “[Catholics] stress the truth that his own sure conscience is the final arbiter of right and wrong in his case.”²⁷⁶ Catholic confessors could not deny the high regard Catholic theology granted to following conscience.

²⁷³ “The Primacy of Conscience,” 343.

²⁷⁴ “Conscience and Authority: An Ancient and Modern Dilemma,” 18.

²⁷⁵ “The Law and Love,” 390.

²⁷⁶ J.B. Conway, “The Question Box,” *The Catholic Messenger* May 16, 1964, 10.

The predicaments at the parish level were brought on, in part, by the rapid dissemination of the birth control pill in the early-to-mid 1960s. The Food and Drug Administration approved the pill in the spring of 1960. It spread quickly among American households – Catholic households too – after its introduction. By 1962, 1.2 million American women were using the pill for artificial birth control, a figure that rose over the following years to over 6.5 million married women and countless unmarried women.²⁷⁷

The widespread use of the pill – an early phase of a broader sexual revolution in American and European life – produced a serious theological conundrum in the global Catholic Church. New questions about artificial birth control convinced Church officials in the Vatican to investigate the matter. Just before the conclusion of the first session at the Second Vatican Council in 1963, John XXIII founded the Pontifical Commission for the Study of Population, Family and Births.²⁷⁸ Importantly for priests and laypeople in the District Columbia and the larger Chesapeake region, John XIII appointed Baltimore's Archbishop Lawrence Shehan to this commission. But the theological tensions between law and conscience were particularly acute at the parish level in which priests and laypeople perceived the arrival artificial birth control with terms drawn from the Church's traditional teachings on following "sincere" or "assured" consciences.

Priests like those in the AWP became familiar with the balancing acts of law and conscience – both its tradition and recent intensification – by way of seminary training.

²⁷⁷ Elaine Tyler May, *America and the Pill: A History of Promise, Peril and Liberation* (New York: Basic Books, 2010), 1-2. Jonathan Eig, *The Birth of the Pill: How Four Crusaders Reinvented Sex and Launched a Revolution* (New York: W.W. Norton and Company, 2014).

²⁷⁸ Robert McClory *Turning Point: The Inside Story of the Papal Birth Control Commission and How Humanae Vitae Changed the Life of Patty Crowley and the Future of the Church* (New York: Crossroad Press, 1995), 3.

Seminary professors used papers and lectures to strengthen the role of conscience in the traditional framework. In a 1963 paper given to an audience of Protestants and Catholics at Harvard College, seminary professor Fr. Charles Curran called law “static and very incomplete” and found conscience, as stated in tradition, filling the lacunae left by law. “The vast majority of decisions of conscience pertain to matters where there are not determined external expressions of law,” he wrote.²⁷⁹ The allure of conscience burgeoned as American Catholic theologians suddenly found laws, especially the prohibition on birth control, incapable of providing clear and legitimate moral guidance. Where law increasingly failed, conscience succeeded, as explained in tradition: “for the Christian who has made a commensurate effort to form his conscience correctly,” Curran wrote, “the dictate of conscience is an infallible norm of conduct.”²⁸⁰ Curran, a professor at St. Bernard’s seminary in Rochester, New York was one of the first American Catholic theologians to give conscience a freshly elevated stature, and his Harvard paper used traditional terms drawn from midcentury Catholic moral theology.

Catholic theologians like Curran extended well-known traditions on conscience into the area of artificial birth control. Theologians wrote articles in Catholic periodicals like *Perspectives* and *America* encouraging priests to help laypeople place the use of artificial birth control into the traditional framework of forming and following conscience. Curran’s deployment of midcentury natural law language – i.e., a Christian’s “sincere formation of conscience” made the “dictate of conscience an infallible norm of conduct” – maintained the moral framework of law and conscience as Catholics

²⁷⁹ Charles Curran, “The Problem of Conscience and the Twentieth-Century Christian,” in *Ecumenical Dialogue at Harvard: The Roman Catholic-Protestant Colloquium* (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 1964), 271.

²⁸⁰ *Ibid.*, 272.

confronted the use of artificial birth control. A theologian from Manhattan College explained that, “what many [theologians] are suggesting, and this is seen particularly in the birth-control issue, is that ... we must lead people toward a Christian maturity when discussing personal conscience.”²⁸¹ This theologian poured a new existential theology of conscience into the traditional framework of law and conscience: “to speak of personal conscience as the ultimate norm of morality is certainly not new; [but] to realize all the existential implications of this statement is new within the Catholic fold today.”²⁸² The mature conscience, cognizant of its existential situation, did not need recourse to a prepared script of law. Such an admission built on Catholics’ recognition of conscience as the “supreme subjective source of morality” in need of “formation.”

Tipping the balance towards conscience and away from law, theologians argued, realized a brighter a better ethical world for American Catholics. The distinction of Catholic past and Catholic future hardened into yesteryear’s dominance of law and the future’s hopeful dawn of conscience. A 1965 article by a Benedictine monk, a master of clerics at a Michigan monastery and a seminary professor in Detroit, lamented that midcentury Catholics had diminished the importance of conscience by emphasizing the law: “the only conceivable function that conscience can have [in that system] is to oblige conformity to the law ... the Catholic conscience is not often enough one that is ambitious, creative, and aspiring; it is, rather, one that is compliant, unperceptive, and unsearching.”²⁸³ An emboldened theology of conscience, circulating in parishes and confessionals in the Catholic world, would forge a bright moral path. The conscience ought to assume a more important place in the Catholic moral imagination. The monk

²⁸¹ Gerard H. Gargulio, “Witness to Love,” *Perspectives* 10 (May/June 1965), 76.

²⁸² *Ibid.*

²⁸³ Raymond Gardella, “Morality and the Law,” *Perspectives* 10 (May-June 1965), 77.

continued: “the conscience must be given legs to walk on ... morality must learn to trust the conscience and to promote the selfless expression of love through it.”²⁸⁴ Catholics needed to bring a strapping theology of conscience into the world to overcome a recent Catholic past darkened by obedience to the law.

Ironically, as Catholic theologians like this Michigan seminary professor promoted conscience to break with the recent past, they urged Catholics to fulfill a traditional teaching widely available in the recent past. Bringing the conscience into the world did not entail departure from Catholic ethics but the realization of one its most cherished teachings. British Theologian Charles Davis partook of this irony in a 1965 article for *America*: “Catholic education,” he wrote, “often prevents the emergence of personal conscience.”²⁸⁵ Davis criticized the Catholics who became “frightened when any matter is left to their personal conscience because it cannot be adequately determined by general norms.”²⁸⁶ The only means by which a Catholic ought to determine a sin, he argued, stepping unwittingly into traditional teachings on conscience, is to register the sin in “a genuinely personal judgment of conscience.”²⁸⁷ Davis urged Catholics to arrive at individual judgments of conscience when confronted with admonitions to obey laws. Davis reiterated the classic teaching on the erroneous conscience, as taught by theologians like John Ford and Charles Curran: if a Catholic’s conscience did not register the sin subjectively, and the ignorance proved invincible, actions committed under the guidance of the erroneous conscience were deemed blameless in Catholic moral theology. Catholics had been encouraged throughout the 1940s and 1950s to arrive at individual

²⁸⁴ Ibid., 79.

²⁸⁵ Charles Davis, “Theological Asides: Announcing Mortal Sins,” *America*, February 6, 1965, 193.

²⁸⁶ Ibid.

²⁸⁷ Ibid.

judgments of conscience in a wide range of situations. As theologians like Davis urged Catholics to amplify conscience to break with a past of subservience to law, they actually encouraged Catholics to remain in a theological framework already structuring their moral imaginations in fundamental ways.

The theologian who did the most to maintain the long-standing reciprocal ties between law and conscience, particularly in seminary education, was German theologian Bernard Häring. Häring's initial body of writings, lining book shelves in American seminaries in the mid-1960s, intensified the power of conscience, and spread its gospel among Catholics, priests and laypeople, without breaking from tradition. Häring, a priest in the Redemptorist order, was one of the leading intellectuals in the global church in the mid-1960s. He served as the personal confessor to Pope John XXIII and attended the Second Vatican Council (1962-1965) as a theological expert, where he helped to frame *Gaudium et Spes*, the meeting's crowning document. His systematic study of moral theology, *The Law of Christ* (1961), was an influential text, having been translated into a dozen languages and taught in seminaries in Europe and America.

The Law of Christ made the theology of conscience a deeper reality with a vivid and poetic language. A sentence from the book's section on conscience beamed: "within us conscience re-echoes the call of the Master inviting us to follow him."²⁸⁸ But Häring operated in the manual tradition when he called conscience "the subjective source of moral good," and explained to readers that, "the natural function of conscience is to make

²⁸⁸ Bernard Häring, *The Law of Christ: Moral Theology for Priests and Laity*, trans. Edwin D. Kaiser (P, New Jersey: The Newman Press, 1961), 135.

us partakers of the eternal law of God.”²⁸⁹ Calibrating conscience with the eternal law extended a time-honored tradition.

Häring encouraged Catholics to live a theology of conscience in the world that was at once existentially robust and yet deeply traditional. Other books in the flood of Häring’s initial works – key seminary texts of the 1960s and all seemingly worthy of translation into English – strengthened the role of conscience in moral decision-making with novel prose and strong links to long-standing Catholic traditions. In *Christian Renewal in a Changing World* (1964) Häring – again intensifying conscience with existential language – wrote: “through the medium of conscience God addresses each of us in a unique and personal manner as His free children.”²⁹⁰ But Häring hastened to explain how conscience ultimately affirmed God’s authority. “Aided by God’s revelation and guided by the teaching authority of the Church,” he wrote, “our obedience to authority should be an obedience of conscience which in the final analysis is directed towards God.”²⁹¹ Häring, the world’s leading Catholic moral theologian, moved away from the midcentury definition of conscience as the “practical intellect” but his ends, like earlier moral manuals, were to align conscience with God. Häring’s work helped Catholics to maintain classic balances of law and conscience.

The tensions between law and conscience came more fully into view in the mid-1960s for parish priests in the greater Baltimore area as “laws” and “guidelines” – like the ban on artificial contraception – seemed to lose their connections to God. Priests like those in the AWP, whose moral imaginations were structured by ties between law and

²⁸⁹ Ibid., 135, 147.

²⁹⁰ Bernard Häring, *Christian Renewal in a Changing World: A New Approach to Moral Theology*, trans. Sister M. Lucidia Haring (New York: Desclee Company, 1964), 118.

²⁹¹ Ibid., 119.

conscience, perceived the spread of artificial birth control among their parishioners through the traditional framework. Priests like those in the AWP had been taught these lessons on conscience many times as seminarians in the years leading up to the promulgation *Humanae Vitae*.

The dissonance between the availability of artificial birth control and the ban on its use only perturbed lay Catholic consciences. Two years before the issuance of *Humanae Vitae*, Priests in the archdiocese of Baltimore reported the undesirable situation in Maryland parishes in letters to Archbishop Lawrence Shehan. Reverend Charles Quinn, looking for clarity, reported to his archbishop that “the consciences of many good Catholics have already been disturbed by the many changes we have experienced.”²⁹² Another Maryland priest found the debate on birth control “excruciating to [the] consciences” of his penitents.²⁹³ The laws no longer settled lay Catholic consciences. Instead, the laws disturbed the space internal to the Catholic self that, if damaged or harried, produced mental and even physical pain. “Fr. A”, remaining anonymous, put it bluntly: “to require couples to produce children they are convinced they cannot rear in a Christian manner seems tragically wrong, doing violence to the individual conscience.”²⁹⁴ To Shehan’s priest-correspondents it seemed in the spring and summer of 1966 as if the Church harassed its members’ consciences rather than offering the pastoral care that such “inner nucleuses” deserved. Catholics continued to have moral imaginations structured by the relationship between law and conscience as birth control pills became widely available in the early 1960s.

²⁹² Rev. Charles Quinn to Shehan, June 8, 1966. Lawrence Cardinal Shehan Papers (hereafter LSP), Box 7, Folder 2, Archives of the Archdioceses of Baltimore (hereafter AAB).

²⁹³ William S. Lindung to Shehan, n/d. LSP, Box 7, Folder 2, AAB.

²⁹⁴ Anonymous Priest to Shehan, n/d. LSP, Box 7, Folder 2, AAB.

Baltimore parish priests suggested in private letters to Archbishop Shehan throughout 1966 that a renewed emphasis on the Church's long-standing prerogative of following an "informed conscience" could provide a workable solution to the problems of law. The theology of conscience gained strength as its traditional counterpoint, the law, failed to provide guidance, and communicate God's will. Conscience could still serve as "the infallible norm of conduct," the "ultimate norm of morality," or "the medium through which God addresses us as His free children." Conscience could be "given legs to walk on."

The individual Catholic, Baltimore priests averred in 1966, ought to be encouraged to consider personal circumstances and church teaching when making their own personal decisions in conscience (i.e., "informing conscience") regarding the use of artificial contraception. Following an informed conscience "justified" the Catholic's use of artificial contraception. Fr. Martin Gamble argued against a rule banning birth control, because, as he explained in a letter to Shehan, "if the burden is to be placed more than in the past upon the informed conscience of the individual Catholic, than an enlightened understanding, rather than following the 'answers' of someone else, will be demanded."²⁹⁵ Whatever the Church decided, Gamble wrote, it must "relate to the Christian understanding and mental attitude and the development of a truly 'informed conscience.'"²⁹⁶ Fr. Wayne Link thought informing conscience should be the only goal of any new rule on birth control. A new law, Link wrote, should help lay penitents realize "a mature moral conscience that looks to the whole text of married life and not just the

²⁹⁵ Martin J. Gamble to Shehan, May 23, 1966. LSP, Box 7, Folder 2, AAB.

²⁹⁶ Ibid.

biological and psychological aspects of each particular act.”²⁹⁷ Priests like Link did not consider the budding emphasis on conscience as a call to abandon traditional Catholic morality. Link felt strongly enough about the theology of conscience to recommend to Shehan that “the Church must develop in her members the mature conscience to avoid selfishness in the use of family limitation whatever that limitation may take.”²⁹⁸ In the eyes of Baltimore’s priests, the theology of conscience should be realized in the world in the shift from law and towards the lay penitent’s informed conscience, a highly traditional suggestion.

Baltimore priests found the formation of conscience an obvious solution to questions raised about birth control. A lay Catholic could follow a properly formed conscience on the matter and remain in obedience to Church law. One priest recommended that church officials like Shehan compose new instructions for laypeople on how to form consciences. “For those planning marriage it would seem necessary to include pertinent instructions in the pre-marital investigation in order for a right conscience to be formed on this grave matter,” he wrote, arguing that Catholic couples were capable of sound judgments with conscience.²⁹⁹ The conscience, occupying a lofty place in midcentury moral theology, could be called upon by Church officials to play an even more important role in moral decision-making. “Father A,” detailing in his letter to the archbishop how Catholics were “spacing children” yet still “loved God and each other,” asked the prelate matter-of-factly: “Why can they not follow their educated conscience?”³⁰⁰ It seemed obvious to Baltimore priests, using the terms of manuals and

²⁹⁷ Wayne G. Link to Shehan, June 11, 1966. LSP, Box 7, Folder 2, AAB.

²⁹⁸ Ibid.

²⁹⁹ Stanley J. Searly to Shehan, June 8, 1966. LSP, Box 7, Folder 2, AAB.

³⁰⁰ Fr. A to Shehan, May 30, 1966. LSP, Box 7, Folder 2, AAB.

natural law, that the use of artificial birth control could be filed under this traditional theology of conscience-formation.

“We Also Feel Sincerely That This Question is Between a Couple’s Conscience and God”: The Laity and The Theology of Conscience Before 1968

Catholic laypeople called for the use of artificial birth control to be authorized under the Church’s traditional offerings of freedom of conscience. “I believe that the Church will one day come to the point where one will at least have freedom of conscience on this particular subject,” a sales manager from Texas told the editors of *Jubilee* magazine.³⁰¹ Catholics understood and took note of the Church’s respect for conscience – reaffirmed by bishops at Vatican II – and they called for the tradition to be extended to Catholic consciences on matters of birth control. Another layperson, a mother of four from Cincinnati, wrote in a 1963 letter that “some comment as to whether the Church really beleives [sic] in the freedom of conscience or not would be helpful.”³⁰² The freedom of conscience seemed so well established in Catholic life that it could be easily extended to the use of artificial birth control.

Catholic laypeople articulated the theology of conscience with a language derived from official texts that could not always be found within them. Tradition appeared in the world in novel forms, testifying to how deeply tensions of law and conscience colored the American Catholic moral imagination. Increasingly in 1963 and 1964, Catholics interpreted some their coreligionists to have found a state of grace that had them “justified in conscience.” A single laywoman, pondering the dilemma of birth control with the established terms of objective law and subjective conscience, wondered in her

³⁰¹ Sales Manager, Texas, to *Jubilee Magazine*, n/d. Edward Rice Papers (hereafter ERP), Box 4, Folder 54, Georgetown University Manuscripts, (hereafter GUM).

³⁰² Mother, Cincinnati, Ohio to *Jubilee Magazine*, December 4, 1963. ERP, Box 4, Folder 55, GUM.

December 1963 letter to editors of *Jubilee* magazine “whether most Catholics have the problem of justifying [birth control] to their consciences.”³⁰³ Some Catholics appeared to have justified their consciences in real time and in real circumstances. “I think Catholics justify their consciences by noting what a deteriorating effect too many children can have upon family life,” noted the Catholic mother from Ohio.³⁰⁴ Justification on the grounds of conscience sealed a private deal between lay believer and God occluded from outside scrutiny. A nun interpreted Catholic users of birth control in 1963 on precisely such terms: “only their conscience really knows how they see their justification,” she wrote.³⁰⁵ The proposition that only conscience could understand a state of justification recalled definitions of conscience widely available in the 1950s as “the innermost sacred sphere of the person” and “the most intimate secret nucleus of man.”³⁰⁶

Catholic lay people, particularly women, brought their new state of grace – “justified in conscience” – to the confessional. Bringing the theology of conscience into the world left once confident confessor-priests with questions about how to respond to such claims of indwelling grace. Jesuit moral theologian John Ford fielded several letters in 1966 from priests who encountered lay penitents with “justified consciences.” In February of that year, Ford received nearly 90 letters from laypeople and priests who attended a retreat in St. Paul, Minnesota where the director had apparently urged attendees to dwell on pertinent moral questions. Three attendees, most likely priests, asked Ford for advice on dealing with laypeople who had justified conscience to take artificial birth control. One letter-writer asked Ford, “may a jurist tell a person in

³⁰³ A single laywoman to *Jubilee Magazine*, December 13, 1963. ERP, Box 4, Folder 55, GUM.

³⁰⁴ Mother, Cincinnati, Ohio to *Jubilee Magazine*, December 4, 1963. ERP, Box 4, Folder 55, GUM.

³⁰⁵ Nun to *Jubilee Magazine*, n/d. ERP, Box 4, Folder 57, GUM.

³⁰⁶ Ibid. Pius XII, “Christian Conscience as an Object of Education,” *Catholic Action* 34 (May 1952), 17; Hans Rommen, “Church and State,” *The Review of Politics* 12 (July 1950), 335.

confession, that if he or she in conscience feels justified that B.C. is justified in their particular case, that it would be all right from then to practice B.C.?”³⁰⁷ Another note, looking for advice on women penitents, asked “must a priest withhold absolution from a Catholic woman who feels justified in her conscience in using the pill?”³⁰⁸ A third inquirer, who had either attended German theologian Bernard Häring’s address to the Catholic Family Movement (analyzed below) or heard of the speech, told Ford that, “Fr. B Häring in a recent talk (summer 1965) to a group of married people in Chicago stated that in a confessional case where a women feels in conscience before God she is justified in using contraception ... a confessor cannot refuse absolution,” and asked, “What is your opinion?”³⁰⁹ Lay Catholics, regulars in their parish confessionals in the 1950s, had been accustomed to setting their conscience before God almost every Saturday. In the mid-1960s that process broke into the world as a “justification” of conscience.

Laypeople were encouraged by theologians throughout the early years of the sexual revolution to remain in a moral world defined by affirmations of conscience. Remaining in the traditional framework of law and conscience, working through its tensions, and eventually favoring conscience after discernment meant that the use of artificial birth control would not jeopardize a Catholic’s standing with God. In a lecture to the Catholic Family Movement in 1965, Bernard Häring explained that traditional theologies of conscience, properly executed, authorized the use of artificial contraception. Häring contended that Catholic couples could make a “decision of conscience” to use birth control after prayer and serious dialogue. While he never denied the prohibition

³⁰⁷ Letters to John Ford on the Question of Birth Control at Retreat Home, February 26, 1966. JCFSJ, ANEPRSJ, Box 23, Folder 4.

³⁰⁸ Ibid.

³⁰⁹ Ibid.

against contraceptives in lectures to audiences of lay Catholics, Häring accentuated the long-available Catholic notion of conscience as a ground for a private decision between believer and God. Church authorities were not likely to alter the prohibition on birth control, but Catholic moral theory, as it understood God's judgment, he reminded the audience, respected decisions made in conscience. Häring, alluding to Catholic couples who made the choice to use artificial birth control, told his audience that, "if their conscience is upright, sincere, God will judge the sincerity of their conscience and in view of the difficulties life presents to them."³¹⁰ The Church's traditional respect for conscience – and God's respect for decisions of conscience – held in Catholics' sincere decisions to use artificial birth control.

In a speech to a diverse audience at Brown University in 1965, Häring extended the Catholic tradition against the coercion of conscience into interpersonal relationships in marriage. Häring warned that one spouse should never coerce the other's conscience into using birth control just to uphold a church law. He explained: "In such a deep relationship as marriage, the covenant of love, the most basic condition of all is mutual respect for conscience. It would destroy the very essence, the very foundation of marriage ... if one were to score a victory over the conscience of the other through the other's promising something against his conscience, against his deep convictions."³¹¹ Conscience, "fully developed," contained "one's own knowledge of the good." If conscience apprehended a good at loggerheads with official church teaching on birth control, the Catholic, Häring asserted, must follow the good as known to the individual conscience. Such a tradition could be lived out in the familiar arena of marriage.

³¹⁰ Bernard Häring, "Theology of Married Love," August 1965, 17. JCFSJ, ANEPRSJ, Box 55, Folder 2.

³¹¹ Bernard Häring, "Conscience and Freedom," March, 1966. JCFSJ, ANEPRSJ, Box 24, Folder 8.

Lay Catholics tipped the balance in favor of conscience by doubting the authority of the law. As moral theologians like John Ford had taught throughout their careers, conscience (the subjective element of morality) entered prominently into moral dilemmas when law (the external component of morality) became unclear. Lay Catholics began to live out the notion that conscience could be followed when law on artificial birth control faltered. In 1966, a few dozen of such letters expressing this argument went to Baltimore's Lawrence Shehan. One layman explained to Shehan that, "there is ... difficulty ... in allowing the conscience of the faithful to wait for a clear statement If you are silent, it will be taken as consent."³¹² A Catholic couple explained to Shehan that "we have always followed the laws of the Church but recently [we] have had many serious doubts entering conscience."³¹³ The opacity of the Church's teaching on artificial birth control, as it stood in 1966, increasingly convinced Catholic laypeople to shift the onus of moral-decision making onto their consciences.

Catholic married couples brought the theology of conscience into the world by telling Archbishop Shehan in so many words that, through discernment in marriage, "two will share one conscience." This marked another manner in which Catholic laypeople lived out the theology of conscience with a language derived from, but not always found in, official texts. In 1965 and 1966, Catholic married couples imagined themselves to have a mutually shared conscience where the couple encountered God with candor, and sealed a deal with God on the reproductive agenda for their family. "We only want the privilege of being able to have as many children as our conscience tells us is right for us.

³¹² Farley Clinton to Shehan, March 2, 1966. LSP, Box 7, Folder 1, AAB.

³¹³ Mr. and Mrs. Robert Bauer to Shehan, April 25, 1966. LSP, Box 7, Folder 1, AAB.

This would be a matter between the couple and God,” declared Mr. and Mrs. Robert Bauer.³¹⁴

Another Catholic lay couple, Mr. and Mrs. John Schmitt, sent a letter to Shehan in March of 1965 to make a similar argument. Making sure to tell Shehan they were “procreation” and not “materialists,” the Schmitts wrote: “we also feel sincerely that this question is between a couple’s conscience and God. We have four children and we thank God but our conscience tells us this is enough.”³¹⁵ One priest felt compelled to write a letter to “The Question Box” of a diocesan Catholic paper on how to deal with a couple’s mutually-shared conscience: “When a married couple has in conscience decided that the Church teaching, or prohibition, on birth control is WRONG [original emphasis],” he wrote, “may they continue to receive Communion?”³¹⁶ Catholic lay couples understood themselves to be forming a single conscience on decisions of artificial birth control mutually shared between husband and wife – the decision to use birth control could be made on the traditional grounds of this mutually shared conscience.

In their letters to Shehan and *Jubilee*, laypeople demonstrated considerable literacy in the esteemed position Catholic moral theology assigned conscience. They urged the Church to honor its tradition and allow the traditional framework of favoring conscience to guide earthly decisions. A lay Catholic man from the Bronx, identifying himself as a father, claimed to have learned from his Christian educators that “man’s practical moral judgment of concrete action... is his conscience, and subjective morality consists in man’s obedience to the imperatives of this judgment.” He urged Catholics to

³¹⁴ Mr. and Mrs. Robert Bauer to Shehan, April 25, 1966. LSP, Box 7, Folder 1, AAB.

³¹⁵ Mr. and Mrs. John C. Schmitt to Shehan, March 23, 1965. LSP, Box 7, Folder 1, AAB.

³¹⁶ Question sent to J.B. Conway, “The Question Box,” *The Catholic Messenger* May 16, 1964, 10.

finally let the conscience assume its proper position in the tradition, as related to the use of artificial contraception.³¹⁷

It was not a secret to Catholic laypeople that the Church had encouraged its members to follow conscience since at least the days of St. Thomas Aquinas in the thirteenth century. Its traditional status legitimated following conscience in real world moral decisions. One lay Catholic, a physician from Chicago, heard Aquinas's theology of conscience in his priest's advice that a Catholic could use birth control if they heeded scripture and queued up regularly for communion ("love and do what you will"): "St. Thomas Aquinas taught this, too. A man must, above all, be true to his conscience," the physician concluded.³¹⁸

The Church's endorsement of conscience during the high medieval period was widely diffused among American Catholic laypeople before the promulgation of *Humanae Vitae* and the subsequent Washington D.C.-area disputes. The tradition of following conscience, long respected in church teaching, ought to be maintained, lay Catholics argued, in the face of sexual revolution. The Dutch Catechism (1967), a book that may have been discussed at the parish level, reminded readers that Aquinas had once advised his fellow Catholics to the effect that, "if one professes faith in Christ or the Church when one has come to the conviction it is wrong, then he sins against his conscience."³¹⁹ Written by Dutch Bishops and theologians, and published by Herder and Herder in 1967, the Catechism sold 75,000 copies in its first year in American bookstores, bringing *Time Magazine* to declare the English translation of the Catechism

³¹⁷ Father, Bronx to Jubilee magazine, nd. Nun to Jubilee Magazine, n/d. ERP, Box 4, Folder 55, GUM.

³¹⁸ Physician, Chicago to Jubilee Magazine, December 18, 1963. ERP, Box 4, Folder 55, GUM.

³¹⁹ *A New Catechism: Catholic Faith for Adults* (New York: Herder and Herder, 1969), 374.

“one of the year’s best religious sellers.”³²⁰ The Dutch catechism dwelled on how “the challenge of the law, of the conscience ... cannot be lightly dismissed...Medieval thought, which was very objective and strongly sin oriented, even laid stress upon this element.”³²¹

A layperson could very well conclude, after reading the Dutch Catechism, that Catholic moral theology had always acknowledged the possibility that conscience could trump law. Layman James G. Murray, reviewing the catechism for *The Homiletic and Pastoral Review*, drew exactly that lesson: “while conscience and commandment are seen as ultimately unified, it is honestly declared [in *A New Catechism*] that they may come in conflict...When they do, conscience must be trusted.”³²² A layperson need only take the step of actually placing faith in the conscience. Catholic laypeople often reached the conclusion, by way of traditional sources, that pressing moral decisions could be made on the grounds of conscience.

The Dutch Catechism assured readers Catholics had been living out teachings on the theology of conscience since the days of the early church. Catholic laypeople of the twentieth century could incarnate the theology of conscience in their own historic circumstances, and elevate conscience over unclear or illegitimate laws. Citing Paul, Aquinas, and Newman, the authors claimed that, “it remains the constant teaching of the Church that each man must be guided by the profound law of his conscience.”³²³ In its section on birth control, the catechism made clear that conscience, properly understood, had the final word. Married couples were to discern the meaning of sexual intercourse for

³²⁰ “Catechism in Dutch,” *Time Magazine*, December 1, 1967, 100.

³²¹ *Ibid.*, 374-375.

³²² James G. Murray, “That Dutch Catechism!” *The Homiletic and Pastoral Review*, 66 (1966), 915.

³²³ *Ibid.*, 375.

the transmission of life, in consultation with doctors and confessors. But, the catechism concluded, “the last word lies with conscience, not with the doctor or the confessor.”³²⁴ Laypeople had considerable resources urging them to place an emphasis on conscience, and many Catholic leaders told laypeople to act on the teachings about conscience in the year just before the promulgation of *Humanae Vitae*.

The call to live out the theology of conscience in the world could be found in 1967 and 1968 on the mass produced pages of Catholic newspapers like *The Hoya*, Georgetown University’s student newspaper. In a 1967 lecture given to the national honorary nursing sorority at Georgetown entitled “Conscience and Contraception,” theology professor and department chair Fr. William McFadden SJ told an audience of Catholic women that “God does not want just right actions; it is not enough to perform external acts ... to yield to conscience is indeed the only way to approach Him.”³²⁵ As the ban on artificial birth control seemed to lose moral authority – and following laws seemed to fail in producing moral behavior – theologians in the D.C. area urged lay Catholics to bring the theology of conscience more robustly into the world by making conscience their chief moral guide. This shift to conscience made a long-standing Catholic tradition a reality in the lives of individual Catholics in the concrete circumstances of life. Louis Dupre, a visiting professor of theology and philosophy at Georgetown, put Vatican II’s emphasis on conscience into the long view of church history. Vatican II made clear that Catholics were to follow conscience, not earthly authority. “The Declaration of Religious Freedom,” Dupre wrote, “is inspired by a deep

³²⁴ Ibid., 403.

³²⁵ Quoted in “Fr. McFadden Speech Stresses Individualism,” *The Hoya*, October 26, 1967, 2.

respect for what must be the ultimate moral criterion for any man: his conscience.”³²⁶

Dupre quickly added that, “Nor is this altogether new, for moral theology has for centuries recognized that man must follow his conscience even if it is irremediably erroneous.”³²⁷ Catholics needed to make the tradition of following conscience an actuality in moral decision-making.

“The Position Of The Washington Priests On The Importance of Conscience Is Integral To The Best Traditions Of Catholic Theology”: The Theology of Conscience in Conflict, 1968-1971

Confronted by a group formed with his tacit approval, Archbishop O’Boyle took discrete but confident strides to stifle the Association of Washington Priests’ defense of conscience. As his first move, he assembled a team of specialists. O’Boyle brought moral theologians John Ford and Germain Grisez to Washington D.C., hosting them in a two-bedroom suite near the bishop’s chancery.³²⁸ Ford, a professor of moral theology from Weston, Massachusetts, had already helped convince Pope Paul VI to publish *Humanae Vitae*. Grisez, a specialist in the theology of Thomas Aquinas then working at as a professor at Georgetown University, was a close friend of Ford’s and had authored a book on contraception and the natural law in 1965. Over dinner on August 2, O’Boyle and his team formulated a three-pronged response to the “Statement of Conscience”: O’Boyle would issue a pastoral letter; the archbishop was to write a personal letter to the priests; and the group would author a pamphlet. The team’s initial response had a dimension of backchannel diplomacy: the pastoral letter O’Boyle required priests to read

³²⁶ Louis Dupre, “O’Boyle: Absolute Assent,” *The Hoya*, October 31, 1968, 4.

³²⁷ Ibid.

³²⁸ Germain Grisez, “About John C. Ford, SJ,” *The Way of The Lord* <http://www.twotlj.org/Ford.html> (accessed July 15, 2015)

from the pulpits on Sunday, August 4, urged obedience to *Humanae Vitae* but did not mention the AWP.³²⁹

O'Boyle wanted law and conscience to share close connections: as authorities clarified laws, conscience could be expected to import the (clear and legitimate) laws and help the believer apply the laws to the situation at hand. O'Boyle's team critiqued the AWP's defense of conscience vigorously in a ten page theological treatise sent to the priests on August 10, 1968. "You put a lot of stress on conscience—the conscience of married couples that allow them to practice contraception," the letter began.³³⁰ O'Boyle maintained that clear laws "bound" Catholic conscience to obedience. O'Boyle reminded priests that "conscience depends not only on subjective factors but especially on objective norms," and he argued unequivocally that conscience had to be formed by the Church's objective teaching, as expressed by the Pope's encyclical. Ford left O'Boyle considerable fodder with which to critique the AWP when he departed from the apartment in late August 1968. Grisez remained in DC for the next two months.

O'Boyle deepened his critique of the AWP's theology of conscience at the start of September 1968. The theology of conscience should only exist in the Catholic world in a rather legalistic manner. In a September 10 speech on the "Freedom of Conscience" at the district's theological college, O'Boyle conceded the centrality of conscience in Catholic moral formation before warning against its abuse. "Conscience, indeed, is the immediate norm of action," he announced, but, he reminded priests, "We are responsible for forming a right conscience."³³¹ While the Church offered freedom of conscience to the rest of the world in matters of religion, the freedom of conscience did not apply to

³²⁹ O'Boyle, "Dear Friends in Christ," August 2, 1968. SMHVC, Box 1, Folder 2, CUAA.

³³⁰ O'Boyle to Shane MacCarthy, August 10, 1968. SMHVC, Box 1, Folder 2, CUAA.

³³¹ O'Boyle, "Freedom of Conscience," September 10, 1968. SMHVC, Box 1, Folder 11, CUAA.

Catholics in the same manner. The AWP's promotion of the theology of conscience brought religious authorities like O'Boyle to urge setting the theology on more "orthodox" underpinnings. O'Boyle warned priests that allowing Catholics to form conscience on birth control suggested the Church did not possess truth. "Anyone who suggests that Catholics should have a freedom of conscience by which they might nullify in their lives the teaching of the Church implicitly suggests either that the Church's teaching is false or that conscience is free only when it can disregard truth," O'Boyle concluded.³³² Freedom of conscience, according to O'Boyle, entailed the freedom to follow Church teachings.

The AWP did not deny that the Church had an official ban on the use of artificial birth control; the priests merely noted that Catholic moral teaching acknowledged conscience to be the equal of law. The priests clarified their position in a letter sent to O'Boyle on September 11, the day following the Cardinal's lecture at the theological college. The September 11 letter conceded that O'Boyle's understanding of *Humanae Vitae* as an authentic teaching "reflects the pastoral tradition of the Church." But, the AWP explained, "in the fullness of the tradition our pastoral practice we must also give due weight to the fact that the conscience is the proximate norm of morality."³³³ The AWP was not in the business of attacking their Church's possession of truth. The "fullness" of the tradition acknowledged both the objectivity of law and the stubborn proximity of conscience. The traditional teaching on law/conscience ought to stand in a world undergoing a sexual revolution as written in the books.

³³² Ibid.

³³³ Association of Washington Priests, "Clarification of the Statement of Conscience," September 11, 1968. SMHVC, Box 3, Folder 4, CUAA. Press release is not dated, but the release date appears on "Chronology of Events." SMHVC, Box 1, Folder 11, CUAA.

The more the AWP defended the traditional relationship of law and conscience, the more tension ensued with Archbishop O'Boyle, the archdiocese's chief Catholic authority. O'Boyle summoned each priest in the AWP to his chancery for a personal discussion where he likely asked each member to recant their endorsement of conscience. After each priest appeared before O'Boyle to explain their position, the AWP released yet another statement to the Washington D.C. press elucidating their commitment to extending the Church's traditional emphasis on conscience. The AWP defended the traditional balancing of law and conscience. Laypeople, after proper formation, ought to be able to tip the balance towards conscience in real decisions about reproduction. "The undernamed priests," the AWP declared on September 14, "again state that we believe in the long practice and tradition in the Catholic Church which respects freedom of conscience ... we will respect the intelligently and responsibly formed consciences of the people we serve."³³⁴ This press release carried the names of 44 priests working in institutions and parishes in Washington D.C. and Maryland.

O'Boyle had had enough: he took critiques of the AWP and their defense of conscience public in late September 1968. O'Boyle likened the AWP's emphasis on conscience to the specter of "moral subjectivism" in a homily given at St. Matthew's Cathedral on September 22. It was a dangerous theology of conscience the AWP worked to bring into the world: not one of tradition, O'Boyle argued, but a notion of deranged individualism. Moral subjectivists, O'Boyle explained, elevated their own unique situation over the objective law. The AWP's campaign was not the first push in the history of Christianity where believers attempted to set their own preferences above

³³⁴ Association of Washington Priests, "Press Release," September 14, 1968. SMHVC, Box 1, Folder 11, CUAA.

God's laws. O'Boyle imagined the Washington D.C. church as reenacting a scene from the Book of Deuteronomy. "Then, too," he explained, "a false idea of freedom of conscience suggested that God's chosen people could set aside the precepts of His Holy Law, in favor of the dictates of their own hearts."³³⁵

O'Boyle then likened the burgeoning emphasis on conscience to a biblical plague. "My dear friends in Christ," O'Boyle asked the worshippers at St. Matthew's Cathedral, "can you understand that I am impelled to act because I cannot stand by and let you be misled by an idea of freedom of conscience that could bring down on you so horrible a curse?"³³⁶ The archbishop could have detected immediately how popular his rebuttal would be among certain segments of the Washington D.C. faithful: nearly 200 laypeople of an estimated 1,000 stood up in their pews and walked out of the cathedral. After O'Boyle had finished his homily, *The Washington Times* reported, the 200 returned to their pews for the Eucharistic prayer.³³⁷ The vast majority of the people in the pews, however, gave O'Boyle a standing ovation upon the completion of his sermon.

O'Boyle himself had a recent history of maintaining the importance of conscience in moral decision-making, and in the realm of birth control. The AWP campaigned to maintain the traditional theology of conscience to matters of artificial contraception *within* the Catholic circles; O'Boyle, building on midcentury affirmations of freedom of conscience, extended the theology of conscience to non-Catholics, in their relationship with the state, on matters of birth control. The theology of conscience had a proper place in the world. Two months after the Supreme Court justices ruled on *Griswold v.*

Connecticut, the case that legalized artificial birth control with the logic of "marital

³³⁵ O'Boyle, "Dear Friends in Christ," September 22, 1968. SMHVC, Box 1, Folder 11, CUAA.

³³⁶ Ibid.

³³⁷ "200 Leave Mass as O'Boyle Speaks," *The Boston Globe*, September 23, 1968, 1.

privacy,” O’Boyle joined American Catholics in reaffirming the well-worn lesson that non-Catholic conscience rested beyond the powers of civil coercion. In a homily given in August 1965 at St. Matthew’s Cathedral, published in pamphlet form as *Birth Control and Public Policy*, Archbishop of Washington D.C. Patrick O’Boyle marked respect for conscience as a top priority for the new laws: “in great issues of this kind, where opinion is sharply divided, the first and most important consideration in searching for a solution is the preservation of the God-given rights of conscience. Catholics ... have no right to impose their own moral code upon the rest of the country by civil legislation.”³³⁸ Catholic tradition warned against the violation of conscience so O’Boyle simply pledged not to violate his own church’s teachings.

The AWP continued to campaign. In a private letter sent to O’Boyle on September 27, five days after being likened to a biblical curse, the AWP again pledged to respect lay couples’ decisions to set the use contraception into the Church’s long-standing theology of conscience. The AWP did not understand themselves to be defending the scourge of subjectivism. The AWP spoke from a moral imagination colored by the desire to strike a proper balance between law and conscience. In their own words, the AWP offered a pastoral response to the “intelligently and responsibly formed conscience of the individual.”³³⁹ They learned this tradition from their seminary professors and with penitents who visited their confessionals, and throughout the fall of 1968, the AWP mobilized to defend the traditional role of conscience. The AWP reminded O’Boyle that, “It is a time-honored principle of Catholic tradition and practice that the conscience is the

³³⁸ Patrick A. O’Boyle, “Birth Control and Public Policy,” A sermon by Patrick A. O’Boyle, St. Matthew’s Cathedral, Sunday, August 29, 1965, St. Matthew’s Cathedral.

³³⁹ The 47 (The Association of Washington Priests) to O’Boyle, September 27, 1968. SMHVC, Box 1, Folder 4, CUAA.

proximate norm of morality.”³⁴⁰ The tensions with O’Boyle – marked by the AWP’s defense of the traditional teachings on conscience and O’Boyle’s moves to warn of the AWP’s misleading theology – were tense as of late September 1968.

O’Boyle concluded that the AWP, full of intransigents, posed a threat to the orthodoxy of Catholic teachings in the District of Columbia. The purveyors of the theology of conscience needed to pay a price for defending such a dangerous proposition: it exulted, beyond the tradition, the individual’s subjectivity. O’Boyle suspended 39 priests (members of the AWP and signers of the Statement of Conscience) from active ministry in the last days of September 1968. The vast majority of priests were suspended from preaching, teaching, or hearing confessions. Five of the 39 priests, Corrigan and O’Donoghue among them, were fully suspended from the priesthood and evicted from the rectories on archdiocesan property. On September 30, Fr. Shane MacCarthy, an active member of the AWP, received notification from O’Boyle that he had been suspended from active ministry for teaching lessons at odds with the Pope’s encyclical.³⁴¹ MacCarthy had received the lighter punishment and would only be banned from preaching, teaching, and hearing confessions – he could continue living in the rectory. O’Boyle announced his decision to suspend several of MacCarthy’s confreres the next day. O’Boyle noted in his own press release that, “[the encyclical], even if it is not infallible, is binding on the consciences of all Catholics.”³⁴² A Catholic’s conscience imposed obligations on Catholics to obey the law. The AWP misconstrued the theology of conscience.

³⁴⁰ Ibid.

³⁴¹ O’Boyle to Shane MacCarthy, September 30, 1968. SMHVC, Box 1, Folder 4, CUAA.

³⁴² O’Boyle, Press Release, October 1, 1968. SMHVC, Box 1, Folder 5, CUAA.

As the debate pressed on in the fall of 1968, the fault lines in O'Boyle's position became increasingly apparent. In a pastoral letter released on October 9, O'Boyle again made the case that the teaching was unequivocal: a clear ruling bound a Catholic conscience to obedience. "In accepting the teaching authority of the Church," O'Boyle wrote, "Catholics accept her moral teachings as binding in conscience, not merely as pieces of advice to be taken into account."³⁴³ But O'Boyle could not easily dismiss the Church's traditional respect for conscience, axioms of the manual tradition. He wrote that, "Conscience is our best judgment concerning what is right and what is wrong, and we must follow our best judgment."³⁴⁴ He even made the old concessions to the erroneous conscience: "If our conscience is sincere but mistaken, we still must follow it, for we do not know we are mistaken when the mistake is a sincere one."³⁴⁵ Conscience, a Catholic's proximate moral guide, had to be followed. But, made aware of the Pope's explicit ban on artificial birth control, Catholics could not simply disregard the pontiff's authoritative statement. O'Boyle had his statement released to the Washington D.C. press.³⁴⁶

The Catholic Church had placed a theology into the world – through repetition and tradition – that would prove difficult to control. Parish priests who supported O'Boyle found themselves caught in the archbishop's tension between the individual formation of conscience and the formation of a correct conscience (with the law), a direct product of Catholic theology and midcentury penitential literature. In a letter to the editors of *The Boston Globe*, Fr. Robert Lawson, pastor of a parish in Brighton,

³⁴³ Patrick O'Boyle, "The Catholic Conscience," October 9, 1968, 2. SMHVC, Box 3, Folder 4, CUAA.

³⁴⁴ Ibid.

³⁴⁵ Ibid.

³⁴⁶ Patrick O'Boyle, "Instruction on the Catholic Conscience." Clipping, found in SMHVC, Box 3, Folder 4, CUAA.

Massachusetts, explained that “the present controversy with the Roman Catholic Church about family planning is due in large part to the ambiguous treatment of ‘conscience’ in official Catholic literature.”³⁴⁷ Lawson sketched out two possible solutions to the crisis: turning to the “primacy of conscience,” or affirming the use of contraception as against God’s law. The literature made both seem plausible, but, Lawson concluded, “only the second alternative is possible.”³⁴⁸ Priest-critics had to recognize the fault lines of Catholic moral teaching: both conscience and law were held in high regard.

A priest with the Congregation of Missions analyzed the District’s dilemma, calibrating the proper alignment of law and conscience, in an October 1968 letter to Archbishop Lawrence Shehan. “A point which would seem to require re-emphasis is the fact that for the conscientious Catholic, the teaching authority of the Church [is the] norm for the formation of a true and right conscience ... all readily admit – and have been doing so for centuries – that everyone is obliged to follow his conscience when it commands or forbids,” he wrote. But, the priest explained: “Many Catholics may well [have] erroneous consciences in the matter of contraception. Equally true is the fact that the clergy are obliged to put right such erroneous consciences as to bring them into conformity with the Church’s teaching. This delicate procedure requires the grace of God.”³⁴⁹ At stake in the debates about contraception and conscience was who, in the Catholic Church, could perform the “delicate procedure” of forming conscience.

Critics of the AWP, even O’Boyle’s allies, conceded that consciences unable to fall in line with the law still had rights in the Catholic Church. O’Boyle also had highly

³⁴⁷ Robert E. Lawson, “Conscience or Canon Law,” *Boston Globe*, December 3, 1968, 22.

³⁴⁸ Ibid.

³⁴⁹ William J. Kenneally to Shehan, October 28, 1968. LSP, Box 7, Folder “Correspondence with Laity, Re: situation in Washington D.C., AAB.

placed supporters who agreed that Catholic consciences ought to be conformed to the law on birth control, but they too conceded that tradition assigned conscience a point-of-pride in moral decision-making. The pamphlet produced by O’Boyle and his team of two crack theologians, John Ford and Germain Grisez, ready by late 1968, rehearsed this exact dilemma. The pamphlet granted the concession that, “each individual Catholic can and does form his own conscience on [contraception] and every other subject,” before moving on to explain how “a Catholic forms his conscience in the light of what the Church teaches in the sense that he forms it *in accordance with what the Church teaches* [original emphasis].”³⁵⁰ The fragile operation of conceding the importance of conscience but tempering the implications of the theology reached to the top of the Catholic hierarchy in October 1968 as news of the conflict in Washington D.C. spread throughout the United States. Bishop Joseph L. Bernadin, the general secretary of Conference of U.S. Catholic Bishops, attempted to address the spread of the theology by explaining to members of the Catholic press, in a passing comment, that, “the people must form their own consciences, but it is equally true that they have the responsibility to form a correct conscience.”³⁵¹

Priests from across the United States understood AWP members to be men of tradition. Priests writing to Archbishop Shehan in Baltimore recognized in the AWP’s campaign literature lessons learned at the seminary on the formation of conscience. The AWP offered laypeople the possibility of following a deeply cherished Church tradition in the real world circumstances of family life. A Milwaukee priest explained that the Washington priests “uphold the traditional practice in the Catholic Church which respects

³⁵⁰ Knights of Columbus, *Sex in Marriage: Questions Asked Since the Encyclical Humanae Vitae* (New Haven, Connecticut: The Knights of Columbus, 1968), 1.

³⁵¹ Quoted In John C. Haughey, “Conscience and the Bishops,” *America*, October 12, 1968, 322.

the intelligently formed conscience of the individual.”³⁵² A group of 22 Jesuits in residence at Fairfield University, vowing to carry the AWP’s campaign forward, pledged in a November 1968 letter to “uphold the right and obligation of men of good will to form their consciences responsibly as God gives them light and to act accordingly.”³⁵³ A letter from Dayton, Kentucky carrying the signatures of nearly three dozen priests, called for an end to the dispute, and noted that, “we also feel that the position of the Washington Priests on the importance of conscience is integral to the best traditions of Catholic theology.”³⁵⁴ Fellow priests understood the AWP to be standing up for the obligation and right to follow conscience as stated in Catholic tradition. They brought the theology of conscience – a teaching that provided a solution to often painful dilemmas of obedience – out into the open.

Baltimore-area priests reminded Shehan that the AWP stood up in defense of a well-known proposition: The Church had bestowed upon Catholics – priests and laypeople – an obligation to form their own consciences. A priest from Milwaukee told Shehan he would take into consideration recent works of theology and the encyclical when forming his own conscience on matters of artificial birth control. He wrote: “it is my own conviction that the opinions and interpretations expressed by so many reputable theologians must be given serious consideration along with the text of the encyclical both in forming one’s own conscience and in guiding and teaching the laity.”³⁵⁵ Another priest assured Shehan in October 1968 that emphasis on the formation of conscience was not an

³⁵² John J. Klobuka to Shehan, October 19, 1968. LSP, Box 7, Folder “Correspondence with Clergy, Washington D.C. Situation,” AAB.

³⁵³ Group of Jesuits to Shehan, November 4, 1968. LSP, Box 7, Folder “Correspondence with Clergy, Washington D.C. Situation,” AAB.

³⁵⁴ Kentucky Priests to Shehan, n/d. LSP, Box 7, Folder “Correspondence with Clergy, Washington D.C. Situation,” AAB.

³⁵⁵ Richard J. Schleckner to Shehan, November 7, 1968. Box 7, Folder “Correspondence with Clergy, Washington D.C. Situation,” AAB.

attack on the natural law. “The ‘Statement of Conscience’ accepts the role of the encyclical in the formation of conscience,” he wrote. The encyclical, he reminded Shehan, was never meant as a “substitute for conscience.”³⁵⁶

The Catholic press propped up AWP’s self-image as defenders of tradition. Recall theologian Louis Dupre’s observation in *The Hoya*, in an October 31 article critiquing O’Boyle that, “moral theology has for centuries recognized that man must follow his conscience even if it is irremediably erroneous.”³⁵⁷ A pithy column in *Commonweal* by editor John Deedy accused church authorities of burying the traditional teachings on conscience in the 1968 disputes about artificial contraception. “Remember,” Deedy asked, “when churchmen used to speak of conscience and exalt Thomas a Becket, Thomas More, and Joan of Arc – especially Joan of Arc – as exemplars of the Catholic tradition on rights of conscience? Remember all the lectures and sermons?”³⁵⁸ The Church celebrated stands of conscience in mid-century pedagogy, and offered many narratives of heroic stands of conscience against corrupt powers. “Then,” Deedy wrote, referring to 1950s era Catholicism, “the witness of conscience was huzzahed unqualifiedly.”³⁵⁹ Church officials who had promoted conscience now wanted it instructed exclusively by church laws on matters of artificial birth control.

Members of the AWP like Shane MacCarthy of Assumption Parish in Congress Heights wanted the moral imagination that balanced law and conscience to endure the arrival of artificial birth control. For him, conscience remained a reality in the lives of his Catholic parishioners despite the promulgation of *Humanae Vitae*. MacCarthy offered his

³⁵⁶ John J. Klobuka to Shehan, October 19, 1968. LSP, Box 7, Folder “Correspondence with Clergy, Washington D.C. Situation,” AAB.

³⁵⁷ O’Boyle: Absolute Assent,” 4.

³⁵⁸ John Deedy, “News and Views,” *Commonweal*, November 1, 1968, 138.

³⁵⁹ Ibid.

own preface before reading O'Boyle's statement from the pulpit as ordered on October 2, 1968. "I submit to you that our conscience must be formed not only by the encyclical itself but in light of the mature response which it elicits," he told the members of Annunciation parish.³⁶⁰ No ruling could decide whether an individual was saved or damned; ultimately, MacCarthy wrote, "that posture of conscience has to be made by me and me ALONE [original emphasis]."³⁶¹ MacCarthy then pledged to publicly defend couples who set the decision to use birth control into the tradition of conscience.

MacCarthy, lifting logic from midcentury moral manuals, made the case that individual loyalty to a well-formed conscience ranked above obedience to the law, especially as laws revealed a dearth of legitimacy and clarity. MacCarthy gave another public address on conscience around the same time, the notes for which he jotted down on loose leaf paper taken from Assumption's rectory. Calling conscience "the ultimate subjective norm" MacCarthy noted the widely-available lesson that "dogma of infallibility does not break integrity of conscience, on the contrary, it safeguards it in the ultimate and decisive questions."³⁶² Catholic theology authorized Catholics to follow conscience in the face of serious moral decisions like artificial contraception.

MacCarthy reminded his audience that if a well-formed conscience came to a conclusion at loggerheads with authority, Catholics were forbidden by church teaching to contravene their own consciences. MacCarthy read the passage from Vatican II's Declaration of Religious Freedom, translated for his homily notes as: "if an individual forms a firm judgment of conscience after thorough inquiry + self-examination, he may

³⁶⁰ Shane MacCarthy, homily introduction, n/d but ca October 1968. SMHVC, Box 2, Folder 8, CUA.

³⁶¹ Ibid.

³⁶² Shane MacCarthy, homily notes, n/d but ca October 1968. SMHVC, Box 2, Folder 8, CUA.

not obey the authority in opposition to his conscience.”³⁶³ Catholics, as a tradition, could not contravene their consciences.

MacCarthy even vowed to bring lay peoples’ prerogatives of conscience more fully into mundane materiality with a sacrifice of his priesthood. “If I or any of my colleagues [sic] must offer our present functioning as priests on the altar of our cardinal,” MacCarthy pledged, “then I can think of no better reason than in defense of the integrity of the intelligently and responsibly formed conscience of the individual which is not other than [sic] Jesus Christ speaking to each of us in the depths of our heart.”³⁶⁴ If hearing God echo in the depths of conscience could not be translated into the plane of everyday Catholic existence in matters of sexuality, McCarthy pledged to surrender his vowed priesthood in the name of the conscience. Adopting the conscience language of theologians like Häring and Curran, MacCarthy concluded that Christ spoke to the individual by way of conscience, not law. A sacrifice might be necessary to bring the voice of God, as heard in conscience, down to immanent affairs. Priests were to sacrifice themselves for their flock – and the theology of conscience – as Christ had sacrificed himself for the redemption of sinners.

The AWP – with so deep a faith in their cause – doubled-down after O’Boyle handed down the initial round of suspensions and removals. AWP spokesman John Corrigan, a popular assistant pastor at St. Gabriel’s with a large following throughout the city, vowed to take the theology of conscience on the road in early October 1968, spreading the word to gain followers, just after O’Boyle announced the suspensions.³⁶⁵ Corrigan, in a press release, again proclaimed the AWP’s argument that, “it is a time-

³⁶³ Ibid.

³⁶⁴ Ibid.

³⁶⁵ *Steadfast in the Faith*, 339.

honored principle of Catholic tradition and practice that the conscience is the proximate norm of morality.”³⁶⁶ The AWP pledged to write every bishop in America, visit as many dioceses as possible, talk to priests across the United States, and to “continue to speak publicly as a group defending the Catholic Orthodoxy of our position on conscience.”³⁶⁷ Stringent defenses of the theology of conscience contributed a great deal to the tensions festering in the post-conciliar American Catholic Church, especially in the D.C. area.

The AWP vowed to evangelize fellow Catholics on how to make the tradition of following conscience a real possibility in matters of artificial birth control. The importance of conscience in Catholic tradition – particularly in private habits of confession – buoyed the strong assertions in Corrigan’s memo. The AWP publicized a teaching that was, Corrigan claimed, discussed often at the parish level, especially in confessionals. “If we can follow this practice in private of accepting a person’s responsible judgment of conscience do not our people have a right to know that?” Corrigan’s memo asked.³⁶⁸ Even after the turbulence with O’Boyle, the AWP understood their campaign as a fight to defend the traditional teachings on conscience.

Suspended AWP members appeared as defenders of tradition in profiles taken by the DC press. AWP members like Father John Fenlon and Shane MacCarthy did not fancy themselves to be priest-radicals fighting for sexual emancipation but as guardians of a traditional moral system that respected both law and conscience. The committed defense of the tradition meant that these parish priests would pay a hefty price that included estrangement from their priestly vocation. *The National Catholic Reporter* understood Fenlon to have been suspended for delivering a sermon on September 15

³⁶⁶ John E. Corrigan, Press Release, October 2, 1968. SMHVC, Box 2, Folder 8, CUAA.

³⁶⁷ Ibid.

³⁶⁸ Ibid.

“citing both the conservative and the liberal interpretation of the encyclical and instructing his congregation on the tradition on the right of conscience.”³⁶⁹ Fenlon, wishing to remain a priest, was motivated to remain in his calling, the paper claimed, in order to challenge O’Boyle’s “misinterpretation” of the freedom of conscience. Fenton was optimistic despite his somewhat bleak circumstances. He was one of the five priests who had been evicted from his rectory. After a brief stint at his parents’ house, Fenton moved in with some friends in Rockville, choosing to pursue a suburban ministry. The *National Catholic Reporter* claimed that Fenton still received his monthly priest’s salary of \$200. O’Boyle attempted to stop the importation of theology of conscience into the world by uprooting and dismissing its purveyors.

Unlike the uprooted Fenton, MacCarthy had not been removed from his quarters on the grounds of Assumption Parish in downtown Washington D.C., a parish with a significant African-American population. MacCarthy opted to work in Assumption parish after a three-year appointment at a suburban parish in Silver Spring. The *Washington Daily News* interviewed MacCarthy a week into his suspension, and found him hopeful that the AWP would not be punished for “saying what they believe.”³⁷⁰ The reporter concluded from that interview that “[MacCarthy] does not like the label ‘dissenter.’ He prefers to see his position as one of ‘affirmation.’”³⁷¹ MacCarthy, stating his connection to tradition explicitly, told the paper that the AWP was “affirming the right to respect conscience in matters where they are legitimate options. We are not dissenting from the

³⁶⁹ Quoted in “The Stories of the Washington D.C. Priests: Fr. John Fenlon – he dissented and was suspended,” *The National Catholic Reporter*, October 30, 1968. SMHVC, Box 3, Folder 5, CUAA.

³⁷⁰ “Day with a Priest Who Can’t Teach or Preach,” *The Washington Daily News*, October 7, 1968, SMHVC, Box 3, Folder 5, CUAA.

³⁷¹ Ibid.

encyclical or the Pope.”³⁷² In their own minds, members of the AWP were not dissenters or liberators – they defended traditions Catholics used in real life decisions regarding artificial birth control.

The AWP and its lay benefactors founded the Center for Christian Renewal in mid-October 1968. The physical building for the Center for Christian Renewal, a dozen blocks west of the Catholic University of America, became a refuge for priests forced to leave their rectories and a strategic planning center for key players in the organization. After their suspensions from teaching and preaching, the AWP – especially priests who had been exiled from their rectories – now had an official headquarters. With financial support and a base of operations, AWP could carry on its mission of defending traditional teachings on conscience. Prominent laypeople offered financial support for the Center. Jane Briggs Hart, who had gained national fame in 1960 as a member of the “Mercury 13,” a group of women who passed the physical requisites to become astronauts, made a donation. Briggs was also a founding member of the National Organization of Women. Briggs had close connections to powerful economic and political figures from her home state of Michigan. She was the daughter of Walter Briggs, a Michigan philanthropist and owner of the Detroit Tigers, and her husband was Democratic Senator Philip Hart. Senator Eugene McCarthy – Hart’s Democratic colleague in the senate – also made a financial contribution.³⁷³ The Center for Christian Renewal planned the Unity Day Rally that took place near the Washington Monument on November 10.

The lessons on conscience comprised a bank of stories and theologies, embedded deep in Catholic tradition, which laypeople drew upon to direct individual action in a

³⁷² Ibid.

³⁷³ *Steadfast in the Faith*, 355-356.

responsible manner. Laypeople wanted to remain in a moral world that balanced law and conscience. From their perspective, it was the bishops who worked against the grain of Catholic tradition. A laywoman named Ellen put it bluntly in a letter to Fr. Shane MacCarthy, one of the signers of the Statement of Conscience, then being censured by O'Boyle. Ellen claimed to have been forming her own conscience on birth control for two decades, taking cues from theologians and clergymen: "Even back 20 years ago freedom of conscience had its proponents," she wrote, adding that, "books were being written that expounded the responsibilities of parenthood ... I gave it a lot of thought and I practiced birth control."³⁷⁴ Letters from laypeople like Ellen likely helped MacCarthy to understand himself as a defender of following conscience.

Pockets of District of Columbia laity, steeped in the theology of conscience, immediately supported the AWP's defense of conscience. They recognized the AWP as defending Catholics' prerogatives to form and follow conscience. The priests articulated a moral imagination widely shared by American Catholics at midcentury: law and conscience were on equal footing. Nearly 150 parishioners from Holy Cross Church, a suburban parish northwest of the city, sent a letter to O'Boyle contending that questions on conscience were far from settled in Catholic circles. "The priests who have been restricted by Cardinal O'Boyle have publicly advocated responsible freedom for the individual conscience. This is an open question in the Church," they wrote.³⁷⁵ The Council of St. Francis de Sales Parish reached a unanimous vote to send Archbishop O'Boyle a similar letter. Father T. Joseph O'Donoghue, one of the initial members of the

³⁷⁴ Ellen to Shane MacCarthy, September 6, 1968. SMHVC, Box 1, Folder "MacCarthy Correspondence and Related Materials," CUA.

³⁷⁵ Parishioners of Holy Cross Parish to O'Boyle, et al, September 29, 1968. SMHVC, Box 1, Folder 4, CUA.

AWP to be suspended, had served as pastor at St. Francis. The letter from the parish's executive committee claimed that O'Donoghue may have been suspended based on evidence provided by anonymous members of the parish. Evidence should not have mattered; the executive committee contended that, as members of the Catholic Church, tradition allowed priests to follow conscience. The executive committee wanted to build up the body of Christ, and argued that, "to fulfill this responsibility, we the People of God in St. Francis de Sales Parish, need, indeed require, Priests who will always conduct themselves conscientiously and according to the demand of their own conscience."³⁷⁶ "For us," the letter continued, "our commitment to Christ is a commitment of conscience in Justice, in Truth, in Love, in Freedom."³⁷⁷

Parishes like these, by way of epistolary appeals, urged Catholic authorities to let the theology of conscience stand as it had been learned at midcentury in parishes, schools, and confessionals. When law failed, became illegitimate, or appeared unclear, Catholics were to follow conscience. In a letter to Reverend John E. Corrigan, president of the AWP, 17 members of Holy Cross parish reported that "this evening [we] met to discuss our feelings about freedom in the Church, we feel that mature Catholic laypeople are capable of forming their consciences in light of the Church's teaching, and that in a difficult area such as birth control the conscience of the individual must be respected."³⁷⁸ Notes like these may have convinced the AWP they had support from the laity. The parishioners told Corrigan that "we admire and respect the stand which you and your colleagues have taken on this issue, and feel that only by such honest actions can we hope

³⁷⁶ Parishioners of St. Francis de Sales Parish to O'Boyle, n/d but ca fall 1968. SMHVC, Box 1, Folder 11, CUAA.

³⁷⁷ Ibid

³⁷⁸ Members of Holy Cross Church to John E. Corrigan, September 1, 1968. SMHVC, Box 1, Folder 4, CUAA.

to gain recognition for freedom of conscience, freedom of expression, and due process in the Church.”³⁷⁹ The AWP defended a tradition well known among District of Columbia lay people.

District laypeople lowered the theology of conscience into earthly affairs with a fluency in its language, a product of midcentury education, and the AWP’s dispute with O’Boyle brought laypeople to detail the usual axioms. Catholics wanted to live out a traditional teaching in the world, one they were highly familiar with. The petition the 150 members of Holy Cross Parish sent to O’Boyle (explored above) defined freedom of conscience as “the freedom of all Christians to form their consciences in the light of Church teaching.”³⁸⁰ The Church had issued a teaching on artificial contraception, but the individual Catholic still faced the responsibility of forming conscience on the matter. The parishioners defended the relevancy of preexisting teachings on conscience – established and recent – to the District’s 1968 debates over *Humanae Vitae*: “the critical issue at this time is the freedom of conscience,” they wrote, declaring that, “Catholics must give serious consideration to the authoritative teaching of the Church and must form their consciences in the light of that teaching.”³⁸¹

While groups of laypeople who banded together to defend conscience were more likely to avoid official censure, outspoken individuals like Shane MacCarthy Sr. ran up against restrictions. MacCarthy – a prominent Catholic physician in Washington D.C. – openly supported his son Fr. Shane MacCarthy Jr.’s stand against Archbishop O’Boyle. Father Quinn, the pastor of Shane Sr.’s parish, the Shrine of the Blessed Sacrament in

³⁷⁹ Ibid.

³⁸⁰ Parishioners of Holy Cross Parish to O’Boyle and Corrigan, September 29, 1968. SMHVC, Box 1, Folder 4, CUAA

³⁸¹ Ibid.

Chevy Chase, removed Shane Sr. from his position as a lay reader. A fellow parishioner, Vincent Brown, wrote Fr. Quinn to express his astonishment at the priest's flagrant transgression of the Church's teaching on conscience. "It has never occurred to me," Brown wrote, "that personal decisions intelligently arrived at and made as a matter of conscience are anything but precious to and the very foundation of the Catholic faith."³⁸² The archbishop and some of his loyal priests attempted to dismiss the traditional teaching that Catholics needed to form and follow conscience.

The Center for Christian Renewal orchestrated a letter-writing campaign to defend the traditional teachings on conscience. The center asked Catholics from across the United States to write "letters of conscience" and have them sent to "your own ordinary, the archbishop or cardinal of your province, Archbishop Dearden (president of the U.S. Conference of Catholic Bishops), Cardinal Shehan ... and Cardinal O'Boyle."³⁸³ Laypeople elaborated on the theology of conscience for members of the targeted audience.

Laypeople bombarded Shehan's mailbox throughout October and November 1968 with assertions that the freedom of conscience, considered sacrosanct, remained an important tradition. Laypeople reminded Shehan that the documents of the Second Vatican Council had acknowledged – even promoted – the freedom of conscience. "It is very difficult for one to understand Cardinal O'Boyle's reaction to the dissenting priests in his diocese," Mr. and Mrs. Philip H. Lorey wrote, "...especially when one reads the portion of the Vatican Council Document on the Church in the Modern World that

³⁸² Vincent M. Brown to Father Quinn, September 27, 1968. SMHVC, Box 1, Folder 4, CUAA.

³⁸³ Center for Christian Renewal flier, n/d. SMHVC, Box 2, Folder 8, CUAA.

pertains to freedom of conscience for every man.”³⁸⁴ O’Boyle had trespassed against the Second Vatican Council’s emphasis on the freedom of conscience. A layman from Asheville, North Carolina told Shehan that the debate in Washington D.C. need not be detained on the finer points of theology; the debate only need recognize that “the issue is the freedom of Christ’s people to follow conscience – a freedom and a right solemnly acknowledged by the Second Vatican Council.”³⁸⁵ Laypeople warned Shehan that O’Boyle, his brother archbishop in the nation’s capital, denied laypeople the possibility of living the freedom of conscience as announced at Vatican II.

Laypeople lined letters with phrases drawn from a long-gestating Catholic language that decried the violation of conscience at the hands of illegitimate external authorities. Authorities, particularly Catholic authorities, lay Catholics warned, should never smother individual conscience. A nun from the Sisters of St. Joseph criticized how O’Boyle “imposed on [the priests] and their consciences his interpretation of *Humanae Vitae*.”³⁸⁶ A group of Catholic doctors from Johns Hopkins University told Shehan that the encyclical “contradicts the thoughts and consciences of many Catholic theologians, bishops and priests, and in so many Catholic married couples themselves.”³⁸⁷ Tradition held that Catholics had sacred internal spaces, consciences, and that such internal spaces deserved distance from external authorities. Catholics wanted a traditional teaching upheld.

³⁸⁴ Mr. and Mrs. Philip Lorey to Shehan, October 26, 1968. LSP, Box 7, Folder “Correspondence with Laity, Re: situation in Washington D.C.,” AAB.

³⁸⁵ Paul F. Kaldo to Shehan, November 8, 1968. LSP, Box 7, Folder “Correspondence with Laity, Re: situation in Washington D.C.,” AAB.

³⁸⁶ Sister Anne Eucharistica to Shehan, October 9, 1968. LSP, Box 7, Folder “Correspondence with Laity, Re: situation in Washington D.C.,” AAB.

³⁸⁷ Doctors at Johns Hopkins to Shehan, October 16, 1968. LSP, Box 7, Folder “Correspondence with Laity, Re: situation in Washington D.C.,” AAB.

In writing specifically about the District of Columbia's debate about artificial contraception, laypeople understood the AWP to be acting on the tradition of following conscience. Layman Paul Kado called on Shehan to "respect the dignity and the freedom of your priests who in their love for the people and their commitment to their pastoral calling could not in conscience follow any other course of action than they did."³⁸⁸ A Catholic couple from Maryland, Mr. and Mrs. Robert Gough, lamented how "[the priests] had been censured in varying degrees for acting in accordance with their consciences."³⁸⁹ A single laywoman recommended to Shehan that "priests should be given more rights and should not be silenced because they spoke out of conscience."³⁹⁰ External authorities, be they Catholic bishops or secular rulers, could not, as a rule, snuff out the individual Catholic's conscience – priest or lay person's - or restrict actions undertaken with an informed conscience.

Letters carried a litany of reminders that Catholics could not, as stated in tradition, simply disregard their consciences. They had come to the conclusion that the theology of conscience must be acted on in the world. One writer told Shehan that, "I do not believe that a person can be asked to sacrifice his conscience for the beliefs of one man."³⁹¹ "As to conscience," another wrote, "one should [not] violate a moral conviction merely on the words of one priest or prelate."³⁹² A third letter-writer was flabbergasted that O'Boyle had the gumption to violate conscience: "I did not expect him to apply the full weight of

³⁸⁸ Paul F. Kaldo to Shehan, November 8, 1968. LSP, Box 7, Folder "Correspondence with Laity, Re: situation in Washington D.C.," AAB.

³⁸⁹ Mr. and Mrs. Robert Gough to Shehan, November 1, 1968. LSP, Box 7, Folder "Correspondence with Laity, Re: situation in Washington D.C.," AAB.

³⁹⁰ Miss Alba Baris to Shehan, November 6, 1968. LSP, Box 7, Folder "Correspondence with Laity, Re: situation in Washington D.C.," AAB.

³⁹¹ Mary J. Sellen (Mrs. James J. Sellen) to Shehan, November 7, 1968. LSP, Box 7, Folder "Correspondence with Laity, Re: situation in Washington D.C.," AAB.

³⁹² Mrs. Robert J. Pitchell to O'Boyle, Shehan, and Dearden, November 7, 1968. LSP, Box 7, Folder "Correspondence with Laity, Re: situation in Washington D.C.," AAB.

his authority in an attempt to dictate the conscience of his priests and people.” A fourth letter warned that O’Boyle’s stands were ultimately futile: “an authoritarian imposition of ecclesiastical penalties can silence the clergy, but not conscience.”³⁹³ Catholic theology, both political and moral, had long held that conscience could not be “sacrificed,” “violated,” “dictated,” or “silenced.”

Lay Catholics had internalized the lesson that conscience imported God’s will directly into the Catholic self. If conscience settled a moral dilemma, the Church should, according to its own theology, be leaving it at conscience. One laywoman, asking to remain anonymous, grilled Shehan on why the hierarchy had to leave laypeople with a painful dilemma: “a dilemma,” which was, “caused when their good conscience tells them a thing is right and it would be wrong to do otherwise.”³⁹⁴ Mr. and Mrs. W.F. Jones – thinking of confession – posed a similar question: “how can persons of integrity confess as a sin something their conscience tells them is not an offense to God?”³⁹⁵ Catholics encountered God on the grounds of conscience and settled their accounts then and there. This theology was already real in their lives.

Laypeople noted that *Humanae Vitae* broke with the tradition of encouraging Catholics to form their own consciences. The laywoman who wished to remain anonymous, explaining that formation of conscience was an approved means to reach an unspecified end, told Shehan that, “it occurs to many of us that our hierarchy violates the

³⁹³ Thomas H. O’Brien to Shehan, November 2, 1968. LSP, Box 7, Folder “Correspondence with Laity, Re: situation in Washington D.C.,” AAB.

³⁹⁴ Anonymous to Shehan, October 8, 1968. LSP, Box 7, Folder “Correspondence with Laity, Re: situation in Washington D.C.,” AAB.

³⁹⁵ Mr. and Mrs. W.F. Jones to Shehan, November 4, 1968. LSP, Box 7, Folder “Correspondence with Laity, Re: situation in Washington D.C.,” AAB.

... obligation to form one's conscience."³⁹⁶ The hierarchy made it more difficult for laypeople to honor a tradition that structured their moral worlds in indelible ways. She declared to Shehan that, "we want the right to accept good sound logic and to form our good consciences without duress."³⁹⁷ The hierarchy's stringent defense of *Humanae Vitae* only interfered with the traditional task of forming conscience. A Catholic widow, who claimed to have 11 children, explained her situation not as outright obedience to the law, but told Shehan that "my husband and I were following our own consciences in light of the teaching of the Church."³⁹⁸ She did not think the hierarchy needed to burden the consciences of her co-religionists. Mr. and Mrs. Ronald G. Boucher explained to Shehan that when *Humanae Vitae* was initially published, "we were able to form our own consciences and could have remained silent," but the hierarchy's insistence on a strict interpretation of the teaching convinced them to search for "greater truth and perspective"

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Laypeople understood their calls for the freedom of conscience as pleas for official authorization to act within Catholic teachings. Following conscience meant remaining within the Catholic fold. Lay Catholics wanted the personal responsibility that came with a free conscience -- a cross Catholic theology and local priests had asked them to bear. "As you know," laywoman Anne Fields told Shehan, "a great deal of confusion has arisen in our archdiocese concerning the matter of 'freedom of conscience'...I, myself, feel that to be an honest Catholic [merits] use of my intellect and exercise of my

³⁹⁶ Anonymous to Shehan, October 8, 1968. LSP, Box 7, Folder "Correspondence with Laity, Re: situation in Washington D.C.," AAB.

³⁹⁷ Ibid.

³⁹⁸ Mrs. Robert Rock to Shehan, November 4, 1968. LSP, Box 7, Folder "Correspondence with Laity, Re: situation in Washington D.C.," AAB.

³⁹⁹ Mr. and Mrs. Ronald G. Boucher to Lawrence J. Shehan, October 8, 1968. LSP, Box 7, Folder "Correspondence with Laity, Re: situation in Washington D.C.," AAB.

free will not in order to attack the Church but in order to invest myself fully and sincerely with my religion.”⁴⁰⁰ Mary Anne Hess declared to Shehan that, “Christ came to free all men, and freedom demands a responsibility to individual conscience.”⁴⁰¹ Catholics wanted co-religionists to be free to uphold the traditional burdens that came with a free conscience. Mr. and Mrs. W.F. Jones, asking the archbishop to “trust us that we can live in faith,” warned Shehan that, “many Catholics feel that they cannot in honesty remain loyal members of a church which denies them freedom of conscience.”⁴⁰² The AWP had considerable support among laypeople not because they were dissidents – but because they offered laypeople the freedom to maintain the balance between law and conscience in a nation, and culture, undergoing a considerable revolution in sexual mores.

Polls taken after the promulgation of *Humanae Vitae* suggest that the November 10 Unity Day Rally gave a public voice to lay people’s real efforts to follow conscience in matters of artificial birth control. Catholic laypeople understood well the manual lesson that one must tend to conscience before obeying a law. In a poll conducted by the National Council of Catholic Men in the late 1960s, filled out by approximately 260 Catholic laypeople (completed confidentially and never published), a majority of the respondents agreed with the poll’s statement that the restriction on birth control “is official teaching but it requires study and forming one’s conscience, not necessarily strict obedience.”⁴⁰³ Of the laypeople polled who found themselves in conflict with the

⁴⁰⁰ Anne Fields to Shehan, November 1, 1968. LSP, Box 7, Folder “Correspondence with Laity, Re: situation in Washington D.C.,” AAB.

⁴⁰¹ Mary Anne Hess (Mrs. Donald V. Hess) to Shehan, with copies to Dearden, and Bishop Ernest Unterkoeflger, November 7, 1968. Mr. and Mrs. W.F. Jones to Shehan, November 4, 1968 LSP, Box 7, Folder “Correspondence with Laity, Re: situation in Washington D.C.,” AAB.

⁴⁰² Mr. and Mrs. W.F. Jones to Shehan, November 4, 1968. LSP, Box 7, Folder “Correspondence with Laity, Re: situation in Washington D.C.,” AAB.

⁴⁰³ National Council of Catholic Men, “Confidential Report.” n/d but ca 1968 or 1969. LSP, Box 1, Folder, “Reports Issued by Miscellaneous Departments,” AAB.

encyclical (60% of the 260 polled), a majority of this group (69%), agreed with the statement: “I will nevertheless follow my own conscience without considering the use of birth control as a matter for confession.”⁴⁰⁴

Ultimately, the National Council of Catholic Men pollsters found conscience to be the crucial theological category in Catholic lay couples’ decisions to use artificial birth control. The pollsters, summarizing their findings, concluded that “most of those who found the encyclical [official teaching] claimed they would follow their own conscience and not consider the use of artificial birth control to be a matter of confession.”⁴⁰⁵ If a lay person doubted the authority of a law, the Church held it acceptable that such decisions be shifted to conscience, the proximate source of moral decision-making. Bishops were privy to the poll’s results.

The AWP brought considerable pressure to bear on the bishops. At their 1968 rally, Hart announced roll call of countries whose hierarchies honored the traditional calibration of law and conscience.⁴⁰⁶ Hart could have mentioned Canada, Australia, Germany, the Netherlands, Britain, Scandinavia, Italy, and France. Eugene McCarthy, a former professor of philosophy at St. Thomas University turned Minnesota Democratic senator, then an unsuccessful presidential candidate who had gained national prominence, offered his presence at the rally. Catholic priests from the District of Columbia made sure that their campaign did not rest at the Washington Monument. A group of priests

⁴⁰⁴ Ibid. But, as the poll also acknowledged, a lay Catholic could recognize and comprehend the law, but still tip the balance to conscience. Of the laypeople polled *who accepted* the encyclical as the formal teaching of the Church (38% of the more than 200 people polled) 43% also agreed with the statement that, “I will nevertheless follow my own conscience without considering the use of birth control as a matter for confession.”

⁴⁰⁵ Ibid.

⁴⁰⁶ “Happy Throng Strikes a Blow for Dissent.”

marched to the Mayflower Hotel where the bishops were staying, singing, and staged a “pray-in.”

But the ambiguity born of a two-pronged theology of conscience, encapsulated in O’Boyle’s paradox, appeared in the American hierarchy’s statement. Authorities presented the legalistic dimensions of the tradition before Catholics could rush in and claim to be following conscience. The NCCB issued its statement on how to interpret *Humanae Vitae*, “Human Life in Our Day” on November 15, 1968. In paragraph 20, the statement affirmed the possibility that conscience-formation could result in “responsible parenthood.” The bishops contended that, “responsible parenthood as the church understands it, places the properly formed conscience of spouses in all the judgments, options, and choices which add up to the awesome decision to give, postpone, or decline life. The final decision may sometimes involve medical, economic, sociological, or psychological considerations ... if it is to be responsible, it cannot be the result of mere caprice nor of superficial judgments concerning relative values.”⁴⁰⁷ Here, the AWP scored a victory for the theology of conscience. A mature formation of conscience could be acted on in the world, and result in an authentic Catholic decision to use artificial birth control.

Further down the line in paragraph 41, however, the statement made clear that conscience needed to be conformed to the law. But the bishops also acknowledged conscience as a sacred space beyond the reach of coercion. “The encyclical does not undertake to judge the consciences of individuals, but to set forth the authentic teaching of the Church which Catholics believe interprets the divine law to which conscience

⁴⁰⁷ The National Conference of Catholic Bishops, “Human Life in Our Day,” November 15, 1968. Priests For Life, <http://www.priestsforlife.org/magisterium/bishops/68-11-15humanlifeinourdaynccb.htm> accessed 15 June 2015

should be conformed,” the bishops wrote.⁴⁰⁸ Such ambiguity was standard fare, even traditional.

The theology of conscience, as promoted by the AWP, earned a theological victory: certain planks of the tradition could not be denied. A month after the statement’s release, Archbishop John Dearden, president of the NCCB, sitting alongside moral theologian Fr. Anthony Kosnik, a seminary professor from Cincinnati, Ohio, explained the contents of “Human Life in Our Day” to reporters attending a press conference. According to Dearden’s interpretation, the theology of conscience seemed to have scored a victory. Dearden interpreted the statement as extending the traditional emphasis on the formation of conscience to Catholic couples who chose to use birth control: “We feel, many of us, the grave need in our time to assert clearly the doctrinal basis of a responsibly formed conscience.”⁴⁰⁹

Dearden also emphasized the long-standing tenet of Catholic teaching that the conscience was a sacred space, closed off from the outside, where believers encountered God with candor. Dearden told the press that, “Nor does [the encyclical and the American statement] seek to pass judgment on those who independently form their conscience contrary to the authentic church teaching. We are not qualified to judge. We cannot move in from the outside and say thus and so are right or wrong.”⁴¹⁰ Dearden ended the press conference by downplaying his fellow bishops’ criticism of the press for distorting the statement.

Nor did “Human Life in Our Day” terminate the AWP’s campaign. The AWP continued to defend the theology of conscience in the District of Columbia as 1968

⁴⁰⁸ Ibid.

⁴⁰⁹ Quoted in “Dearden Emphasizes Conscience,” *National Catholic Reporter* December 11, 1968, 1.

⁴¹⁰ Ibid., 7.

entered its twilight. Two days before Christmas 1968, Father John Corrigan gave a sermon at the First Congregational United Church of Christ in the District of Columbia. Corrigan, former chairman of the AWP and popular pastor of St. Gabriel's, technically should not have been preaching to anyone, let alone Protestants. His privileges of teaching, preaching, and hearing confessions had been suspended for nearly two months. O'Boyle had exiled Corrigan from his rectory. But Corrigan, as seen above (he wrote a few of the AWP's press releases and worked as the organization's media man), had been speaking and writing incessantly since the moment of his suspension. He chose to speak on conscience in his address at First Congregational. "Conscience," he announced, "is always taking into account the many factors that have formed it."⁴¹¹ But the ultimate norm that formed conscience, what Corrigan called "the will of God," still seemed unclear as Christmas 1968 approached. "The ultimate norm is the will of God," he said, but "since this cannot be absolutely known, then the proximate norm of morality must be one's well-formed conscience."⁴¹² When the Church seemed unable to communicate the Will of God, moral decision-making shifted to the Catholic's conscience.

But O'Boyle scored an institutional victory by way of attrition. Nearly half of the "Conscience Statement Priests" left the priesthood in the wake of "Human Life in Our Day." Bringing the theology of conscience into the world – even if AWP members imagined themselves as purveyors of tradition – meant paying a hefty price. Some priests assumed positions in the secular world that resembled their priestly ministries, in areas like social work, for example. Other priests began families. By February of 1969, 19 of the priests had left active ministry, and fewer than thirty remained under the restrictions.

⁴¹¹ Quoted in "Priest Tells His Views on Conscience," *The New York Times*, December 23, 1968, C6.

⁴¹² Ibid.

Their ranks continued to dwindle as 1969 pressed on. By August of that year, only 18 of the original 44 penalized priests remained in their rectories, working in District parishes.⁴¹³

But the teaching and preaching of the theology of conscience remained a viable option as announced in “Human Life in Our Day.” In August of 1969, four priests – Fathers Raymond Kemp, Andre Bouchard, John Cunico, and Shane MacCarthy – sought an agreement with O’Boyle that would return them to their full time responsibilities. All four of these priests worked in inner-city Catholic parishes with the African-American Catholic population. Their parishioners respected O’Boyle’s commitment to Civil Rights and wanted the priests to return to work. O’Boyle dropped his requirement of a public apology and only required that the four priests teach *Humanae Vitae* in accordance with the principles as laid out in the American Bishops’ “Human Life in Our Day.” Only Fr. Shane MacCarthy rejected the offer. The three other priests perhaps accepted to teach *Humanae Vitae* as known in “Human Life in Our Day” because the document, as seen above, provided a considerable loophole for the theology of conscience.

Shane MacCarthy – as he had dreamed in his fall 1968 homily – sacrificed his priesthood on the altar of conscience. He left the priesthood in 1975 after enduring 5 or 6 years of suspension from ministry. That year he married Karen Nuebert and they would eventually have two children, Sean in 1977, and Sarah in 1981. Upon leaving the priesthood, MacCarthy began a career with the Peace Corps as the organization’s director in Ghana. He held various appointments with the United States Agency for International Development (USAID) – in Swaziland, Southern Africa, and Cairo – before retiring in 2009.

⁴¹³ *Steadfast in the Faith*, 366.

The theology of conscience had a life beyond the AWP's sacrifice. A few active members of the AWP took the dispute through the established procedures for mediating church arguments. In the spring of 1971 – nearly three years after the dispute – the showdown between O'Boyle and what remained of the "Conscience Statement Priests" underwent two weeks of hearings in a special Vatican court in Rome, the Sacred Congregation for the Clergy, headed by Bishop of Pittsburgh John Wright, a staunch defender of *Humanae Vitae*. The hearings considered the content of the Statement of Conscience as well as O'Boyle's response to the statement. The Sacred Congregation opted for a pastoral solution, not a judicial or canonical ruling. Striking a blow against the AWP, the court found that O'Boyle's measures were within the parameters of church law. He had the authority to suspend the priests. The court then affirmed that *Humanae Vitae* was authentic church teaching.

But traditional role of conscience also carried the day. The Congregation's ruling, acknowledging the importance of the conscience to the dispute, came with a five point section on conscience. Catholic authorities could not deny the important and well-established role of conscience in Catholic moral decision-making. The fifth and final point of the Sacred Congregation for the Clergy's ruling acknowledged the side of the tradition laypeople inhabited when they made the choice to use artificial birth control: the document concluded that, "in the final analysis, conscience is inviolable and no man is to be forced to act in a manner contrary to his conscience, as the moral tradition of the church attests."⁴¹⁴ Catholics could act on the tradition, but they might pay a price. All the remaining priests were required to do in order to be reinstated to full ministry was to offer a written or oral statement affirming these propositions.

⁴¹⁴ Sacra Congregatio Pro Clerics, April 26, 1971. SMHVC, Box 1, Folder 10, CUA.

Conclusion

In the mid-1960s Catholic laypeople began to bring the use of artificial birth control under the traditional theology of conscience. A tradition that had been on the books, circulated widely, and often poured over at midcentury, was well known among American Catholics, clerics and lay people. Catholics attempted to act on this traditional teaching to follow conscience as laws failed as moral guides. As polling data provided by the National Council of Catholic Men attests, laypeople understood that conscience could be followed in the face of laws with dubious authority. Both “Human Life in Our Day” and The Sacred Congregation for the Clergy’s 1971 ruling acknowledged that Catholic laypeople could follow a well-formed conscience on matters of artificial birth control. The theology of conscience scored a remarkable victory in American Catholic life at the end of the 1960s and the dawn of the 1970s.

But theological victory is not the same as an institutional victory. O’Boyle successfully muffled the defenders of the theology of the conscience. Nearly thirty priests left their active ministries after encountering O’Boyle resistance to their arguments. Most importantly, the AWP appeared to O’Boyle – and to later accounts of the dispute – as “dissenters.”

Theological victory and institutional failure are only one part of the story: the significance of the AWP’s campaign and lay peoples’ “letters of conscience” rest on what they tell historians about how Catholics understood themselves. Far from a fight for sexual autonomy or an attack on established norms, laypeople and the AWP understood themselves to be promoting and inhabiting a traditional Catholic posture. They understood themselves to be living a traditional theology in the concrete circumstances of

their lives during the first phases of a sexual revolution. As the law on birth control became unclear, and lost its moral authority, Catholics were authorized to favor conscience, a Catholic's "supreme subjectivity." They followed through on this proposition. Catholic couples, undertaking processes of formation, decided to use birth control after candidly encountering God on the grounds of conscience. Sixties-style activism and popular organization took place in Washington D.C. to achieve official recognition that laypeople who used birth control inhabited traditional theology of conscience. A tradition carried and even expanded during the first phases of the sexual revolution in America.

4.0 CHAPTER 4

“It Is Through One’s Conscience That The Will of God Is Transmitted To Us”: The Theology of Conscience in America’s War Machine, 1961-1972

Introduction

When the Selective Service decided in 1968 for the third year in a row to draft 300,000 men into the army, American Catholics responded to the state’s demands for military service in the traditional moral framework of law and conscience.⁴¹⁵ The framework allowed Catholics, more and more, to tip the balance towards conscience. James Finn, lay Catholic and past editor of *Commonweal*, celebrated in a 1968 essay how “our society generally has an increasing understanding of and sensitivity to the individual conscience.”⁴¹⁶ For American Catholics, the new nation-wide push towards conscience in 1968 seemed a positive development. Archbishop of Boston Richard Cushing confided to activist Gordon Zahn in a 1968 letter that “during these last years we have all become a good deal more sensitive to the claims of the individual conscience, and I think this is a good development and one that is important to emphasize in many areas where the moral

⁴¹⁵ Michael S. Foley, *Confronting the War Machine: Draft Resistance During the Vietnam War* (Chapel Hill: The University of North Carolina Press, 2003), 39.

⁴¹⁶ James Finn, “Introduction,” in *The Case for Selective Conscientious Objection: A Conflict of Loyalties* ed., James Finn (New York: The Bobs-Merrill Company, 1968), xii.

decisions be made.”⁴¹⁷ For American Catholics like Finn and Cushing, the moral imagination of law and conscience seemed to be doing its proper work in the world by making American society cognizant of the individual’s duties to follow conscience when faced with conscription into an army fighting an unjust war.

In the late 1960s and 1970s, on the home front of the Vietnam War, more and more Catholics shifted moral decision-making onto conscience. American Catholics held that the traditional relationships of law and conscience (conscience could trump an unjust law) ought to endure, even define, the Catholic Church’s response to the state’s conscription efforts. In the early-to-mid 1960s, lay Catholic activists like Gordon Zahn and James Finn, and the hundreds of Catholic laymen drafted into the military, urged authorities like Cardinal Cushing to support the laity’s efforts to accentuate conscience. Lay Catholics – activists and college students – spread the traditional theology of conscience widely in the late 1960s and early 1970s, bringing more priests, theologians, fellow laypeople, and bishops to its altar. Prominent clerics like Paulist priest John B. Sheerin, Trappist monk Thomas Merton and retired Jesuit archbishop Thomas Roberts urged the Church to throw its considerable institutional weight behind helping laypeople to follow conscience, and not the state’s laws, in the concrete circumstance of conscription.

The continued spread of the traditional framework of law and conscience – and its wave of fresh converts – made this push a theological success: by the opening of the 1970s, more Catholics considered conscription in light of the traditional law and conscience framework. Ultimately, as argued in this chapter’s conclusion, Catholics

⁴¹⁷ Richard Cushing to Gordon Zahn, August 8, 1968. Gordon Zahn Papers (hereafter GZP), 9/12422, University of Notre Dame Archives (hereafter UNDA).

transformed the essence of their American citizenship by shifting moral authority towards conscience and away from obedience to the state's conscription laws.

Catholics conveyed the lesson that men from their denomination could follow conscience when confronted by draft laws for an unjust war to hundreds of state officials. The explosion of conscience talk conveyed the Catholic desire to remain in a moral world structured by the proper balances of law (objective) and conscience (subjective). Catholics explained the Church's teachings on conscience at congressional commissions, armed service committees, hundreds of draft hearings at local service boards, and ultimately in front of the Supreme Court in October 1971. At all locations, Catholics pressed state officials to let Catholics honor the traditional relationships of law and conscience: the state should allow Catholics to shift moral authority from law onto their own individual consciences as laws, like the draft calls for Vietnam, evacuated moral authority.

This chapter has four sections. The first section shows that alongside the long-standing the emphasis on the freedom to follow conscience in matters of religion – announced with renewed vigor at Vatican II – emerged a call for a stronger role for conscience in response to war, promoted most vociferously by Gordon Zahn. Catholics, heeding tradition as America revved up its war machine, were required by Church teaching to make decisive shifts away from unjust laws towards obedience to conscience. The second section explores how Catholics understood the concrete expression of the theology of conscience in the world to be Selective Conscientious Objection (SCO): the individual's capacity to reject participation in specific wars. The theology of conscience spread rapidly in 1967 and 1968 when Catholics campaigned for the acceptability of

SCO. The third section explores how lay Catholic men understood the theology of conscience and attempted to live out its teachings in response to the draft. Lay Catholic men on the home front filed hundreds of papers with local Selective Service boards during the Vietnam War. Their official documents brimmed with laymen's desires to inhabit a traditional Catholic moral imagination defined by proper balances between law (objective) and conscience (subjective). This section shows that higher education – Catholic and secular – helped Catholic college-aged men to inhabit the traditional framework of law and conscience.

The bishops followed suit in the early 1970s. The final section explores how the United States Conference of Catholic (USCC) took the theology of conscience to the Supreme Court. It also investigates the bishops' wholesale defense of conscience with a 1971 document that endorsed SCO unequivocally. The conclusion weighs the ironies of theological flourishing alongside political failure. The widespread circulation of the traditional framework – and its theological victory – did not earn the theology of conscience political success. Bringing the theology of conscience more fully into the world ultimately created considerable friction between American Catholics and the American state. American Catholics succeeded in bringing the theology of conscience into the world, but the Selective Service and the courts ultimately truncated the theology.

“There are Some Situations in Which the Individual Conscience Alone Can Be Relied Upon” : Gordon Zahn, Conscience, and the Moderation of Vatican II

The notion that Protestants and Jews, as well as Catholics, had duties and rights to follow conscience found a global pulpit at the Second Vatican Council. A 1961 book by Australian theologian Eric D'Arcy, published with Sheed and Ward of New York and popular among American theologians, recalled that St. Thomas Aquinas, and the Catholic

Church, never advised anyone to act against conscience.⁴¹⁸ This notion, long available in Catholic theology, became a common refrain at the Council when applied to Jews and Protestants. Augustin Bea, a Jesuit cardinal in charge of the Secretariat for Promoting Christian Unity, remarked in a highly publicized 1963 speech that even a member of a non-Catholic faith has “the duty and the right of following his conscience.”⁴¹⁹ It was well known among Catholics that Bea and his ilk intended to work on a document about religious liberty. Not surprisingly, American Catholics speculated that the document would contain references to conscience. Joseph Cardinal Ritter, Archbishop of St. Louis, remarked in a 1964 speech that any such document should tout “the dignity of the human person and his inviolable conscience.”⁴²⁰ Churchmen at the Second Vatican Council trumpeted the freedom of conscience from a global stage.

Editors of American Catholic magazines detected no novelty in such broadcasts. Catholics had been honoring this particular strain of the theology of conscience for decades. Jesuit Vincent McCorry, editor of *America*, quipped almost dismissively that when a churchmen asked if “the Christian must believe and behave as his conscience directs, the answer is assuredly correct.”⁴²¹ The editors of *St. Anthony’s Messenger*, a popular Catholic devotional magazine, observed nonchalantly that the “thought that a person, Catholic or non-Catholic, must be left free to exercise his religion in accordance with the dictates of his conscience is not exactly new in Catholic theology.”⁴²²

Theologians and bishops at the Second Vatican Council recapitulated a long-standing commitment.

⁴¹⁸ Eric D’Arcy, *Conscience and Its Right to Freedom* (New York: Sheed and Ward, 1961), 208.

⁴¹⁹ Quoted in “The Church in the World,” *The Tablet*, January 26, 1963, 43.

⁴²⁰ Quoted in “Conscience and Religious Liberty,” *St. Anthony’s Messenger* February 1964, 10.

⁴²¹ Vincent McCorry, “The Word,” *America*, May 15, 1963, 788.

⁴²² “Conscience and Religious Liberty,” 10.

American Catholic activists wanted the Church to offer a stronger defense of the traditional framework of favoring conscience over law, as it pertained to matters of conscription. Gordon Zahn expressed his longing for a stronger support of conscience in the March 1962 issue of *Commonweal*. Zahn's sociological research on the Nazis, conducted throughout the 1950s, brought him to conclude that certain secular regimes ordered Catholics to perform immoral acts. A decisive shift to conscience – a strong backing of the tradition by the Church – provided the individual Catholic with the solution. “We need a moral theology,” Zahn wrote, “which would require that every exercise of this [secular] authority be exposed to the test of the enlightened moral conscience of the individual subject to it.”⁴²³ Zahn was not a lone voice. His *Commonweal* article anticipated an assertion made a year later by Pope John XXIII in his encyclical *Pacem in Terris*. Paragraph 49 read: “representatives of the State have no power to bind men in conscience, unless their own authority is tied to God's authority, and is a participation in it.”⁴²⁴ Representatives of a democratic state – when promulgating unjust laws – should lack the concrete power to bind Catholic consciences.

The Catholic Peace Fellowship (CPF) – founded in 1964 as the official Catholic affiliate of the Fellowship of Reconciliation – urged the Council to acknowledge the tradition of shifting moral decision-making onto conscience.⁴²⁵ CPF members in New York City drafted a letter to Archbishop Patrick O'Boyle in August 1965 expressing “the urgent need for Catholic conscientious objectors to war to have a strong defense of their

⁴²³ Gordon Zahn, “Conscience and Legitimate Authority,” *Commonweal*, March 30, 1962, 12.

⁴²⁴ John XXIII, *Pacem In Terris*, April 11, 1963. The Vatican Website http://w2.vatican.va/content/john-xxiii/en/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem.html (accessed 15 June 2014).

⁴²⁵ On the origins of the CPF, see Patricia McNeal, *Harder Than War: Catholic Peacemaking in Twentieth-Century America* (New Brunswick, New Jersey, Rutgers University Press, 1992), 144.

right to form and adhere to their own consciences.”⁴²⁶ The second plank of a 4-point petition the CPF sent directly to Pope Paul VI in 1964 called on the Council to promote peace by “recognizing each man’s right, when prompted by conscience to refuse his participation in war.”⁴²⁷ The traditional framework of law and conscience should be made strong enough so as to allow a Catholic to act on its teachings and reject obedience to a state’s unjust law. In an April 1965 letter to Pierre Haubtmann, the French National Secretariat for Religious Information, Catholic Peace Fellowship (CPF) members Phillip Berrigan, Thomas Cornell, Martin J. Corbin and James Forest urged the French media man to remind bishops that “conditions of the world today seem to make it imperative to restate the traditional Christian injunction that no man may surrender his conscience to the state.”⁴²⁸

The Second Vatican Council would ultimately prove a disappointment for American Catholic conscience activists like Gordon Zahn and Thomas Cornell. A pair of Council documents promulgated on December 7, 1965 — *The Declaration of Religious Freedom* and *The Pastoral Constitution on the Church in the Modern World* — added some luster to the theology but documents did not meet demands of conscience activists for a strengthening of the framework designed to reject obedience to unjust conscription laws. *The Declaration of Religious Freedom*, for example, recapitulated the right to follow conscience on matters of religion — a well-established notion in midcentury Catholic political theology — but in a lighter parlance. “In all activity a man is bound to

⁴²⁶ Frank Speltz to CPF Members, August 28, 1965. John C. Ford SJ Papers (hereafter JCFSJ) Box 46, Folder 5, Archives of the New England Province Society of Jesus, College of Holy Cross Special Collections (hereafter ANEPRSJ).

⁴²⁷ The Catholic Peace Fellowship, “Petition of American Citizens to Pope Paul VI for Further Leadership in the Work in the Work for World Peace,” not dated, but ca 1964 and 1965. JCFSJ, Box 46, Folder 5, ANEPRSJ.

⁴²⁸ The Rev. Philip Berrigan, SSJ, Martin J. Corbin, Thomas Cornell, and James Forest to Rev. Pierre Haubtmann, January 26, 1965., JCFSJ, Box 46, Folder 5, ANEPRSJ.

follow his conscience in order that he may come to God,” the document stated; “it follows that he is not to be forced to act in a manner contrary to his conscience.”⁴²⁹ Such an assertion struck the editors of *America* and *Jubilee* as passé precisely because, as theological insiders, they had seen their church promote freedom of conscience in matters of religion for many years.

The Pastoral Constitution also restated the old teaching on conscience in a more positive language.⁴³⁰ “In the depths of his conscience,” the framers wrote, “man detects a law which he does not impose upon himself, but which holds him to obedience... Conscience is the most secret core and sanctuary of a man. There he is alone with God.”⁴³¹ Such definitions of conscience had been available in penitential guidebooks and natural law theory in the 1940s and 1950s. But the *Pastoral Constitution* was quite moderate on Catholic conscientious objection to conscription laws. With tempered language, the document declared that, “it seems right that laws make humane provisions for the case of those who, for reasons of conscience, refuse to bear arms.”⁴³² Such a statement (“it seems right”) fell quite short of conscience activists’ calls for an assertive backing of conscience.

No one was more intent on extending the traditional moral imagination of law and conscience to war than Gordon Zahn. He made several Vatican II bishops well aware that the traditional emphasis Catholic teaching bestowed upon the freedom of conscience

⁴²⁹ The Second Vatican Council, *The Declaration on Religious Freedom*, December 7, 1965. The Vatican Website http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decl_19651207_dignitatis-humanae_en.html (accessed 15 June 2014).

⁴³⁰ On content and form of Council documents, see John O’Malley, *What Happened at Vatican II* (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 2008).

⁴³¹ The Second Vatican Council, *The Pastoral Constitution on the Church in the Modern World*, December 7, 1965. The Vatican Website http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_cons_19651207_gaudium-et-spes_en.html (accessed 15 June 2014)

⁴³² Ibid.

made for more than religious freedom. Tradition made it incumbent on Catholics to shift moral authority to conscience when faced with obedience to unjust laws. For the Catholic conscientious objector to war, Zahn wrote in a 1965 article for *Chronicle*, “his obligation to be true to the dictates of his conscience should be clearly stated [in Council documents], along with the formal assurance that the Church will stand ready to support his right to judge and act in this fashion.”⁴³³ The Church owed support to men who followed conscience, even an erroneous conscience (the erroneous conscience was objectively incorrect but subjectively sincere). This was traditional Catholic theology. “The obligation to obey even the invincibly ignorant or erroneous conscience is not to be relegated to the pages of some dry and obscure theological treatise,” he wrote, “it must be made a matter of common knowledge and public declaration so that there may be no further misunderstandings.”⁴³⁴ Bishops had the opportunity at Vatican II to lift the theology of conscience out of the manuals and to place it into a global public knowledge. The bishops could bring more Catholics into the traditional framework of law and conscience.

Zahn had been attempting with his academic work, in the years just prior to the Council, to reinvigorate the tradition. He crafted a book-length defense of conscience spun off research from a 1962 book on German Catholics in World War II. While conducting research in Germany as a Senior Fulbright Research Fellow during the 1956-1957 academic year, Zahn stumbled upon the story of Franz Jägerstätter, a German peasant beheaded by the Nazis in 1943 for his conscientious objection to military service. The Jägerstätter story was a tragic tale – told in the Catholic tradition of sainthood and

⁴³³ Gordon Zahn, “Conscience and the Council,” *Chronicle* 4 (Winter 1965), 696.

⁴³⁴ Ibid.

martyrdom – about the German Catholic Church’s failure to properly support an individual member of the faithful who followed conscience in a traditional manner. Zahn, having discovered 17 of Jägerstätter’s personal letters, immediately set to work on a separate book about Jägerstätter, releasing articles in the late 1950s and early 1960s detailing his story.⁴³⁵ The book-length treatment of Franz’s martyrdom, *In Solitary Witness: The Life and Death of Franz Jägerstätter*, appeared in 1964, published by popular press Holt, Rinehart and Winston.

The overarching thesis of *Witness* was that Jägerstätter had followed the Church’s teachings on conscience, an official stance, but met the fate of execution at the hands of the Nazi state. Zahn hoped to explain how Jägerstätter’s attempt to follow a traditional church teaching resulted in his execution. Jägerstätter had accurately identified the Nazis’ war as unjust and had concluded in conscience, rightly, that participation jeopardized the eternal destiny of his soul. As Catholics were bound to form and follow conscience before following a law, Zahn contended that Jägerstätter had followed the proper procedure. He shifted the locus of authority from law to conscience, after proper “formation,” as held in Catholic tradition. Yet, Zahn argued, many German Catholics ignored or downplayed the prerogative to follow conscience. Regrettably, the Church stifled one of its member’s attempts to materialize, in the world, an orthodox shift to conscience.

In Solitary Witness offered a scathing indictment of Franz’s fellow German Catholics – bishops, pastors, chaplains, and fellow laypeople – who denied Jägerstätter the prerogative of following conscience. Zahn, telling a story meant to convert Catholics

⁴³⁵ See Gordon Zahn, “He would not Serve,” *America*, July 5, 1958, 388-390; “Conscience and Legitimate Authority,” 9-13. See *In Solitary Witness*.

of his own time into more vigorous promoters of the traditional framework, brought forward evidence that a Catholic chaplain had attempted to dissuade Jägerstätter from following his conscience. The chaplain, Zahn wrote, “tried to convince [Jägerstätter] that he had no responsibility as a private citizen for the acts and policies of the government ... performing the service required of him, he would not be endorsing the Nazis and their objectives; instead, he would merely be following orders like millions of Catholics, including seminarians.”⁴³⁶ German Catholics forced one of their own to disregard the important Church teaching — and to simply obey a secular state’s law. The Church should have protected, even promoted, Franz Jägerstätter. A man who attempted, heroically, to actualize the traditional theology of conscience in the world received no quarter from his own Church, the very institution that instructed him to follow conscience rather than obey an unjust law.

Jägerstätter’s story convinced fellow Catholics that the Church needed to help its members follow their consciences. Early drafts of *In Solitary Witness* had the intended effect on Thomas Merton, the famous Trappist monk in a Kentucky monastery, who told Zahn in a January 1962 letter that, “Jägerstätter is to me a moving symbol of a lonely isolated Christian who was faithful to his conscience, in the supremely difficult question of the most real and the highest kind of obedience.”⁴³⁷ Zahn must have been delighted when the story brought Merton to reflect later in 1962 on how “totally unrealistic is all our moral speculations when ... reference[d] to the conscience issues in which all our authorities ... somehow enter ‘yes’ or ‘no.’”⁴³⁸ Merton joined a lengthy queue of theological thinkers who were finding a shift to conscience to be a solution to the

⁴³⁶ Ibid., 76.

⁴³⁷ Thomas Merton to Gordon Zahn, January 11, 1962. GZP, 9/12802, UNDA.

⁴³⁸ Thomas Merton to Gordon Zahn, December 22, 1962. GZP, 9/12802, UNDA.

previous generation's (alleged) overreliance on obedience to laws. Catholics would dawn a superior moral future by shifting the onus of moral decision-making from law onto conscience. Merton was among Zahn's first converts to the cause of conscience by way of Jägerstätter. But he would not be the last.

Zahn sent letters to some of the most important players at the Second Vatican Council detailing Jägerstätter's story and pressing for a strong statement on a Catholic's duty to follow conscience. In a May 1965 letter to François Houtart, an influential Catholic sociologist from Belgium who helped to frame key council documents, Zahn wrote: "it is vitally important that the Church make some recognition of the fact that [conscientious objection] may at times, indeed must ... whenever one's conscience demands, be a legitimate option for the individual."⁴³⁹ Zahn then detailed Jägerstätter's story for Houtart. In a July 7, 1965 letter to influential American priest George Higgins, a hand-written letter in which Zahn reminded his recipient that Jägerstätter thought conscientious objection might be a sin, Zahn expressed his hope that "when the Council gets around to dealing with [conscientious objection], it will make some kind of affirmation of the individual's right to refuse service contrary to his conscience."⁴⁴⁰ These influential churchmen, both scholars, need to offer a strong statement on the rights of conscience so laymen could live out the tradition in their own local circumstances. A letter sent by Zahn 10 days later to Leo Cardinal Suenens, the archbishop of Malines-Brussels and one of four Council moderators, an epistle in which Zahn called his book a "history of this simple peasant who chose the path of martyrdom," Zahn suggested that the final Council statement ought to "praise Catholics who refuse that calling by reason

⁴³⁹ Gordon Zahn to Francois Houtart, May 17, 1965. GZP, 1/1598, UNDA.

⁴⁴⁰ Gordon Zahn to George Higgins, July 7, 1965. George Gilmary Higgins Papers (hereafter GGHP), Box 107, Folder 13, Catholic University of America Archives (hereafter CUAA).

of conscience and who, like the hero of my book and others in Germany, went to their death rather than violate their conscience.”⁴⁴¹ A statement from the Church may not have saved Jägerstätter’s life, Zahn conceded, but it would have helped, especially Jägerstätter’s arguments with his fellow Catholics like the dismissive chaplain.

Zahn convinced two bishops to call for a pronounced defense of conscience as the Council entered its final sessions in 1964 and 1965. Bishop John Jay Mussio of Steubenville, Ohio, one of Zahn’s Jägerstätter-letter recipients, then helping to frame the Council’s final documents, confided in Zahn that, “my love for the Church compels me to seek always that justice, that freedom of conscience for men which is part of God’s plan for our salvation.”⁴⁴² The most dramatic convert to Zahn’s cause was Thomas Roberts, an English Jesuit who had retired as Archbishop of Bombay in 1950. Roberts invited Zahn in 1964 to teach him about conscience, making Zahn – an American Catholic sociologist – an unofficial theological expert at the Council. Zahn had an appointment as a Senior Simon Fellow at the University of Manchester from 1964 to 1966, so he was already in England at the time of his invitation. Roberts, so compelled by Jägerstätter’s story, took the floor at the end of the Council’s final session in December 1965 to give an address on Jägerstätter and the meaning of his martyrdom. Roberts called on the Church to help individual members of the faithful to assert their “rights of conscience” in the world. Roberts told his fellow bishops that:

What we must do here is to give clear testimony that the Church affirms the right of the individual conscience to refuse unjust military service, and assure those of the Faithful, who bear such witness, that they will always have her fullest support.

⁴⁴¹ Gordon Zahn to Leo Cardinal Suenens, July 17, 1965. GZP, 1/1598, UNDA.

⁴⁴² John Jay Mussio to Gordon Zahn, July 8, 1965. GZP, 1/1598, UNDA.

Once this has been done, martyrs like Jägerstätter will never again have to feel they take their stand alone.⁴⁴³ Roberts— like Zahn (and Merton) — understood the affirmation of conscience as a break from the legalist past. Catholics would overcome a dark past marked by uncritical obedience to secular state laws with the bright dawn of conscience.

An unequivocal elucidation of the traditional framework of law and conscience opened up possibilities of a brighter moral future for the global Catholic Church and, thus, the entire world. “Let us break with this tragic past,” Roberts announced, “by making a clear and unambiguous affirmation of the right and the obligation of each Christian to obey the voice of his informed conscience before and during a time of war.”⁴⁴⁴ Roberts promised to send a copy of his speech to Franz’s widow.

In Solitary Witness gained enthusiastic readers from all over the world in the years immediately following its publication in 1964, making it a crucial exercise in convincing Catholics that the traditional framework of law and conscience needed to be more than scholasticism found in a manual. Zahn struck a chord with a global Catholic audience seemingly hungry to act on the tradition of following conscience. Zahn’s theology of conscience, a muscular recapitulation of the tradition, did not appear in the final Council documents but Jägerstätter’s legend grew, and quickly so. Thomas Merton suggested in 1966 the book be translated into Spanish; by then the book had already been translated into German and French.⁴⁴⁵ The Jägerstätter story brought another of Zahn’s correspondents to offer to write his brother, a film director, with the suggestion that *In*

⁴⁴³ Thomas D. Roberts, “The Church in the Modern World, Chapter V, Section 101, Conscientious Objection,” December 10, 1965. GZP, 2/01713, UNDA.

⁴⁴⁴ Ibid.

⁴⁴⁵ Thomas Merton to Gordon Zahn, June 16, 1966. GZP, 2/02527, UNDA. Gordon Zahn to Rialp Publishers, June 18, 1966, GZP, 2/02527, UNDA.

Solitary Witness be made into a movie.⁴⁴⁶ Zahn, grateful for the suggestion, replied that two Hollywood writers had already completed a script and were seeking a producer in London.⁴⁴⁷ Catholic priests the world over developed a devotion to Jägerstätter. An English priest working in southern Italy told Zahn he said mass once a month for Jägerstätter and his family.⁴⁴⁸ Another correspondent, a Benedictine monk from New Jersey, described the book as his “constant companion, perhaps even more than the saint who is contained in it,” and told Zahn, “it is one of the most beautiful books I have ever read.”⁴⁴⁹ To enter more fully into the world the theology of conscience needed a saintly intercessor, and Jägerstätter began to mediate between individuals who wanted to follow conscience and the larger canopy of heaven.

Three of Zahn’s correspondents drew the intended lesson from *In Solitary Witness* that Catholics needed to follow conscience in secular political and moral affairs. The book had the desired effect on Bishop John Wright of Pittsburgh, who told Zahn in a 1966 letter that, “I read [the book] with deep sympathy ... it is a most important work and you have done the cause of conscience ... a great service.”⁴⁵⁰ A lay woman from California told Zahn that *Witness* lifted the scales from her eyes: “an entirely new outlook appeared before me as to what it means to act according to one’s conscience,” she wrote.⁴⁵¹ An Italian man fell directly under Zahn’s spell. Benito de’ Grassi di Pianura of Milan effused in a 1966 letter to Zahn that, “The implications for Catholics are enormous ... there are some situations in which individual conscience alone can be relied on, and it

⁴⁴⁶ Norton W. Ryweck to Gordon Zahn, September 6, 1966. GZP, 2/01733, UNDA.

⁴⁴⁷ Gordon Zahn to Norton W. Ryweck, September 9, 1966. GZP, 2/01733, UNDA.

⁴⁴⁸ Brune S. James to Gordon Zahn, December 7, 1966. GZP, 2/02527, UNDA.

⁴⁴⁹ Ambrose Schaffer to Gordon Zahn, June 15, 1967. GZP, 2/02527, UNDA.

⁴⁵⁰ John Wright to Gordon Zahn, February 9, 1966. GZP, 9/12317, UNDA.

⁴⁵¹ Joanna Goetzl to Gordon Zahn, August 27, 1966. GZP, 2/02527, UNDA.

seems all too possible for that such situations may arise for many of us in the future.”⁴⁵²

Franz Jägerstätter could serve for some Catholics as a new Thomas More – a saint Zahn thought American Catholics desperately needed as their government restarted the draft machine in preparation for the Vietnam War.

“The Nation Has No Intrinsic Right to Keep the Individual’s Conscience, No Matter How Benignly” : The Theology of Conscience and Selective Conscientious Objection, 1967-1968

As of spring and early summer 1967, American policy makers did not believe that Thomas Aquinas’ framework of law and conscience had any bearing on an individual’s response to conscription. In March of that year, a twenty-member Citizens Committee assembled by President Lyndon Johnson, known as the Burke Marshall Commission, rejected a proposal that individuals ought to be able to decide, in conscience, to forgo participation in particular wars deemed unjust.⁴⁵³ Congress — a month after the Burke Marshall Commission — also rejected SCO: Armed Service Committees in the Senate and House of Representatives, reviewing the draft law in June of 1967, both unceremoniously dismissed Selective Conscientious Objection as a possible addition to new draft laws.⁴⁵⁴

Known as Selective Conscientious Objectors (SCOs), these objectors were not outright pacifists like Quakers or Jehovah’s Witnesses; these objectors rejected participation in *particular wars* using the just war theory. The just war theory — calling for individuals to assess the state according to set criteria — privileged the forming and

⁴⁵² Benita de’ Grassi di Pianura to Gordon Zahn, December 30, 1966. GZP, 2/02527, UNDA.

⁴⁵³ “Draft Body Turns Down ‘just war’ theory,” *National Catholic Reporter*, March 15, 1967, 1.

⁴⁵⁴ “Congress cool toward ‘selective objectors,’ *National Catholic Reporter*, May 10, 1967, 1.

following of conscience.⁴⁵⁵ Individuals, often Catholics and mainline Protestants, not leaving the decision to the state, formed their consciences on whether or not they could participate in a particular war. As states promulgated laws that demanded action, like a conscription law, Catholics had been instructed by their Church and its traditions to respond to the law with considerations of conscience. If individuals, having formed their conscience, found the war unjust, they bound themselves in conscience *not to participate*. If individuals formed conscience and found the war just, they could safely participate in the war. As the promulgation of a conscription law was not deemed inherently moral by Catholic political theology, the conscience, a believer's most direct subjective guide, entered into the decision whether or not the individual should serve the state in a time of war. A law had to be just to bind a Catholic conscience to obedience.

SCO status – a position underwritten by the traditional framework of law and conscience – was a solution born of necessity. A growing number of young men, some of them graduating from American universities, faced the draft. By the close of 1965, between 35,000 and 45,000 men were being drafted every month from all across the nation.⁴⁵⁶ Over the course of the next year, 170,000 men had been drafted and another 180,000 enlisted after receiving classification as I-A.⁴⁵⁷ Receiving a I-A designation meant a young man was ready for induction into the army. The Selective Service drafted 300,000 men each year in 1966, 1967, and 1968.⁴⁵⁸ In 1969, Richard Nixon close the loopholes allowing deferment during graduate school. Many of these young men were

⁴⁵⁵ Just War Theory held that if an individual deemed a state's war unjust, he bound himself in conscience not to participate. To be a just war, with just exercises, the war needed to be conducted by a state with official political power; the state needed to target military combatants rather than civilians; and the war needed to be conducted in a defensive manner rather than an offensive manner.

⁴⁵⁶ *Confronting the War Machine*, 35.

⁴⁵⁷ *Ibid.*, 39.

⁴⁵⁸ *Ibid.*

not members of religious organizations with explicit pacifist teachings. If the individual hoped to avoid serving, such young men and their advocates would have to offer an alternative response to the state. American Catholic men, who were attending universities in record numbers, or sat in the pews each Sunday, were obviously among the new inductees without pacifist *bona fides*. Catholic authorities had a pastoral problem.

Catholics had a man on the inside of the Burke Marshall Commission who proved willing to give the traditional framework of law and conscience a bit of airtime. Jesuit priest and political theologian John Courtney Murray, a citizen-member of the commission, voted with the minority who favored the legal recognition of SCO. Why did Murray vote in favor of SCO? An additional piece of evidence muddies the waters further: a priest who spoke on the phone with Murray during the commission's proceedings, George Higgins, claimed Murray did not see SCO as a viable political program.⁴⁵⁹ In Murray's mind, SCO – and the theology of conscience – could fail politically, but as a long-established tenet of Catholic natural law theory, the importance of conscience, especially in the just war framework, could not be denied.

Murray explained his logic in a commencement address to graduates of West Maryland College on June 4, 1967, a month after casting his vote in the affirmative. In the final calculation, he maintained, the individual (Catholic or not) must follow conscience, and the state should respect the prerogatives of conscience. Ultimately, Murray explained, “when his personal conscience clashes with the conscience of the

⁴⁵⁹ George Higgins to John Wright, May 18, 1967. United States Catholic Conference (hereafter USCC) Box 104, Folder “Military Affairs: Selective Service: Conscientious Objectors, 1967-1969,” Catholic University of America Archives (hereafter CUAA).

laws, his personal decision is his alone ... it is valid for him, and he must follow it.”⁴⁶⁰ Murray restated the traditional Catholic teaching on conscience: individuals had to tend to conscience even if the state promulgates a law the state believes just. If a conscience became “certain” about a particular path, the conscience must be followed. Murray told his audience that “The Citizen ... may not resign his conscience into the keeping of the State, but he must recognize that the State too has its conscience which informs its laws and decisions.”⁴⁶¹ Murray, the nation’s leading Catholic intellectual on natural law theory in American politics, could not bring himself to vote against the individual conscience. But Murray grasped – at this early hour of spring 1967 – the difficulty of reifying the theology of conscience in the Selective Service’s task of drafting men into the military.

Murray’s position reflected the axiom that, in the final hour, a Catholic ultimately had responsibility to follow conscience. Catholic teaching – as carried in mass produced pamphlets and periodicals – imparted a duty upon its faithful to maintain conscience in the face of an authority figure’s demands. In a 1966 pastoral letter on Vietnam, reprinted in pamphlet-form by the CPF, Cardinal Lawrence Shehan, Archbishop of Baltimore, reminded Catholics how “It devolves on each Catholic citizen in every country to weigh political situations ... and to exert whatever moral and civic influences seemed dictated by his conscience.”⁴⁶² *Vietnam and Your Conscience*, a pamphlet produced by the staff of *Ave Maria*, a Catholic devotional magazine headquartered near the University of Notre Dame, also impressed upon Catholics their duties to follow conscience in the midst of

⁴⁶⁰ John Courtney Murray, “Selective Conscientious Objection,” June 4, 1967. Woodstock Theological Library, Georgetown University <http://www.library.georgetown.edu/woodstock/murray/1967/> (accessed 15 June 2014).

⁴⁶¹ Ibid.

⁴⁶² The Catholic Peace Fellowship, *Lawrence Cardinal Shehan on Vietnam, Patriotism and Individual Conscience* (The Catholic Peace Fellowship: New York City, 1966).

conflict. “No one can abdicate his conscience to another,” *Ave Maria* explained, “It would be immoral for me to simply abandon my conscience to the voices of protest as it would to abandon it to the State Department.”⁴⁶³ The individual had a duty to proceed through conscience, the subjective locus of moral decision-making.

Not even the Church could determine a Catholic’s conscience on the draft. Paulist priest John B. Sheerin, editor of *The Catholic World*, called the impossibility of resignation the “primacy of conscience.” Primacy meant, he wrote, “that ultimately I am responsible for ... the formation of my conscience ... I am bound to follow my conscience, not that of a ‘Catholic spokesman.’”⁴⁶⁴ Some laypeople, especially ones attuned to Catholic theology, were well-versed in the utter futility of handing over conscience to authorities inside and outside of the Church. Franz Mueller, professor of economics at St. Thomas College in Minnesota and father to a draft-age son, wrote a letter to Senator Eugene McCarthy, Representative Clark MacGregor, and Archbishop of St. Paul and Minneapolis Leo Binz, looking for advice on the Church’s position regarding the draft. Mueller knew he had filed a difficult request: he was aware, he wrote, “of the fact that the Church cannot relieve us altogether of making our own decisions of conscience.”⁴⁶⁵ The conscience came first. Catholics had internalized the responsibility to follow conscience in worldly affairs and the draft for Vietnam convinced well-catechized Catholics like Mueller to bring the responsibility of following conscience into the open.

⁴⁶³ Ave Maria Special Report, *Vietnam and Your Conscience: Method of Examining the moral issues of American Involvement in Southeast Asia* (Ave Maria Press: Notre Dame, Indiana, 1967), 11.

⁴⁶⁴ John B. Sheerin, “Who Speaks for the Church on Vietnam?” *The Catholic World* 204 (November 1966), 75.

⁴⁶⁵ Franz Mueller to Leo Binz, July 5, 1967. United States Conference of Catholic Bishops Social Action Department (Hereafter USCCBSAD) Box 51, Folder 8, CUAA.

A Catholic could learn of his or her responsibility to follow conscience from textbooks assigned in high school religion classes. Jesuit James J. DiGiacomo published a textbook in 1969, with Holt, Reinhart and Winston, designed to inspire Catholic high school students to uphold the traditional balances of laws and consciences and to tip the authority to conscience when necessary. The textbook, titled *Conscience and Authority*, presented students with a story of two Russian dissidents who had protested publicly against the 1968 Soviet occupation of Czechoslovakia, and were sentenced to four years hard labor. Both dissidents were portrayed by DiGiacomo as following their consciences when protesting an unjust regime. The textbook simulated a dialogue in which a Communist police officer called the dissidents “fools” for following conscience. The text then asked the student: “What do you think?” “Was the protest justified?” and “Was authority – in this case, the Soviet Government – doing its job?”⁴⁶⁶ The text then shifted abruptly to an (alleged) student quote on conscience. “I gained,” the anonymous student waxed, “a great realization this year that the purpose of the Church is not to completely run your life ... I have learned to live with my conscience as my biggest guide.... [the] Church has taught me what is right and wrong, but my conscience now decides whether I do it or no.” The text then confronted the student-reader with another question: “If you were teacher,” the textbook asks, “and one of your students had written this, how would you feel? Write out your answer and hand in the assignment.”⁴⁶⁷

This brand of Catholic pedagogy helped Catholics uphold the tradition of following conscience in a world imagined to be full of regimes with unjust laws.

DiGiacomo dedicated the entirety of *Conscience and Authority* to the relationship

⁴⁶⁶ James J. DiGiacomo, *Conscience and Authority* (New York and London: Holt, Reinhart, and Winston, 1969), 17.

⁴⁶⁷ *Ibid.*, 22.

between conscience and law. The *Teacher's Guide* provided Catholic educators with a ready-made quiz on conscience, deeply inspired by the Dutch Catechism:

Conscience
TRUE OR FALSE

Question 1: It is the firm and constant teaching of the Church that men must act in accordance with their conscience. [True]

Question 2: "Following one's conscience" is another way of saying "acting according to one's judgment of what is right and wrong." [False]

Question 3: The Dutch Catechism states that there can never be a conflict between the law and the well-informed Christian conscience. [False]

Question 6: According to the Dutch Catechism, the law can never foresee every possibility, and hence must be interpreted by the individual conscience in particular cases. [True]

Question 11: In forming his conscience, a Catholic must take into consideration any authoritative Church teaching which may apply to the act under consideration.⁴⁶⁸ [True]

DiGiacomo's 1969 textbooks, if followed, focused Catholic students and Catholic teachers almost entirely on conscience. A Catholic student could rightly conclude (if he or she were paying attention) that the Church and the world had laws, but that these laws could not determine behavior in every situation: Catholics could call upon conscience to determine the proper course of behavior.

The story of Thomas More's martyrdom, increasingly recalled by American Catholics during the Vietnam War, reified the natural law axiom that a Catholic must follow conscience when the individual determined a law to be unjust. American Catholics had a saint from the early modern era whose intercessions would make it more possible to follow conscience in the world. The duty to follow conscience broke most dramatically into real human time when one of its steadfast adherents – later made a saint – had his

⁴⁶⁸ James J. DiGiacomo, *Conscience and Concern: Teacher's Guide* (Holt, Reinhart, and Winston: New York, 1969), 94.

blood spilt by a state demanding obedience to an unjust law. Zahn, drawing the links between Jägerstätter and More, gave a lecture at the New York University student center entitled, “A Modern Thomas More?: A Catholic Peasant’s Response to Hitler’s Wars.”⁴⁶⁹ More (and Jägerstätter) would have served the state if its laws were just – but because the state’s laws were unjust, the two men, turning to the Catholic’s most immediate subjective guide, followed conscience rather than the state’s law.

Jägerstätter and More upheld the traditional balance of law and conscience in the face of intense political pressure. The axiom rested in natural law teaching and manuals – it seemed very logical – but it took a heroic effort to inject the theology of conscience into the world. As the editors of *Catholic Mind* explained in a 1966 editorial, “Thomas More was a martyr to conscience. But he was not an enthusiast who courted martyrdom ... if More were able to serve God and king, he would gladly have done so.”⁴⁷⁰ It was reasonable for Catholics to follow conscience.

More’s sixteenth century incarnation of the theology of conscience in the face of state power entered American life by way of the silver screen. More’s life, as portrayed in the 1966 film *A Man for All Seasons*, helped Catholics to tip the balance to conscience and away from law during the Vietnam War. The film – winner of 6 Academy Awards – brought Sheerin to reflect in 1967 on how “a man achieves the peak of human dignity when he responds to God speaking to him in conscience.”⁴⁷¹ *A Man for All Seasons*, he explained, “brings out the dignity of a man who follows conscience.”⁴⁷² As one Catholic conscientious objector explained to his draft board, the film “portrays Sir Thomas

⁴⁶⁹ Gordon Zahn, “A Modern Thomas More? A Catholic Peasant’s Response to Hitler’s Wars,” n/d but ca January 25, 1965. JCFSJ, Box 46, Folder 5, ANEPRSJ.

⁴⁷⁰ “Conscience and Judgement,” *The Catholic Mind*, volume (March 1966), 3.

⁴⁷¹ John B. Sheerin, “Thomas More: Conscientious Objector,” *Catholic World* 205 (July 1967), 197.

⁴⁷² Ibid.

More's decision of conscience in 16th century England ... Thomas believed that to go against his conscience would be to serve the state with a lie, which is not to serve it at all."⁴⁷³ American Catholics who followed conscience during Vietnam were not in danger of being beheaded, but St. Thomas More offered American Catholics an example of how the traditional framework of law and conscience worked in worldly affairs. The imagined connections between the 1530s and the 1960s – the literary and mental acts of making a tradition – helped American Catholics facing conscription to follow conscience in their own circumstances.

Catholic activists campaigned publicly in 1967 for the traditional rights to follow conscience. Catholics translated the traditional prerogative of following conscience into the legal status of Selective Conscientious Objection, and they organized on behalf of both the theology and the legal category. The American Pax Association (APA) launched its "Rights of Conscience Campaign" during the spring 1967 congressional hearings to protect Catholic SCOs who, like latter day Mores and Jägerstätters, decided in conscience that following particular unjust laws – like the draft law for Vietnam – went against God's will. According to Pax's understanding of Catholic just war theory, individual Catholics were to discern the difference between just and unjust wars, form conscience, and behave accordingly. As Pax explained in a campaign memo, "Catholics, if they are true to the teachings of their church, must in conscience oppose participation in all wars that do not meet the conditions of the just war."⁴⁷⁴

⁴⁷³ Anonymous Catholic Conscientious Objector, "Conscientious Objector Registry Form," March, 1970. Catholic Peace Fellowship Records (Hereafter CPF), Box 31, Folder "C," UDNA.

⁴⁷⁴ The American Pax Association, "U.S. Draft Law—Unjust to Catholic Citizens," April 3, 1967. Eileen Egan Papers (hereafter EEP), Box 1, Folder 2, UNDA.

Pax warned against handing conscience over to the modern state on matters of war – a Catholic could not safely assume a modern state’s military campaign to be just. “Twentieth century history gives much reliable proof that the state is not a reliable keeper of the human conscience,” a Pax petition noted.⁴⁷⁵ Pax, turning Nuremberg into a victory for Catholics’ “primacy of conscience,” – the Church’s homegrown turn of phrase – lobbied congress to recognize the rights of conscience. In a petition to congress sent during the hearings on selective conscientious objection, Pax claimed that “the principle of the primacy of conscience over the law of the state was upheld by the United States at Nuremberg,” adding that, “we ask that the responsibility of an individual to his conscience be held up at home.”⁴⁷⁶ The traditional rights accorded Catholics held as the state conscription men for its army.

The Rights of Conscience Campaign was truly a campaign in the sense that the APA petitioned people of influence. The APA pushed members of congress to defend, publicly, the traditional exercise of following conscience rather than unjust laws. A letter Pax sent to members of Congress during the SCO hearings, a boiler plate for facsimiles, explained how “a reaffirmation of the duties of conscience was made by the Catholic bishops of the entire world at the Second Vatican Council.”⁴⁷⁷ The letter made the explicit recommendation that to protect the rights of conscience, Congress make known to the Selective Service that: “THE CONSCIENCES OF THOSE WHO FOLLOW THE JUST WAR TRADITION SHOULD BE RESPECTED [original emphasis].”⁴⁷⁸ Pax also lobbied the American Catholic Church’s own hierarchy. A September 1968 letter to the

⁴⁷⁵ Ibid.

⁴⁷⁶ The American Pax Association, “End Discrimination in the Draft Law,” noted dated but ca spring 1967. GGHP, Box 107, Folder 13, CUAA.

⁴⁷⁷ American Pax Association to Congressman, May 19, 1967. USCCBSAD, Box 51, Folder 8, CUAA.

⁴⁷⁸ Ibid.

bishops, circulated well after the congressional hearings (also formulaic) recommended that the hierarchy “take steps to [protect] young Catholic men who are called by their consciences to refuse to serve in a war they believe is unjust and immoral.”⁴⁷⁹ Pax claimed to have the backing of bishops, theologians, lay people, politicians, and Protestants.

Pressuring the hierarchy entailed sensitizing the prelates to a moral imagination defined by balances between law and conscience. Activists reminded bishops about the important role Catholic theology, political and moral, accorded conscience. The bishops, were they doing their job as guardians of tradition, should have made it easier for lay Catholics to tip the balance towards conscience in response to the state’s conscription laws. Gabriel Huck of the Washington Chapter of the CPF accused the bishops of failing to teach Catholics about the important role bestowed upon conscience in the just war framework. In a letter to 250 American bishops, Huck lamented that “if [the CO’s] conscience, formed perhaps in part by recent statements of Paul VI and his own knowledge of the war in Vietnam, tells him that this war is unjust, he must either violate his conscience or suffer years in prison.”⁴⁸⁰ Catholics had work to do in their own house. In a statement to the National Committee on Catholic Concerns, Tom Cornell, who co-directed the CPF, reminded the hierarchy of the conscience-affirming possibilities of doubt (according to the Catholic theology of conscience, one could follow conscience in the face of a dubious law). Implicit in the just war teaching, Cornell wrote, “is the teaching ... that an earnestly informed conscience may have grave and irresolvable moral doubt as to the justice of a particular military endeavor ... [and] become absolutely

⁴⁷⁹ The American Pax Association to Archbishop John Wright, September 23, 1968. GZP, 6/8617, UNDA.

⁴⁸⁰ Gabriel Huck to Bishop, October 17, 1966. GGHP, Box 107, Folder 13, CUAA.

convinced of the immorality of a particular war.”⁴⁸¹ The bishops needed to teach laypeople and priests about the leverage granted to conscience by Catholic theology, in the just war framework and moral theology.

SCO and its affirmation of conscience – invoking conscience to reject participation in a particular war deemed by the individual to be unjust – earned a steady stream of endorsements from Catholic authorities in 1967 and 1968. Pax scooped the emphatic defense of conscience (above, in capital letters) from a private letter sent to them in May 1967 by archbishop of Atlanta Paul J. Hallinan. Hallinan’s letter recapitulated the phrase – increasingly commonplace in the late 1960s – that, “the nation has no intrinsic right to keep the individual’s conscience, no matter how benignly.”⁴⁸² The tradition of following conscience entered into the world by way of well-placed human (Catholic) conduits. Auxiliary Bishop James P. Shannon and New York senatorial candidate Paul O’Dwyer endorsed the rights of conscience at a community event in October of 1968. A *National Catholic News Service* cable reported that Shannon “urged that the U.S. Selective Service Law recognize the right of individual conscience, whether that conscience had been formed in the ‘just war’ tradition of Christian churches or in a humanistic moral code.”⁴⁸³

Advocacy for selective conscientious objection and its empowered notion of conscience took place behind the scenes in Catholic bureaucracies. Peter J. Henroit, a Jesuit intellectual then living in the nation’s capital, sent a private letter to Joseph L. Bernardin, General Secretary of the United States Catholic Conference, pushing him to

⁴⁸¹ Thomas Cornell, “Proposal to the National Committee on Catholic Concerns From the Catholic Peace Fellowship on ‘Selective’ Conscientious Objection to War,” nd but ca August 1967. GZP, 4/5514, UNDA.

⁴⁸² Paul J. Hallinan to Eileen Egan, May 25, 1967. EEG, Box 1, Folder 2, UNDA.

⁴⁸³ “Bishop Shannon Discusses Selective Conscientious Objection,” October 23, 1968. GGHP, Box 108, Folder 1, CUAA.

endorse selective conscientious objection on the grounds that “one must recognize that many men face serious decisions of conscience without any positive, explicit, and clear guides being offered by those who should be helping them to form maturely their consciences on this matter.”⁴⁸⁴ Selective conscientious objection found friends in high places and had proponents working in organizational backchannels. SCO could become a real political possibility, Catholics imagined, if more Catholics defended the traditional proposition that moral authority could be shifted onto the conscience.

Gordon Zahn continued his campaign. Having moved from Loyola Chicago to the University of Massachusetts Boston, Zahn went to work on his new local Catholic authorities, attempting to turn them into conduits through which the traditional teachings on conscience could flow into the world. He wrote Monsignor Francis Lally, editor of *The Pilot*, the Boston Catholic newspaper, in November of 1967 urging him to organize parish-level conferences on Catholic conscientious objection. If nothing else, Zahn presumed Lally would agree to the conferences because of the Church’s high regard for conscience. “I am sure we can agree,” Zahn wrote, “that the Catholic community should be prepared to recognize and respect the right and obligation of these young men to obey the dictates of their consciences.”⁴⁸⁵ Zahn also recommended that pastors and superiors attend the training sessions. To successfully defend Catholic conscientious objectors, Zahn thought support needed to come from “the top,” he explained, “in the form of specific instructions that the private conscience is to be respected and defended.”⁴⁸⁶ The tradition of following conscience became more real in the world as religious authorities

⁴⁸⁴ Peter J. Henroit to Joseph Bernardin, August 16, 1968. USCC, Box 104, Folder “Military Affairs: Selective Service: Conscientious Objectors, 1968-1969,” CUAA.

⁴⁸⁵ Zahn to Francis Lally, November 17, 1967. GZP, 2/01713, UNDA.

⁴⁸⁶ Ibid.

put their weight behind it. Zahn reasoned that, if he convinced Catholic authorities to buttress conscience claims, Catholic SCOs could more successfully object to the war. The Catholic Church's traditional teachings on conscience needed to be upheld.

Zahn attempted to rouse his own local prince of the church, Boston Archbishop, Richard Cardinal Cushing, to a defense of the theology of conscience. Zahn's 1968 exchange with Cushing demonstrates that bishops, often men of practical affairs, were slow in converting to the cause of conscience – but by 1968, many seemed intrigued by the thought. Zahn continued to dip the theology of conscience in Jägerstätter's blood to generate intrigue from fellow Catholics. Recalling a moment in the 1940s in Germany when Jägerstätter upheld the tradition in worldly affairs – drawing attention to the reality that an individual Catholic lost his head trying to strike the balance of law and conscience – might motivate a religious authority to defend conscience in America in the summer of 1968.

In a March 1 letter, the twenty-fifth anniversary of Jägerstätter's refusal, Zahn recommended to Cushing that he take strides “to alert pastors and other clergy from the Boston archdiocese to the rights of those in their flocks who might feel obliged in conscience to refuse participation in what they believe to be an unjust war, just as Jägerstätter did twenty-five years ago this very day.”⁴⁸⁷ In his response, Cushing acknowledged the weight of conscience in Catholic tradition, but found its realization impossible. “I note all you have to say with regard to a just and unjust war and the right one has to protest against serving in what his conscience tells him is an unjust war or in any war,” Cushing wrote, adding that “however, no matter how we clarify the present war... I could never assume leadership in telling young men here or elsewhere that the

⁴⁸⁷ Gordon Zahn to Richard Cushing, March 1, 1968. GZP, 9/12422, UNDA.

war in Viet Nam is unjust and if they sincerely believed this that they should not serve.”⁴⁸⁸ The tradition of following conscience – though “noted” as established just war theology – still seemed other-worldly to Cushing in March of 1968. Zahn’s defense of conscience also ran-up against Cushing’s many practical loyalties as archbishop: Cushing sent chaplains into the battlefields of Vietnam. “I don’t understand,” Cushing wrote, “how I can come out with a statement that you recommend concerning the defense of the rights of conscience at the present time when I am trying to get Chaplains to follow the troops wherever they go.”⁴⁸⁹ The traditional injunction to follow conscience was real, but unleashing it into secular affairs would produce too many contradictions.

But Zahn slowly won over a reluctant convert. Cushing, as quoted at the outset of this chapter, found the nation’s new sensitivity to conscience to be a “good thing” by August of that year.⁴⁹⁰ The traditional teaching on conscience had done some work in the world: the tradition, as presented by boosters like Zahn, made Americans “sensitive” to claims of conscience.

Pax, the CPF, and Zahn lobbied prelates vigorously in 1968 to make the bishops’ annual statement, due to be released in fall 1968, into a concerted injection of the tradition of following conscience into the secular calculations conscription. Activists like Zahn understood official documents as opportunities for those at “the top” of the hierarchy to defend the traditional framework of law and conscience. But the completed document, “Human Life in Our Day,” like the documents of Vatican II, ultimately disappointed Catholic conscience activists. The bishops celebrated the broader turn to conscience by reiterating the rights of the erroneous conscience: “As witnesses to a

⁴⁸⁸ Cushing to Zahn, March 8, 1968. GZP, 9/12422, UNDA.

⁴⁸⁹ Cushing to Zahn, August 15, 1968. GZP, 9/12422, UNDA.

⁴⁹⁰ Cushing to Zahn, August 8, 1968. GZP, 9/12422, UNDA.

spiritual tradition which accepts enlightened conscience, even when honestly mistaken, as the immediate arbiter of moral decisions, we can only feel reassured by this evidence of individual responsibility and the decline of uncritical conformism to patterns.”⁴⁹¹ The bishops then suggested that Congress recognize the possibility that the Catholic theology of conscience could legitimately underwrite selective conscientious objection. But the Bishops recommended only “a modification of the Selective Service Act, making it possible, although not easy, for so-called selective conscientious objectors to refuse.”⁴⁹² The traditional injunction to follow conscience in the face of an unjust law seemed unable to penetrate the secular realities of policy-making. Many Catholics considered the Church’s endorsement of conscience – with its still other-worldly location – an incomplete project in 1968.

“This Freedom of The Individual to Follow His Own Conscience is Deeply Incribed in Catholic Theology” : Lay Catholic Men, the Theology of Conscience, and the State’s Paperwork

The expansion of higher education – both secular and religious – in the 1960s helped Catholic men in their late teens and early twenties to inhabit the traditional moral imagination of law and conscience. College education often marked the culmination of a long process of becoming fluent in Catholic language. And the expansion of Catholic higher education was nothing less than stunning in the twenty years before the draft. Between 1945 and 1965, enrollment in Catholic colleges increased by 300%, from 92,426 to 384,526.⁴⁹³ Catholic men – products of Catholic institutions – explained to the Selective Service and its draft boards, often in the form of an essay, that Catholic

⁴⁹¹ The National Conference of Catholic Bishops, “Human Life in Our Day,” November 15, 1968. Priests For Life, <http://www.priestsforlife.org/magisterium/bishops/68-11-15humanlifeinourdaynccb.htm> accessed 15 June 2015

⁴⁹² Ibid.

⁴⁹³ *America’s Miracle Man*, 78.

tradition encouraged Catholic lay men to follow conscience, the subjective source of moral decision-making. Catholic men wanted the Selective Service to allow them to exercise a traditional moral imagination structured by the proper balance of law and conscience.

Jim Forest and Thomas Cornell of the Catholic Peace Fellowship collected copies of the formal paperwork Catholic conscientious objectors filed with the Selective Service. The paperwork – dossiers – required demographic data (height, weight, etc.), educational history (primary, secondary, and post-secondary education), religious background (denomination, education, instructors), and short answer essays on the reason for objecting to induction. Often, Catholic men explained their motivations in essays submitted with the formal paperwork. The dossiers are now stored in the Catholic Peace Fellowship papers in the University of Notre Dame Archives.

Catholic men routinely cited the Church's teachings on obedience to conscience in their essays. It was the Catholic Church which had taught them to follow their consciences, they explained, especially in the case of an unjust war. The draft dossiers demonstrate that Catholic men had not only absorbed the language of conscience, but that Catholic men could explain and expand on the teachings on conscience. As such, the draft dossiers show that lay Catholic men had a strong desire, born of learning Catholic traditions, to maintain the tradition of following conscience in the concrete response of being drafted into the military.

Catholic college-aged men claimed the Catholic Church taught them to follow conscience. They intended to uphold the teaching in the difficult circumstances brought on by the draft. Stephen "Shorty" Spiro, a graduate of Farleigh Dickinson University, and

the only correspondent whose name is not withheld in this section for legal reasons, told officers from the New Jersey Selective Service System that because Vietnam qualified as an unjust war according to Catholic criteria, “I am forced to rely on my own conscience, which the church teaches must always be our ultimate and final guide ... my conscience has formed a judgment, which I must accept and follow.”⁴⁹⁴ A Catholic CO with a bachelor’s degree from Duquesne University and two years of experience in the Peace Corps put it succinctly: “From my earliest education,” he told his draft board, “I was trained to follow my conscience above all other moral guides.”⁴⁹⁵ Told to follow conscience by the Catholic Church, they wanted to act on this theology in the world. Another Catholic CO, sending the transcript of his interview with a Massachusetts draft board to the CPF, claimed to tell hearing officers that “the Church has always affirmed man’s right in conscience to act according to his beliefs”⁴⁹⁶ Catholic men understood themselves to be working on instructions from their church to follow conscience.

Catholic draft-age men – invoking the traditional Catholic vernacular of “binding” – claimed to be bound to follow conscience rather than draft laws, a realization of their Catholic upbringing. A CO who called himself a “practicing Catholic,” who was then enrolled at Fordham University as a member of the Reserved Officers Training Corps (ROTC), wrote on Selective Service System New York City Form Number 54 that, “a man is always bound to follow his conscience, and here disobedience to conscience is an

⁴⁹⁴ Stephen Spiro, “Appeal Board, Panel No. 1, State of New Jersey, Selective Service System,” October 12, 1964. JCFSJ, Box 46, Folder 5, ANEPRSJ. The archives the University of Notre Dame asks that the names of Catholic conscientious objectors found in their collection be withheld.

⁴⁹⁵ Anonymous Catholic Conscientious Objector, “Conscientious Objector Registry Form,” March, 1970. CPF, Box 31, Folder “C,” UDNA. UNDA requires researchers to sign a waiver agreeing that the names of the conscientious objectors will not be used.

⁴⁹⁶ Anonymous, “Summary of Hearing with Local Board 83,” May 18, 1966. CPF, Box 28, Folder “P,” UNDA.

act of rebellion against God.”⁴⁹⁷ Some lay Catholic men did not understand following conscience to be a choice; they took following conscience to be a duty. “The Roman Catholic recognizes the duty of every Christian to always follow his conscience,” a graduate of a Jesuit high school who went to Columbia University wrote on his form, adding, after citing Vatican II on the “depths of conscience,” that, “as a Christian and a Catholic, I have a moral obligation to adhere to the dictates of my conscience. In following conscience, I cannot, under any circumstances serve in or for the armed forces.”⁴⁹⁸ Catholic laymen carried the duty to follow conscience – made incumbent upon them by traditional theology – into the concrete disputes with the Selective Service. Another Catholic CO, a product of Catholic schools in Pittsburgh and a student at the University of Dayton, minoring in theology, claimed in his draft dossier that “I am bound in my conscience to seek God’s will... It is according to the dictates of my conscience that I am bound to obedience to God in a relationship that is superior to any arising out of any human relation.”⁴⁹⁹

Lay Catholic men demonstrated considerable literacy in the conscience-affirming lessons of the just war tradition. A lay Catholic from Minnesota, invoking an argument made famous by Jesuit John Ford, told his draft board that “the teachings of the Catholic Church today are opposed to a total war and recognises [sic] the individuals [sic] right in conscience, to refuse to bear arms.”⁵⁰⁰ This Catholic CO, a product of St. Thomas University who planned for a career as a public school teacher in the state system,

⁴⁹⁷ Anonymous, “Panel of Questions Continued: Selective Service System New York City, Form No. 54.” CPF, Box 24, Folder “A,” UNDA.

⁴⁹⁸ Anonymous, “Part II: Religious Training and Belief,” nd but circa 1966-1967. CPF, Box 24, Folder “B,” UNDA.

⁴⁹⁹ Anonymous, “Conscientious Objector Registry Form,” June 3, 1967. CPF, Box 20, Folder “C,” UNDA.

⁵⁰⁰ Anonymous, “Conscientious Objector Registry Form,” n/d but filed ca July 1966. CPF, Box 26, Folder “H,” UNDA.

attended mass at the Newman Center on campus at the University of Minnesota as he worked on a master's degree in education. Lay Catholics inscribed the duty to follow conscience in the face of an unjust law – as explained in the just war theory – onto the pages of the state's paperwork. A lay Catholic already in the military and seeking an honorable discharge described how “over the centuries various writings and documents of the Church fathers have constituted [an] authoritative statement as to the stand the Catholic Church takes with regard to conscience and participation in war.”⁵⁰¹ He drew the conclusion that “St. Thomas Aquinas and St. Augustine have written about a ‘just’ war but added that conscience is of primary importance.”⁵⁰² Lay Catholics understood their Church to have a powerful teaching, authentically Catholic, that conscience could be followed in the face of a law requiring participation in an unjust war. It was up to Catholic men to maintain the tradition of following conscience by not entering an army then fighting in an unjust war. They pleaded with the state to be permitted the chance to uphold the Church's traditional teachings on conscience.

Lay Catholic men also stretched the Church's teaching on conscience in their draft dossiers, considerably so, but not beyond the tradition. A Catholic who left a Detroit seminary to pursue a bachelor's degree in psychology at the University of Michigan asserted that “Christianity demands that the individual pursue that which he thinks is right,” adding – as he understood his own Catholic tradition – “this freedom of the individual to follow his own conscience is deeply inscribed in Catholic theology.”⁵⁰³ Lay Catholics, educated at religious or secular universities, not only understood the

⁵⁰¹ Anonymous, “Application for Discharge from the United States Army,” nd but ca 1967. CPF, Box 24, Folder “B,” UNDA.

⁵⁰² Ibid.

⁵⁰³ Anonymous, “Conscientious Objector Registry Form,” nd but ca 1965. CPF, Box 24, Folder “A,” UNDA.

fundamentals of the teaching on conscience, they used their educations to expand and shape the tradition to broad ends. Another lay Catholic, distilling the entire run of Catholic teachings on war, concluded that “it is a matter of Catholic faith and belief that conscience must be obeyed ... conscientious objection can be claimed and based on the Catholic faith teaching on conscience alone, without recourse to any other precept.”⁵⁰⁴ These acts of interpretation reflected the university-setting in which lay Catholics pondered the Church’s teachings on conscience.

Another Catholic claimed to have learned about the role accorded conscience in the just war theory during his last year as an undergraduate at Fordham. In a copy of his interview transcript, he claimed to have told the draft board officers that, “in senior year at Fordham the morality of war ... was discussed in my philosophy class, along with the individual right of conscience ... for the first time I discovered what conscientious objection really was, and how it was valid.”⁵⁰⁵ He brought a bibliography, given to him by a Jesuit priest, to the draft board interview. Attempting to uphold the tradition of following conscience, as taught by the Church, should (in theory) convince draft board examiners to let Catholic men forgo military service.

Vatican II, Catholics assured draft boards, brought the traditional teachings on conscience, already on the books, more fully into focus for the Church’s faithful. One Catholic draftee claimed that the Second Vatican Council “reemphasized the dignity of the human person, and also emphasized the binding of church members to the dictates of

⁵⁰⁴ Anonymous, “Reply to the Resume and Recommendation,” September 30, 1967. CPF, Box 25, Folder “E,” UNDA.

⁵⁰⁵ Anonymous, “Personal Appearance of March 6, 1968 Before the Local Board,” March 6, 1968. CPF, Box 25, Folder “F,” UNDA.

consciences.”⁵⁰⁶ He then quoted at length from the *Constitution on the Church in the Modern World*. His dossier was not eccentric; block quotes from the Second Vatican Council on conscience appeared frequently in lay Catholics’ draft documents. One Catholic draftee gave the readers of his discharge papers a break from Vatican II quotes with this transition sentence: “having defined conscience for the Catholic,” he wrote, “the council fathers called for legal recognition of the rights of those whose consciences forbid them to engage in war.”⁵⁰⁷ A Catholic draftee claimed to have asked his draft board, mid-interview, if he could read the *Constitution on the Church in the Modern World*. He claimed to have “read two sections [to the draft board] ... about the man who won’t fight on the basis of conscience.”⁵⁰⁸ As an event of global importance, with documents of historical significance, laymen believed Vatican II helped make the case that Catholics had an obligation, made incumbent upon them by tradition, to follow conscience.

Catholics’ invocations of conscience were a type of reflex. Years of Catholic pedagogy endured in childhood and adolescence rendered conscience, the subjective pivot of moral life, into a faculty Catholic men were convinced they really possessed. Conscientious objectors reared in the Catholic Church in their younger years, but having “fallen away” in adulthood, could still articulate the theology of conscience for draft boards in the traditional vernacular of law and conscience. A man from Brooklyn who claimed in his application to have had 13 years of Catholic education told his draft board that he no longer practiced his childhood religion but “the morality which I herein

⁵⁰⁶ Anonymous, “Conscientious Objector Registry Form,” June 3, 1967. CPF, Box 24, Folder “C,” UNDA.

⁵⁰⁷ “Application of Anonymous for Discharge from the United States Army,” CPF, Box 24, Folder “C,” UNDA.

⁵⁰⁸ Anonymous, “Summary of Hearing with Local Board 83,” May 18, 1966. CPF, Box 28, Folder “P,” UNDA.

express is in accord with Roman Catholic teaching... human life has been erected through a force which, although I don't understand it, I can sense, and I am aware of its direction through my conscience."⁵⁰⁹ Another Catholic conscientious objector who had attended catechism classes from the 2nd to the 8th grade, no longer considering himself Catholic, told his draft board – using language that bore a striking resemblance to Vatican II – that: “I believe conscience is the medium by which the supreme laws of nature, which are my religious beliefs, are relayed to me.”⁵¹⁰ The traditional teaching on conscience already had a reality in the world for one-time Catholic students; now the truths known in conscience needed to be upheld in the face of conscription.

Education at Catholic institutions connected pupils to a process – a process that became real to them – by which God placed commands directly into conscience. One man claimed that “conscience is where I see the will of God.”⁵¹¹ Still another declared, “It is through one's conscience that the will of God is transmitted to us.”⁵¹² A Catholic CO, a product of Catholic elementary and high schools, still practicing, claimed his objection rested on “belief in a Supreme Being and ... Catholic training,” which led him to conclude that “my conscience must be the guide for my life for God makes known his wishes through my conscience.”⁵¹³ The connection to the process whereby God made his wishes known in the person's conscience lingered well after graduation from Catholic primary and secondary schools. Catholic education implanted an internal space in its students, the conscience, where God made known his will, in real time, on earth. Catholic

⁵⁰⁹ Anonymous to Chief of Naval Personnel, April 24, 1965. CPF, Box 24, Folder “B,” UNDA.

⁵¹⁰ Anonymous, “Conscientious Objector Registry Form,” December 18, 1967. CPF, Box 24, Folder “C,” UNDA.

⁵¹¹ Anonymous, Draft Dossier, May 22, 1967. CPF, Box 24, Folder “C,” UNDA.

⁵¹² Anonymous to the Catholic Peace Fellowship, May 15, 1967. CPF, Box 24, Folder, “B,” UNDA.

⁵¹³ Anonymous, “Draft Counselee Record Form,” December 23, 1970. CPF, Box 31, Folder “A,” UNDA.

men conveyed to draft board officials that God made known in their consciences that they not fight in the Vietnam War.

Catholic men actively formed consciences through prayer and by reading Catholic texts. They understood the conscience to be a living reality in need of “proper formation.” A Catholic CO who claimed to have made a dozen retreats to a Trappist Monastery where he prayed “for God to draw me closer to him,” told the Selective Service that, “I find in my conscience, after having studied [sic] the writings of the Church on the subject, the simple and direct command not to participate in war.”⁵¹⁴ A Catholic man enrolled at Stanford, with a major in Humanities and Religion, who claimed to have spent the previous summer reading the New Testament, told the Selective Service, “I am now ready to make the decision for conscientious objection ... I must follow my conscience as it has been formed by my religious beliefs.”⁵¹⁵ He then quoted from Vatican II, and statements from Pius XII, John XXIII, and Paul VI, and concluded that “these statements have certainly been involved in the recent formation of my conscience on the matter of war.”⁵¹⁶ Catholic men formed their consciences through reading and reflection, living the tradition of “forming conscience” in the concrete circumstances of their lives. Now the draft board officers had to decide if the traditional injunction to follow conscience would be honored by the state.

Catholic COs understood their Church to have given conscience a centrality in the person – what Catholic tradition called the “primacy of conscience.” The Catholic Church, these COs claimed, had preached primacy its entire history. Conscience,

⁵¹⁴ Anonymous, “Selective Service System: Special Form for Conscientious Objector,” December 2, 1965. CPF, Box 24, Folder “C,” UNDA.

⁵¹⁵ Anonymous, “Statement in Answer to the Questions in Series II,” nd but ca 1968/1969. CPF, Box 24, Folder “B,” UNDA.

⁵¹⁶ Ibid.

therefore, per tradition and Church history, actually had this primacy in the world in an ontological sense. One Catholic CO explained tersely to his draft board that “the Catholic Church has always taught the primacy of a man’s conscience.”⁵¹⁷ Catholic COs felt confident that the Church never ceased giving consciences a primacy. “The Roman Catholic Church has long held and taught the formal belief in the primacy of the individual conscience in moral decisions,” another Catholic CO assured his draft board.⁵¹⁸ Another Catholic stated it flatly: “The frequent and consistent teaching of the Catholic Church regarding the primacy of conscience is very clear.”⁵¹⁹

In most draft applications Catholic men assumed the meaning of primacy to be self-evident. One Catholic explained that “the constant teaching of the Church regarding the primacy of conscience ... throughout Church history would indicate that the answer is unqualifiedly yes,” to the question of whether or not a Catholic could be a conscientious objector.⁵²⁰ He had lifted this quote directly from CPF activist Jim Forest’s 1965 pamphlet, *Catholics and Conscientious Objection*, a text with official approval for publication from Terence Cooke, Archbishop of New York. As Catholic teaching had given conscience a primacy, so conscience should, Catholics contended, have a primacy in the world too.

It was popular to bring the primacy of conscience into the world by inserting it into the state’s official paperwork. Primacy first appeared in Catholic moral discourse in 1964 in debates about birth control, and it often went undefined. The word shared a broad

⁵¹⁷ Anonymous, “Draft Counselee Record Form,” December 23, 1970. CPF, Box 31, Folder “A,” UNDA.

⁵¹⁸ Anonymous Catholic Conscientious Objector, “Conscientious Objector Registry Form,” March, 1970. CPF, Box 31, Folder “C,” UDNA.

⁵¹⁹ Anonymous, “Conscientious Objector Registry Form,” December 30, 1967. CPF, Box 204, Folder “B,” UNDA.

⁵²⁰ Anonymous, “Reply to the Resume and Recommendation,” September 30, 1967.

relationship to St. Peter, whose “primacy” among the apostles, made him the first pope. Catholics seemed to suggest that primacy entailed a requirement, when facing a moral decision, to deal first with conscience. Conscience had a real world primacy: conscience was proximate, immediate, and internal. Recall that Paulist priest John Sheerin wrote in *The Catholic Mind* in 1967, that, “The primacy of conscience means that ultimately I am responsible for my beliefs ... I am bound to follow my conscience, not that of a ‘Catholic spokesman.’”⁵²¹ A Catholic CO attending the University of North Carolina ventured close to a definition: “The Church teaches the primacy of conscience,” he wrote, “and calls criminal those who in the name of obedience, obey commands which conflict with all embracing principles of natural law ... the Church praises those who refuse such blind obedience and follow their conscience.”⁵²² Placing a “primacy” on an internal theological faculty entailed the power to infuse it with the possibilities of centering moral decision-making in the individual’s conscience. The North Carolina CO then declared to his draft board that “I believe in the primacy of the human conscience in making moral decisions, as taught by the Church.”⁵²³

Catholic men had internalized the notion that conscience could not be handed over to state authorities. Laws – and commands in war – usurped the individual’s personal responsibility to form their own consciences to understand God’s will regarding a particular action. Lay Catholics, remaining the traditional moral imagination of law and conscience, refused to relinquish conscience (the subjective source of moral guidance) to the state. One Catholic CO, explaining why he could not fight, wrote: “one is

⁵²¹ John B. Sheerin, “Who Speaks for the Church on Vietnam?” *The Catholic World* 204 (November 1966), 75.

⁵²² Anonymous, “Selective Service System: Special Form for Conscientious Objectors,” January 11, 1972. CPF, Box 25, Folder “D,” UNDA.

⁵²³ Ibid.

surrendering his free will to an extent which I feel incompatible with my belief that a man is obliged to maintain his freedom to decide on the basis of his own conscience and moral principles the morality of all situations he faces.”⁵²⁴ Another Catholic CO based his objection on the grounds that the “code of military obedience – follow the leader, be he right or wrong – negates the obligation of each man to follow his conscience.”⁵²⁵ Conscience had to be considered before obeying the state’s laws. Catholic men understood well the often-repeated lesson that conscience could not be handed over to the state. Conscience had a stubborn “proximity” to the Catholic self.

Priests explained why the church’s teachings on conscience permitted a Catholic man to contest his induction into an army fighting a war deemed unjust. No draft dossier was complete without letters of recommendation. The CPF advised Catholics to secure 5 or 6 letters, and to make sure one letter came from a priest.⁵²⁶ Fr. Lyle Young, a priest from New Guinea who worked with the CPF as a draft counselor, told a Philadelphia draft board in 1968 that, in the Roman Catholic Church, “there is a teaching which is absolutely the basis to our faith ... and that is the necessity that each man follow the dictates of his conscience.”⁵²⁷ A Dominican priest teaching theology at Aquinas College in Grand Rapids, Michigan expressed his support for a Catholic CO, his student, by noting in his letter: “If the conscience of a man should see a particular war as unjust, even though no special or official condemnation of this war has ever been made by the Church, it would be in keeping with Catholic theology that this man must follow the dictates of

⁵²⁴ Anonymous, “Draft Counselee Form,” January 8, 1971. CPF, Box 33, Folder “M,” UNDA.

⁵²⁵ Anonymous, “Selective Service System Special Form for Conscientious Objector,” CPF, Box 33, Folder “N,” UNDA.

⁵²⁶ Jim Forest to Anonymous, November 2, 1965. CPF, Box 25, Folder “D,” UNDA.

⁵²⁷ Lyle Young to Anonymous, December 8, 1968. CPF, Box 31, Folder “E,” UNDA.

his conscience.”⁵²⁸ Catholic men who followed conscience acted in accordance with official church teachings. Draft boards ought to permit Catholic men to follow conscience, a well-established Catholic tradition, in the world.

Catholic laymen – respected members of their churches and communities – elaborated in character references on why the church’s teachings on conscience allowed Catholic laymen to stand in judgment of the state’s draft laws. Benard DePrimo, an associate professor of philosophy at Aquinas College, explained to a draft board that Catholic moral theology has “consistently maintained that civil law cannot justly require a person to act contrary to his sincerely-formed conscience,” adding that: “in a choice between obeying a civil law and obeying his conscience, the moral obligation of the Catholic is to follow his conscience.”⁵²⁹ Catholic laymen who had long been aware of the teaching on conscience, and had taken it as axiomatic, shared the contours of the teaching with the state. Richard Oppenheimer Jr., who claimed to hold a 90-hour Confraternity of Christian Doctrine Teaching Certificate from the Archdiocese of Atlanta, stated flatly that for one CO: “his conscience would not permit him to accept the Government’s concept of authority.”⁵³⁰ In a second letter to an Atlanta draft board, Oppenheimer, who also claimed to have taught religion classes to eighth graders at a local parish, explained that this particular CO was an “honest and sincere person.” Oppenheimer defined sincerity as “respect for and adherence to conscience,” adding the academic gloss that “in Catholic theology, conscience can be defined as one of the means by which God communicates

⁵²⁸ Rev. Terence O’Shaughnessy, OP to Draft Board, November 27, 1967. CPF, Box 24, Folder “B,” UNDA.

⁵²⁹ Benard DePrimo to Draft Board, December 14, 1967. CPF, Box 24, Folder “B,” UNDA.

⁵³⁰ Richard Oppenheimer to Local Draft Board, Laurens County, July 31, 1969. CPF, Box 33, Folder “O,” UNDA.

with man, usually thought of as a manifestation of God the father.”⁵³¹ Catholic laymen wanted the state to recognize that Catholic theology supported younger laymen who, in conscience, could not obey the state. Laymen wanted to maintain the tradition of following conscience in response to the state’s draft laws.

“The Essence of the Case is the Role Played by One’s Conscience in Catholic Doctrine” : The Theology of Conscience at the Supreme Court, 1970-1972

Catholic laymen felt in the early 1970s that the bishops had not pushed Congress hard enough to recognize the Church’s traditional teachings on conscience. Richard Roderick and Stephen Tapseat, then seniors at Notre Dame University, wrote to this effect in a theologically adept letter to Archbishop Patrick Aloysius O’Boyle in May 1970. Roderick and Tapseat noted the bishops’ 1968 defense of selective conscientious objection, but pointed out the subsequent political failure: since the fall of 1968, “no legal action has been taken [by congress] to ensure the rights of conscience of those young men in this situation, many of whom, we remind you, have formed their consciences according to the just war theory.”⁵³² The Notre Dame seniors lamented that Catholic selective conscientious objectors who used the Church’s just war framework could not, as of spring 1970, follow conscience.

Other prelates received similar letters. Layman James Thunder reminded USCC General Secretary Joseph Bernardin in July of 1971 that a Catholic’s first duty was to ponder Catholic tradition before obeying the draft law. “The Catholic’s first duty is not to act automatically in induction to the armed services ... the first duty is to consider the Catholic traditions of Crusade, just war, and pacifism, and then to pray,” Thunder

⁵³¹ Richard Oppenheimer to Local Draft Board 91, July 31, 1969. CPF, Box 33, Folder “O,” UNDA.

⁵³² Richard Roderick and Steven Tapseat to Patrick O’Boyle, May 21, 1970. United States Catholic Conference (hereafter USCC), Box 104, Folder “Selective Service: Military Affairs: Conscientious Objectors, 1970,” CUAA.

explained.⁵³³ Yet, Catholics who followed these duties of conscience-formation had no loophole in the law. Thunder thought the bishops should secure legislation for the Catholic selective conscientious objector, but, he wrote, “it is first necessary to make it possible to let Catholic SCOs live in accordance with their conscience without fear of imprisonment or need to emigrate.”⁵³⁴ Desperate times called for desperate measures. Thunder recommended bishops allow laymen to become temporary clerics so as to receive the deferment granted to priests.

In the summer of 1970, three American Catholic bishops – feeling pressure from Catholic lay men – encouraged congressmen to honor the traditional injunction to follow conscience in the form of selective conscientious objection (SCO). Albert Fletcher of Little Rock brought the plight of the Notre Dame seniors to the attention of Senator J.W. Fulbright, a highly visible opponent of the Vietnam War, in hopes of finding a solution for just war objectors. “While I readily understand this very difficult problem because of the conflict of the nation defending itself and the sorely tired conscience of the individual (who might be opposed to all war, but would be opposed in conscience to a particular war),” Fletcher wrote, “I hope that congress can give its attention to the problem and find some solution.”⁵³⁵ Bishop of Portland Peter L. Gerety and Edward C. O’Leary, president of Portland’s Priest Senate, copied the section of selective conscientious objection from “Human Life in Our Day” in a letter to Washington Senator Edmund Muskie. Gerety and

⁵³³ James Thunder to Bishop Bernardin, July 1, 1971. USCC, Box 104, Folder “Military Affairs: Selective Service: Conscientious Objectors, June-April 1971,” CUAA.

⁵³⁴ Ibid.

⁵³⁵ Albert Fletcher to JW Fullbright, June 10, 1970. USCC, Box 104, Folder, “Conscientious Objectors, 1970,” CUAA.

O’Leary wrote on behalf of the fresh wave of conscience claimants whose graduations from universities were imminent.⁵³⁶

House of Representatives member G. V. Montgomery from Mississippi received the most thorough-going explanation of the theology of conscience. Bishop Joseph B. Brunini of the Natchez-Jackson diocese explained to the congressman that Catholics met God on the grounds of conscience to render a judgment regarding any action, including obedience to state law. Brunini explained that, “in the last analysis, each young man makes the judgment for himself in the court of last appeal, the forum of his own conscience where he is alone with God.”⁵³⁷ Catholics should be ready to follow conscience and the Selective Service needed to accommodate Catholic selective conscientious objectors. Brunini concluded that “if a young man’s conscience tells him that a particular war is morally wrong, he should have the courage and the stamina to follow his conscience.”⁵³⁸

Catholics, in response to such pressure, took the moral imagination of law and conscience to high-level courts: a *cause célèbre* for conscience had been gathering steam in California since the summer of 1968. Eleven Catholic priests and two Catholic laymen, Leslie Bowen and James McFadden, sued the state of California and the Selective Service to obtain recognition of selective conscientious objectors in the spring of 1968.

The official suit, filed by Richard Harrington, a seasoned draft lawyer, placed the 13 plaintiffs into the sacred narrative of Catholic conscience claims. Harrington first staked his case on the notion that the Second Vatican Council made clear that Catholics

⁵³⁶ Peter L. Gerety and Edward C. O’Leary to Edmund S. Muskie, June 1, 1970. USCC, Box 104, Folder, “Conscientious Objectors, 1970,” CUAA.

⁵³⁷ Joseph Brunini to G.B. Montgomery, August 10 1970. USCC, Box 104, Folder, “Conscientious Objectors, 1970,” CUAA.

⁵³⁸ Ibid.

were bound to form and follow conscience. Vatican II documents demonstrated, Harrington claimed, that “training and belief requires Catholics in conscience to refuse to participate in war using unjust means.”⁵³⁹ Then, anchoring Vatican II in a deep tradition, Harrington explained that the documents of Vatican II are “the most recent, binding interpretation of Catholic religious teaching; continuous from St. Augustine through St. Thomas Aquinas, St. Robert Bellarmine and Suarez.”⁵⁴⁰ Harrington gave Vatican II’s defense of conscience a biblical and theological base. “The Pastoral Constitution on the Church likewise speaks with binding force to the plaintiffs as Catholics that each must examine and act in accordance with his own conscience,” Harrington wrote, adding that “the duty to examine and act in accordance with conscience, as announced in St. Paul’s Epistles to the Romans, 2:15 and 14; St. Matthew, 5:8; 12:34.”⁵⁴¹ The plaintiffs, eleven priests and two laymen, were bound to form and follow conscience, as stated in Catholic tradition.

The case attracted considerable attention from Protestants as well as Catholics. The National Council of Churches and six of its 33 member denominations offered their support in the form of seven separate amicus briefs.⁵⁴² The general counsel for the USCC, William Consedine, brought the case to the attention of a high-ranking monsignor in an April 1969 memo.⁵⁴³

⁵³⁹ Richard Harrington, “United States District Court for the Northern California: Complain for Declaratory Relief and Injunction,” May 10, 1968, 3. USCC, Box 104, Folder, “Conscientious Objectors, 1970,” CUAA.

⁵⁴⁰ Ibid.

⁵⁴¹ Ibid., 4-5.

⁵⁴² “NCC and Six Denominations Challenge Draft of ‘Selective Objectors,’” *The Religious Newsweekly* March 18, 1969.

⁵⁴³ William R. Consedine to Monsignor Hurley, “Memorandum: Selective Service Cases on Conscientious Objections to Combat in Vietnam,” April 11, 1969. USCC, Box 104, Folder, “Conscientious Objectors,” CUAA.

More notable than any other detail of the case was its victory. Harrington won the case. The Church's traditional injunction to follow conscience in the face of an unjust law, supporting selective conscientious objectors, scored a legal victory with two senior judges in the California court system.⁵⁴⁴ Selective conscientious objection had been validated by a California court, and Catholic lawyers made the case supporting it with elucidations of Catholic tradition.

Catholics from California then faced the considerable task of convincing Supreme Court justices to let conscripted lay Catholics act on a traditional moral imagination defined by law and conscience. The federal government filed an appeal, sending the case to the Supreme Court. Catholic conscience-followers were central to the case. Bowen and McFadden, both lay Catholic men with university educations, had sued the state as just war selective conscientious objectors. Bowen, then 24 years old, had learned about the just war theory in a philosophy seminar at Aquinas College in Grand Rapids, Michigan. McFadden, once a postulant at St. Pius Seminary in Garrison, New York, left behind his training for priesthood to become a graduate student in philosophy at the University of California Los Angeles.⁵⁴⁵ The cases made by McFadden and Bowen had a sense of urgency: the Selective Service closed the loophole for graduate study deferment in 1969.

The USCC now had the opportunity to be a friend of the court like National Council of Churches and six of its member denominations before it: Harrington wrote John Dougherty, a priest from the diocese of Scranton then working for the USCC, in

⁵⁴⁴ As historian John McGreevy has shown, the judges, Alfonso Zirpoli and Stanley Weigel, were critics of the war. See John McGreevy, "The Northern District of California and the Vietnam Draft," *Western Legal History* 2 (Summer/Fall 1989): 268-270.

⁵⁴⁵ On Bowen and McFadden, see "Catholic 'Just War' Teachings Faces Court Ruling," *National Catholic News Service*, May 11, 1970; on McFadden, see "United States District Court for the Northern California: Complain for Declaratory Relief and Injunction," 5.

July of 1970, asking the bishops to file an amicus brief. Harrington had a trump card to play: eminent Catholic philosopher and lawyer John Noonan had already agreed to write the brief.⁵⁴⁶ Noonan, then working as a professor in the law school at the University of California Berkeley, the author of important studies on the history of usury and contraception, lent his name to the cause, giving the amicus brief a gravitas. The request snaked through the USCC's Washington D.C.-based bureaucracy in the summer of 1970.

Noonan expeditiously submitted an elaborate and systematic defense of Catholic conscience-followers to USCC bureaucrats. Noonan's paper arrived at the USCC and the office of its General Counsel in late July 1970.⁵⁴⁷ It reiterated all of the classic tenets of the theology of conscience in a dramatic fashion. When a Catholic had settled his or her conscience on a matter, to act against conscience entailed directly disobeying God. "The means by which man apprehends the divine law is his reason which as it directs man to act is called his conscience," Noonan began, "to act against conscience, therefore, is to refuse to obey the divine law and to disobey what is perceived as the command of God."⁵⁴⁸ Catholics had been taught to form and follow conscience by their Church, and a state's draft law did not abrogate such a traditional duty. "No command of secular authority may relieve the Catholic of his obligation to obey his conscience," Noonan wrote.⁵⁴⁹ The Catholic emphasis on conscience had inspired admirable martyrs: "in the context of this teaching of some nineteen hundred years, sealed by the blood of martyrs,"

⁵⁴⁶ Richard Harrington to Bishop John Dougherty July 8, 1970. USCC, Box 104, Folder, "Conscientious Objectors, 1970," CUA.

⁵⁴⁷ Patrick McDermott SJ to Msgr. Marvin Bordelon, "Chronology of Events in the Drafting and Consideration of the Negre Brief," September 14, 1970. USCC, Box 104, Folder, "Conscientious Objectors, 1970," CUA. This memo notes that "July 31: Prof. John Noonan sends draft for consideration by the USCC and its Office of General Counsel. This draft is meant to be a working paper for the General Counsel with the intention that a much shorter, more concise version would emerge."

⁵⁴⁸ John Noonan, "Background Paper: Re Conscientious Objection to War," 1,nd but ca July 31, 1970. USCC, Box 104, Folder "Conscientious Objection, 1971, Jan-Apr," CUA.

⁵⁴⁹ Ibid., 2.

Noonan wrote; “it is plain that for a Catholic to refuse to do an act because it is against his conscience is for him to fulfill the most basic moral duty of his religion.”⁵⁵⁰

Noonan then moved his argument back to the forensic sequence of the just war framework: if a Catholic had concluded in conscience that a particular war was unjust, he was morally bound by conscience to forgo participation in that particular war. This theological process was neither political nor personal – Catholics merely asked the Court to let a deeply cherished tradition enter the world. “Large latitude is given the individual Catholic conscience to determine the character of a war,” Noonan wrote, “... in any moral action, he will consider a variety of factors – but this normal way of forming his conscience will not make his judgment merely personal or political.”⁵⁵¹ Noonan, as his last layer of analysis, placed the Catholic SCO into a sacred narrative of conscience-followers that stretched back to the Acts of the Apostles – Peter’s declaration to the Sanhedrin that “We must follow God rather than men”(Acts 5:2) – up through the early modern stand of Thomas More and the modern stand of Franz Jägerstätter.⁵⁵² Noonan’s brief mixed the reasonability of natural law, the blood of martyrs, just war logic, and Catholic readiness to suffer.

The decision to file the amicus brief rested with top officials at the USCC in the late summer and the early fall of 1970. Time was of the essence: arguments were scheduled to be heard in October, and considerable bureaucratic work remained: the decision to file the brief was far from unanimous

William Consedine, the bishops’ general counsel, found Noonan’s brief profoundly problematic. In an August 25 memo to Joseph Bernardin, Consedine warned

⁵⁵⁰ Ibid., 3.

⁵⁵¹ Ibid., 5.

⁵⁵² Ibid., 6.

that Noonan's memo overestimated the Church's defense of conscience, particularly in "Human Life in Our Day." The bishops merely suggested following conscience to be an option; it was not incumbent upon all Catholics to follow conscience. Moreover, Catholics had not always rushed to the defense of conscience in American history. As Consedine understood the Church's history, "it has not been the policy of the USCC to support all issues of conscience."⁵⁵³ Supporting conscience in this instance ran the risk of damaging friendly relations with the Selective Service.

Noonan's brief profoundly distorted the Church's teachings on conscience, and their recent commitment of defending such claims, Consedine thought. Three weeks after sending the first memo, having analyzed the details of the case more fully, Consedine sent a second memo, this one more critical than the first. By the summer of 1970 several other SCO cases had been combined with McFadden's and Bowen's – and the name of a Catholic SCO who objected in the midst of his military service, Louis Negre, had become the appellation for the case. Negre, the son of French immigrants, had attended Catholic schools from first grade to the completion of high school, and studied two years at Bakersfield Junior College before entering the army in 1967. Consedine, with Negre as the personification of the case, mentioned the other half of the equation – the politics: "so far as Catholic doctrine is concerned, it is elementary both that Negre must obey his conscience and that the government is not bound by Negre's conscience."⁵⁵⁴ The state is not subject to an individual veto of conscience: Negre might be bound to follow

⁵⁵³ Mr. Consedine, "Memorandum to Bishop Bernardin, Subject: Negre v. Larsen," August 25, 1970. CUA, USSCB, Box 104, Folder, "Conscientious Objectors, 1970," CUAA.

⁵⁵⁴ Consedine, "Facts," September 15, 1970. USCC, Box 104, Folder, "Conscientious Objectors, 1970," CUAA.

conscience but the state was not bound to recognize Negre's claim of conscience.

Catholic tradition could not define political reality for American democracy.

Moreover, Consedine warned that the lawyers and lay staffers at the USCC were not theologically sophisticated enough to appraise the argument being made by Noonan and Negre about conscience: "the lay members of the staff are not competent to pass judgment on the argument advanced by Negre in respect of the Catholic theology and individual conscience," he wrote.⁵⁵⁵ Ultimately, Consedine warned the bishops that an argument based on conscience ignored constitutional and statutory law.

Despite the intense criticism of Noonan's treatise at the hands of the in-house general counsel, high-level officials at the USCC decided in favor of filing an amicus brief.⁵⁵⁶ The defense of following conscience won out over more careful considerations of law, politics, and citizenship. The bishops responded, on one hand, to the considerable pressure lay Catholics had placed on the hierarchy. But, on the other hand, the USCC understood their Catholic Church as having an important and reasonable case to press: Catholics believed their Church had made clear, with centuries of teaching and with the blood of martyrs, that lay Catholic men were authorized – and even obligated – to follow conscience rather than a secular draft law that assembled an army to conduct an unjust war. Catholic bureaucrats at the USCC understood the case to be about conscience. One line from a 1970 memo is emblematic of the Catholic moral imagination: The "essence" of the Negre case, Jesuit Patrick McDermott explained to General Secretary

⁵⁵⁵ Ibid.

⁵⁵⁶ Fr. Rausch to Msgr. Bordelon, September 14, 1970. USCC, Box 104, "Conscientious Objectors, 1970," CUAA.

Bernardin, “is the role played by one’s conscience in Catholic doctrine.”⁵⁵⁷ Catholics had expertise to lend. “The [USCC] does not have a charism about constitutional law,” McDermott wrote, “but it does have one relative to what it teaches about conscience, and that is what this case is about.”⁵⁵⁸ The USCC brought the Church’s traditional teaching to follow conscience into the debates with the Selective Service and ignored constitutional law.

The USCC and two elite lay Catholics lawyers forced the Supreme Court to judge a mixture of first amendment jurisprudence and the theology of conscience in the fall of 1970. Noonan and Consedine co-authored the official amicus brief. Pressure from staffers and influential members of the hierarchy persuaded Consedine, the USCC’s reluctant general counsel, to help write the amicus brief. The legal case hinged on persuading the Supreme Court that Catholics had the same duties to object to war as Quakers, and therefore Catholics deserved the same legal recognition as total pacifists. Harrington provided a lengthy section on freedom of religion, due process, and equal protection.

But the theology of conscience permeated the final document. Consedine and Noonan explained that the Catholic Church taught its members to follow conscience – even if the individual’s conscience was objectively erroneous. The authors summarized the “doctrine of conscience” by noting that “the Catholic is morally bound to follow conscience when it has been prayerfully and properly formed, even though the individual may be judged objectively in error.”⁵⁵⁹ More to the point, they argued, Negre, McFadden,

⁵⁵⁷ Patrick P. McDermott to Bishop Bernardin, “Re: Consedine to Bernardin Memo,” November 13, 1970. USCC, Box 104, Folder, “Conscientious Objectors, 1970,” CUAA.

⁵⁵⁸ Patrick P. McDermott to Bishop Bernardin, “Re: Consedine to Bernardin Memo,” November 13, 1970. USCC, Box 104, Folder, “Conscientious Objectors, 1970,” CUAA.

⁵⁵⁹ John T. Noonan Jr. and William Consedine, *In the Supreme Court of the United States, Louis A. Negre and Stanley R. Larsen, et al, On Writ of Certiorari to the United States Court of Appeals for the Ninth*

and Bowen followed an established Catholic teaching: “if participation in the war violates the Catholic’s conscience,” they wrote, “Catholic doctrine is clear that the individual Catholic has a duty to comply with his own conscience and refuse military service.”⁵⁶⁰

The Supreme Court would decide on the constitutionality of SCO in March of 1971, but bishops and staffers at the USCC, not waiting for the politics, immediately laid the groundwork for a formal statement urging the that the right to follow conscience (yet again) be made a real option in the legal form of selective conscientious objection. This new statement on SCO would contain none of the equivocations found in Vatican II documents or “Human Life in Our Day.” Jesuit James McDermott, a staffer involved in the backchannel bureaucracy of statement-creation, sent Zahn a copy of the draft. The draft rested on a considerable backdrop of statements affirming a Catholic’s duty to follow conscience in the face of unjust laws: it quoted from “Human Life in Our Day,” the successful defense of conscience in the California courts, and the amicus brief for *Negre*. As such, the draft delivered, once again, the well-established logic of the theology of conscience.⁵⁶¹ The bishops went home from the November 1970 meeting with a preliminary draft of a potential statement on SCO in hand, which was subject to their approval, yes or no, as well as modifications. Lay activists, college men, and intellectuals had converted many of the bishops into outspoken defenders of the Church’s traditional injunction to follow conscience by the early 1970s..

The proposal earned a sustained and acerbic critique almost immediately from retired archbishop of San Antonio, Robert E. Lucey. Lucey – like Consedine – warned

Circuit, Brief of the United States Catholic Conference, Amicus Curiae, October 1970 Term., 7. USCC, Box 104, Folder, “Conscientious Objectors, 1970,” CUAA.

⁵⁶⁰ *Ibid.*, 33.

⁵⁶¹ McDermott to Zahn, “Working Draft,” January 21, 1971. GZP, 2/01713, UNDA.

sternly against the planned-for augmentation of conscience. The theology, as elucidated in the draft statement, was technically incorrect. In a January 20 letter, harkening back to Pius XII's 1956 Christmas Address, Lucey pointed out that "We have already seen that Pope Pius XII has placed a limitation on the freedom of Catholics to appeal to their conscience against civil law."⁵⁶² In a letter sent three weeks later, citing John Courtney Murray, Lucey pointed out that St. Thomas had once argued that "man has an obligation to know the law," leading Lucey to conclude that "to follow a conscience is culpable only when a person chooses not to know what is right ... [there is]no absolute freedom of conscience."⁵⁶³ Catholics had a duty to consider the law. The bishops were in danger of letting conscience ride rough-shod over the law.

The ensuing exchange Lucey had with USCBB staffer Jesuit Patrick McDermott encapsulated what was at stake in defending the conscience in an unadulterated fashion: the ranking, in order of importance, of the long-standing Catholic injunction to follow conscience and its contender, the duties of American citizenship found in duties to obey conscription laws. Lucey also argued that Catholics were using the Church's teaching on conscience to shirk their duties as citizens of the United States. Lucey warned that, "this is not the time and ours is not the country in which a Catholic Hierarchy may properly encourage rebellion against legally constituted authority."⁵⁶⁴ Lucey wrote: "A Catholic

⁵⁶² Robert Lucey, "A Review of the Draft Declaration on Conscientious Objection Submitted to the American Hierarchy at the Semiannual Meeting in Washington, D.C., November, 1970, Presumably by Rev. Msgr. Marvin Bordelon, Director, Department of International Affairs, U.S.C.C., and Rev. Patrick McDermott, S.J., his Assistant," January 20, 1971, 3. USCC, Box 104, Folder, "Conscientious Objectors, Jan-Apr 1971," CUAA.

⁵⁶³ Lucey, "Conscientious Objection to Military Service in Vatican II 'Church in the Modern World,'" February 18, 1971, 1. USCC, Box 104, Folder, "Conscientious Objectors, Jan-Apr 1971," CUAA.

⁵⁶⁴ Lucey, "A Review of the Draft Declaration on Conscientious Objection," 5.

should recognize the God-given authority and duty of government to summon citizens to arms.”⁵⁶⁵

Patrick McDermott, citing recent history, begged to differ – the primacy of conscience was well-established: “Given all of the statements of the hierarchy and the papacy on the primacy of conscience,” he wrote in a response letter to Lucey, “it is reasonable to conclude that a number of Catholics could see a moral imperative not to serve in the armed forces.”⁵⁶⁶ The Lucey-McDermott exchange made plain what was at stake in the debates about whether or not the Church should defend Catholics’ rights to follow conscience: individual moral imperatives against the duties of a Catholic citizen to obey the state’s law. The bishops had the entire year (from November 1970) to consider the statement, before voting “Yay or Nay,” at their 1971 annual meeting. On March 8, 1971 the Justices voted 8 to 1 against the constitutionality of SCO, and the bishops resumed their campaign for conscience immediately.

The bishops continued to push conscience despite political failures. On May 14, 1971 – less than two months after SCO failed in the Supreme Court – USCC General Secretary Joseph Bernardin wrote Democratic Senator Philip Hart reminding him to pursue SCO in the senate.⁵⁶⁷ Hart, a Catholic from Michigan, delivered in a grand fashion, sending a letter to his fellow senators on June 4, 1971. The Catholic moral language of conscience formation permeated Hart’s circular. Hart defend SCOs who used the just war theory. “Many religious groups, including a majority of Christian

⁵⁶⁵ Lucey, “Conscientious Objection to Military Service in Vatican II,” 2.

⁵⁶⁶ McDermott to Lucey, January 21, 1971. USCC, Box 104, Folder, “Conscientious Objectors, Jan-Apr 1971,” CUA.

⁵⁶⁶ *Ibid.*, 2.

⁵⁶⁷ Bernardin to Philip Hart, May 14, 1971. USCC, Box 104, Folder, “Conscientious Objectors, Jan-Apr 1971,” CUA.

communions, adhere to the ‘just war’ tradition which requires the individual to make an ethical evaluation of the particular war in which he is required to participate,” Hart wrote, adding that, “the determination of what is just war must be made by the individual in obedience to his personal perception and his own conscience.”⁵⁶⁸ Hart also contended that the process of conscience-formation made a more ethically sensitive type of citizen. “One could argue that selective objection may reflect a more discriminating study of the ethical problem, a more sensitive probing conscience and a deeper spiritual understanding,” Hart wrote.⁵⁶⁹ The senator also reminded his colleagues that a free society like America’s recognized the importance of the individual conscience.

The bishops ignored constitutional law and used their statement to make a rousing defense of conscience. Preliminary ballots for the November 1971 vote on the SCO document poured into the USCC mailroom in the spring and summer of 1971. The majority of the early votes favored a strong statement on conscience, and completely ignored the Supreme Court ruling. Many of the bishops wanted the document’s take on conscience fine-tuned, even strengthened. Several bishops, approving of the statement but offering suggestions for additions, pledged to vote for the statement if it came with a more precise definition of conscience. Auxiliary Bishop John Fearn of New York wanted to get to the heart of the matter, and quickly: “a simple statement about the supremacy of conscience is better than the long and rather cumbersome citation from Vatican II,” he wrote.⁵⁷⁰ Other bishops stressed the need of “proper” conscience-formation. Cardinal John Carberry of St. Louis wanted the refurbished document to stress

⁵⁶⁸ Philip Hart to the Senate, June 4, 1971, 2. USCC, Box 104, Folder, “Conscientious Objectors, Jan-April 1971,” CUAA.

⁵⁶⁹ *Ibid.*, 3.

⁵⁷⁰ John Fearn, “Preliminary Ballot: Disapproves,” nd but ca June/July 1971. USCC, Box 104, Folder, “Conscientious Objectors, Jan-April 1971,” CUAA.

that “efforts must be made to provide young Catholics with adequate draft counseling by helping them to form a correct conscience.”⁵⁷¹ Romeo Blanchette of Joliet, taking the same line, recommended that there “should be added a statement regarding the obligation to form a correct conscience ... we cannot stress enough the obligation of forming correctly one’s conscience.”⁵⁷² More and more, the American Catholic bishops would not deny a Catholic’s duty to follow conscience, if, after proper formation, a man could not follow the law.

American bishops tweaked the statement in an effort to bring its approach to conscience in line with tradition, a sign of their commitment to defending Catholic prerogatives to follow conscience. Some approved of the statement without critique. William Johnson, auxiliary bishop of Los Angeles, having no objection to the statement, wanted the first sentence to read: “the traditional teaching of the Church regarding the primacy of individual conscience is crucial in the issue of conscience and war.”⁵⁷³ Joseph McKinney, auxiliary bishop of Grand Rapids, approved, but recommended that the statement “needs more Jesus.” Resting in the Catholic’s heart, he wrote, Jesus “cooperates with the Holy Spirit in establishing religious convictions in the formation of his conscience.”⁵⁷⁴ Fulton Sheen, former Catholic TV personality and Bishop of Rochester, voted in favor of the statement, and suggested the statement quickly note how

⁵⁷¹ Quoted in “Summary of Voting: Disapprove (With Comments),” August 19, 1971. USCC, Box 104, Folder, “Conscientious Objectors, Jan-April 1971,” CUAA.

⁵⁷² Romeo Blanchette, “Preliminary Ballot: I approve, Iuxta Modum,” July 26, 1971. USCC, Box 104, Folder, “Conscientious Objectors, Jan-April 1971,” CUAA.

⁵⁷³ “Modi,” August 19, 1971, 3. USCC, Box 104, Folder, “Conscientious Objectors, Jan-April 1971,” CUAA.

⁵⁷⁴ Joseph C. McKinney, “Approve: Preliminary Ballot,” nd but ca June/July 1971. USCC, Box 14, Folder, “Conscientious Objectors, Jan-April 1971,” CUAA.

“freedom of conscience must not be invoked for an excuse for cowardice.”⁵⁷⁵ Conscience could, however, be invoked to offer an “objective” refusal of an unjust law. Humberto S. Medeiros, newly appointed archbishop of Boston, also approved of the document, but added, at length:

I believe ... a sentence or two should be added to clarify the doctrine that conscience is formed in accord to the collective norms of morality ... the impression may not be given that the judgment of conscience is merely subjective, and that anyone is free to form as he pleases ... That must be asserted today again and again when all kinds of claims are made in the name of the supremacy of conscience.⁵⁷⁶

Bishops again affirmed the centrality of conscience in a Catholic’s response to the draft laws. The American Bishops wanted the theology to be correct: the Church’s teachings on conscience allowed an “objective” refusal to obey unjust laws.

The USCC offered a full-backing of SCO – underwritten by the traditional injunction to follow conscience – even when the Supreme Court rejected it just 7 months prior. The statement passed by a landslide vote of 217 to 33, and the USCC released the statement in October of 1971.⁵⁷⁷ The bishops abandoned the moderation of Vatican II and the suggestive language of “Human Life in Our Day” in favor of strong language. In the last calculation, the bishops wrote, “in the light of the Gospel and from an analysis of the Church’s teaching on conscience, it is clear that a Catholic can be a conscientious objector to war in general or to a particular war.”⁵⁷⁸ The Church’s teachings on conscience, as refined by October 1971, thus allowed Catholics to become total pacifists or SCOs. The document ended by calling on moralists, lawyers, and civil servants to

⁵⁷⁵ Fulton Sheen, “I approve mixta modum: Preliminary Ballot, Declaration on Conscientious Objection,” nd but ca June/July 1971. USCC, Box 14, Folder, “Conscientious Objectors, Jan-April 1971,” CUAA.

⁵⁷⁶ “Modi,” August 19, 1971, 7. USCC, Box 104, Folder, “Conscientious Objectors, Jan-April 1971,” CUAA.

⁵⁷⁷ Bernardin to Dearden, October 1971. USCC, Box 104, Folder, “Conscientious Objectors: Sept-Dec, 1971,” CUAA.

⁵⁷⁸ The statement was released in October of 1971. Quoted in “Documentation: American Bishops’ Declaration on Conscientious Objection,” *The Catholic World* (February 1972), 53

continue studying the problem of SCO and the theology of conscience. While politicians and jurists were settled on the matter, and found its case unpersuasive, American Catholics continued to defend conscience at the end of 1971.

Conclusion

Ultimately, Catholics failed to convince policy makers to allow Catholics to follow conscience in response to conscription. Congress and the Supreme Court rejected selective conscientious objection. But with the vigorous promotion of the traditional injunction to follow conscience, Catholics succeeded in transforming the very ontology of their American citizenship. As historian Seth Jacobs has shown, American Catholicism – with its confident theology and emphasis on bodily suffering – underwrote nation’s moral mission abroad to win the Cold War during the 1950s.⁵⁷⁹ Catholicism dovetailed with Americanism nicely, but not completely, in the global struggle against Communism.⁵⁸⁰ But with the augmentation of conscience in Catholic tradition, America’s moral mission abroad took a decided backseat to the subjective dimensions of moral decision-making made incumbent upon individual Catholics by broad political programs. This shift honored a long-standing tradition. Individual actions, like answering the draft, had to proceed through conscience, the subjective dimension of moral life. Conscience had a “primacy” and it “could not be handed over to the state.” Strengthening the defense of conscience, in real time, elevated Catholics’ theological commitments above political commitments.

⁵⁷⁹ Seth Jacobs, *America’s Miracle Man in Vietnam: Ngo Diem, Religion, Race, and U.S. Intervention in Southeast Asia* (Durham and London: Duke University Press, 2004): 60-87.

⁵⁸⁰ See Robert Orsi, “U.S. Catholics between Memory and Modernity: How Catholics Are,” in *Catholics in the American Century: Recasting Narratives of US History*, ed. R. Scott Appleby and Kathleen Sprows Cummings (Ithaca and London: Cornell University Press, 2012).

The traditional teaching to follow conscience when confronted with unjust laws did enter the Vietnam home front in a robust fashion through its countless Catholic conduits, earning a remarkable theological victory. Lay activists like Gordon Zahn and Catholic laymen like the Notre Dame seniors ultimately managed to convert the American hierarchy over to their cause. Zahn eventually secured his strongly-worded statement on the rights of conscience in 1971, after more than a decade of letter-writing and research. Institutions of higher learning, both secular and religious, served as incubators of the language of conscience/law and prepped Catholic students to take the teaching on conscience to draft board interviews. Catholic lay men, facing the draft, both understood and manipulated the tradition of following conscience. Theologians like John Courtney Murray and John Sheerin dusted off the old doctrine of conscience and gave it a new luster. The duty to follow conscience, always circulating, had become even more pressing. Conscience suddenly had a “primacy.” A pair of martyrs, one from the early modern era, and the other from Nazi Germany, dipped the theology of conscience in their blood, consecrating the concept and giving it an aura of the holy. Intercessions with saints who followed conscience helped Catholics bring the tradition of following conscience down from heaven, out of the books, and into their own earthly existence. John Noonan, a famous Catholic intellectual and Harvard-trained lawyer, authored a brief that mixed the reasonability of conscience in natural law, the blood of martyrs, just war logic, and Catholic readiness to suffer. He urged the Supreme Court to let the traditional teaching to follow conscience – a reasonable and traditional proposition – do its assigned work in the world. The bishops’ document on conscience, having abandoned early moderation for a new certainty, carried with a landslide vote of 277 to 33.

At the same time, the defense of conscience was a stunning failure in the worlds of legislation, hearings, and courts. Acting on and defending the traditional teachings on conscience in the world placed Catholics in conflict with the American state. Many Catholic COs and SCOs did not fare well in their cases before the courts. The case in California proved the only exception to this general rule of failure, and it succeeded because the judges were critics of the war. Stephen “Shorty” Spiro received five years of probation from the New Jersey court system. James Forest of the Catholic Peace Fellowship went to jail for draft counseling. The Burke Marshall Commission voted out of hand against the possibility of Selective Conscientious Objection even after hearing testimony from John Courtney Murray. Armed Service Committees in the House of Representatives and the Senate batted away the theology of conscience. The case brought before the Supreme Court, which took considerable effort on the part of the USCC, lost its case 8-1.

Ultimately, Catholics could not transform American liberalism into a Catholic reality. But this is not where the significance of the Catholic push to defend conscience rests. A tradition that stretched back the high middle ages expanded and flourished in the contests over the Vietnam War. On the Vietnam home front, Catholics remained in a moral imagination that favored conscience over unjust laws. This tradition – found in early, medieval, early modern, and modern Catholicism – placed theological commitments in front of national commitments.

5.0 CHAPTER 5

“The Problem Today Is Not To Get People To Avoid Sin, But To Form People’s Consciences”: The Theology of Conscience in Modern Psychology, 1961-1990

Introduction

On June 16, 1969, 33 academics (17 Jesuits, 9 Catholic laypeople, 1 Protestant theologian, and 6 secular scholars) gathered at a conference sponsored by Fordham University’s Pastoral Psychology Institute. The Institute had organized conferences since 1955 on psychologically-oriented themes such as sexuality, adolescence, marriage, and addiction. In 1969, the conference planners chose the theme “Conscience: Its Freedoms and Limitations.” In the conference’s published proceedings, Jesuit priest William Bier explained that planners chose conscience as the topic “because it seemed that this concept had moved recently into a central position both in the Church and the world.”⁵⁸¹ Vatican II documents, the debate on artificial birth control, and the general distaste for Church authority made it quite evident, Bier wrote, “that a consideration of conscience had become unquestionably central in the life of the Church.” While the question of selective conscientious objection, civil disobedience, and anti-establishment attitudes, made it,

⁵⁸¹ William Bier, SJ, “Preface,” in *Conscience: Its Freedom and Limitations* (New York: Fordham University Press, 1971), x.

Bier commented, “hardly less evident that conscience now occupies a central position in civic affairs as well.”⁵⁸²

Another approach, appearing at the conference but less conspicuous in public, helped Catholics to promote – and update – the traditional teachings on conscience. Two panels, “Conscience in the Perspective of the Behavioral Sciences” and “The Mature Conscience in Multidisciplinary Perspective,” featuring the insights of psychology, made the case that the theology of conscience, seemingly thrust into the limelight by debates about sex and war, should now be expressed in a distinct psychological language.

Increasingly after 1968, Catholics concluded that the traditional prerogatives to form and follow conscience could be enhanced if expressed in the language of developmental psychology.⁵⁸³ Catholics used a specific vernacular learned from developmental psychology (terms like “growth,” “awareness,” “dynamic” and “evaluation”), beginning in the late 1960s and continuing the late 1980s, to concretize and strengthen the formation of conscience. Catholics, like other Americans, lost confidence in authority figures – and the capacity of laws to organize moral life – and so, remaining in tradition, they turned increasingly to conscience, the other side of the moral structure. Catholics drew upon the insights of developmental psychology to complete this traditional swing from law to conscience.

Developmental psychology gave the formation of conscience an empirical reality: the formation of conscience – an old turn of phrase in a fresh psychological casting – occurred in discernable “stages;” it resulted in “personal growth;” and it “integrated the

⁵⁸² Ibid., xi.

⁵⁸³ Historians have taken note of the widespread diffusion of psychological language among American Catholics in the late 1960s. James O’Toole, “In the Court of Conscience: American Catholics and Confession, 1900-1975,” in *Habits of Devotion: Catholic Religious Practice in Twentieth-Century America* (Ithaca and London: Cornell University Press, 2004): 175-178.

self.” When the process of conscience-formation gave the individual Catholic a “mature conscience,” with rules internalized in the self and with the self cognizant of his or her responsibilities towards others, one’s “development” could be considered complete. The individual Catholic with a well-developed conscience had no need to simply obey external laws; they responded to laws with prudence. Lawrence Kohlberg, a Harvard psychologist popular among American Catholic thinkers in the 1970s, called this stage “post-conventional”: morality had been internalized (in conscience) allowing a person to respond creatively to a particular situation without relying on an external law. Kohlberg’s framework, though it eschewed the supernatural, expressed perfectly the basic goals of Catholic conscience formation. Catholics used the language of the developmental psychology to *see* the formation of conscience as actually occurring in real time. The language helped Catholics to make the case that the growth of conscience – through stages and self-integration and constant movement – marked the ideal path of moral development for Catholic individuals in world no longer organized by external laws. The individual with a “mature conscience” made the correct moral decisions in a world undergoing flux as a result of the broader culture wars, a highly traditional goal.

This chapter has three sections. The first section charts the initial turns to psychological language among American Catholics before exploring how European theologians provided American Catholics with psychological, personalist, and even existential tools to redefine conscience. The second section places the 1969 Pastoral Psychology Institute in the broader context of reflection, endorsement, and critique that surrounded the explosion of conscience talk in the late 1960s and early 1970s. Analyzing the context of reflection, endorsement, and critique shows how American Catholics

shifted the locus of moral authority onto the conscience as laws, and authority figures, failed to organize adequately moral life. The law and conscience structure, with roots in the thirteenth century work of Thomas Aquinas, held that moral authority shifted to conscience in the face of unjust laws and with commands from illegitimate authority figures. Catholics increasingly used developmental psychology to make the shift. The third section, the bulk of the chapter, explores how American Catholics used the tools of developmental psychology to concretize and strengthen the formation of consciences. The conclusion summarizes the chapter's findings.

“This Seeking and Finding and Choosing is Conscience”: Psychological, Existential, and Personalist Redefinitions of Conscience, 1960-1971

Jesuits deployed language of positivity and psychology to give their order's examinations of conscience a new edge in the mid-1960s. The examination of conscience was to do more than make the Jesuit subject cognizant of having broken certain codes. The examination of conscience was not intended to produce scrupulous obedience to the law, Jesuit P. de Letter wrote in 1964, it was “meant to be a means for progress both in our personal spiritual life and in the practice of the apostolate.”⁵⁸⁴ In a 1964 article in the *Review for Religious*, Jesuit Daniel Araoz entreated fellow vowed religious to recognize that the examination, properly psychological, should not simply lead to an awareness of faults. “From a psychological point of view, we know that in general it is better to emphasize the good, to become clearly aware of one's positive qualities, than to be habitually concentrating on one's defects,” he wrote.⁵⁸⁵ Jesuit James Carmody believed that the self could be better known and a change of behavior more successfully rendered with the help of psychology. Carmody explained in *Sponsa Regis*, a magazine on

⁵⁸⁴ P. de Letter, “The Daily Examination of Conscience,” *Spiritual Life* 110 (Fall 1964), 194.

⁵⁸⁵ Daniel L. Araoz, “Positive Examination of Conscience,” *Review For Religious* 23 (1964), 621.

liturgical reform, that “the discoveries of psychology and the practice of psychoanalysis have brought home to us ... [the lesson that] no one can accept himself unless he is accepted by another.”⁵⁸⁶ Jesuits promoted psychology and psychoanalysis in the early-to-mid 1960s to improve the examination of conscience.

Catholic theologians warmed up to Sigmund Freud’s definition of conscience in the mid-1960s. Catholics suddenly found much to admire in the Austrian psychoanalyst’s understanding of conscience as the internalization of parental denunciations and encouragements. Dominican priest Michael Stock, adumbrating Freud’s notion of the conscience in 1961 for *Thomist*, noted that, despite a few drawbacks, “the concept of the superego has deepened our insights into the actual workings of the human psychism.”⁵⁸⁷ Catholics could understand moral development more deeply – and, in turn, the formation of conscience – by first recognizing the stage-based reality of the superego. Stock accepted Freud’s observations that individuals had an internal norm for judging right and wrong, acquired through socialization, that, “in its formation ... is closely connected with parental training, deriving indeed much of its efficacy from the deep emotional ties with parents.”⁵⁸⁸ Belgian theologian Louis Janssens, a professor of theology at the Catholic University of Leuven, offered a similar observation in his 1965 book, *Freedom of Conscience and Religious Freedom*. He agreed that the child’s parents and the given social environment were the initial shapers of conscience. Acknowledging the importance of socialization, Janssens admitted that, “most certainly we can accept, with the

⁵⁸⁶ James Carmody, “Examen,” *Sponsa Regis* 34 (March 1963), 203.

⁵⁸⁷ Michael Stock, “Conscience and Superego,” *Thomist: A Speculative Quarterly Review* 24 (April 1, 1961), 561.

⁵⁸⁸ *Ibid.*, 560.

psychoanalyst, the presence of an ‘ideal of myself’ from early childhood.”⁵⁸⁹ The child adopts norms – and notions of the self – through processes of socialization derived from education and environment.

Catholics found Freud’s notion of the superego useful but ultimately the superego was meant to be transformed. Stock – a Dominican formed by Thomism, the intellectual system of his order’s founder – faulted Freud’s superego for its imperviousness to reason. “For Freud, there is no real development of the superego after infancy, just a restructuring of its primitive elements,” he wrote.⁵⁹⁰ According to Thomas Aquinas, conscience welcomed improvement, and Catholics could produce a “correct conscience,” by way of reason, as presented by Catholic education. “For St. Thomas, then, the norms of conscience are planted early,” Stock observed, “[and] by their nature they invite understanding, and ideally, this understanding is eventually achieved.” But for Freud, “the norms of conscience have no particular reference to reason, are accepted without judgment by the child and becoming unconscious are hardly ever afterwards susceptible to critical evaluation.”⁵⁹¹

Janssens did not see the superego conscience as a moral conscience: “Unconsciously, the child guides himself according to the example of his educators (identification) and he adopts the ideal of life which governs his environment (introjection)... but this is not a true moral conscience.”⁵⁹² The individual had to transcend the original processes of socialization by way of reason and reflection to achieve a true moral conscience. Janssens argued that “as one awakens himself and as

⁵⁸⁹ Louis Janssens, *Freedom of Conscience and Religious Freedom*, trans. Brother Lorenzo, CFX (Staten Island, New York: Alba House, 1965), 55.

⁵⁹⁰ “Conscience and Superego,” 556.

⁵⁹¹ *Ibid.*, 568-569.

⁵⁹² *Freedom of Conscience and Religious Freedom*, 55-56.

one develops his capacity of unprejudiced knowledge and reflection, one will be able to acquire a more and more personal moral conscience.”⁵⁹³ Freud’s notion of the superego captured the initial relationship between environment and conscience but, if left untouched by education and reflection, the superego would never serve as a genuine Catholic conscience. But the modest inroads made by Freud’s superego helped American Catholics to see the formation of conscience as a reality by demonstrating the influence of socialization on the individual’s conscience. Catholics did, in fact, proceed through “stages,” beginning with infancy and childhood.

In the mid-1960s, European Catholics linked the well-developed conscience with “adulthood” and “maturity” in writings translated for American audiences. Persons developed conscience, in real time, to the point where such persons became “adults” no longer depending on laws for quick answers. Belgian Jesuit Louis Monden’s 1965 book, *Sin, Liberty and Law*, drew the connections between adulthood and conscience explicitly. Monden held several concurrent academic positions, among them an appointment as Professor of Religion and Psychology at John XXIII Seminary in Louvain. “The first thing to be said,” Monden began, “is that in principle there can be no opposition between an adult conscience and the law ... For maturity of conscience means the conscious welcoming of the direction of one’s own development and God’s invitation within his Church.”⁵⁹⁴ Monden understood conscience to have an important role in reaching adulthood because the conscience, internal to the person, could assume the guiding role once played by law. “Ideal spiritual adulthood of the conscience would consist in this,” he wrote, “that the compass of love would point the direction so unfalteringly that the

⁵⁹³ Ibid., 56.

⁵⁹⁴ Louis Monden, *Sin, Liberty and Law* trans. By Joseph Donceel, S.J., (London and Dublin: Geoffrey Chapman, 1966), 102.

external law is no longer needed.”⁵⁹⁵ The language of adulthood and maturity strengthened the role of conscience in moral decision-making.

Connecting conscience to adulthood became a common exercise in European Catholic writings available to American audiences. Quentin De La Bedoyere (whose father was an English count and long-time editor of Britain’s Catholic newspaper, *The Catholic Herald*) pursued this line of thinking in a 1966 article, “The Responsible Conscience” for *The Month*, an English Jesuit magazine. “Adults want a morality to which they can respond in freedom and with the fullness of their human personality,” Bedoyere began.⁵⁹⁶ He encouraged the Church to affirm the new role of conscience to reckon with the laity’s desires for an adult morality. Bedoyere thought the church should “recognize that Christian liberty and the autonomy of conscience are legitimate aspirations and consistent with her mission as a moral teacher.”⁵⁹⁷ Tradition held that Catholics could accentuate conscience in certain situations. Increasingly, turns of phrase in a developmental language – adulthood – aided the traditional task of following conscience.

The reality that Catholics were growing and developing meant that Catholic morality needed an updating, by way of a renewed emphasis on the formation of conscience. Catholic writers from the United Kingdom who wrote for periodicals influential on the American scene were deeply convinced that the Church needed to bring the formation of conscience more fully into Catholic curricula so as to liberate Catholic pupils from a permanent moral infancy marked by subservience to the law. Bedoyere’s demand that it be “drummed into every Catholic that he is responsible for forming his

⁵⁹⁵ Ibid., 102-103.

⁵⁹⁶ Quentin De La Bedoyere, “The Responsible Conscience,” *The Month* 35 (June 1966), 345.

⁵⁹⁷ Ibid.

conscience at every point,” so as to avoid reliance on the law, became a common refrain.⁵⁹⁸ As of 1966, the formation of conscience, rather than obedience to law, needed to figure more prominently in Catholic education. Educational researcher Sister Laurence, of the Sisters of Notre Dame Convent in Glasgow, sent a sociological questionnaire to 614 sixteen year-old girls, pupils of Catholic schools, to understand their notions of sin. Sister Laurence found her respondents focused too much on obeying the laws (including 192 girls who remained in the “infantile stage” of avoiding the forbidden), provoking her to comment in an article for *The Clergy Review*: “It is sobering to reflect that the notion of the autonomy of the human conscience, fundamental to Christianity, has practically disappeared from [Catholic] teaching.”⁵⁹⁹ Dominican theologian F.H. Drinkwater, remarking on how the Church was watching its children grow up, concluded in a 1966 article for *New Blackfriars* that, “theologians will need to have a new look at the theology of conscience, which at present is almost non-existent, or only just visible.”⁶⁰⁰ The traditional framework recommended the elevation of conscience as the law failed. Drinkwater hoped that the Church would find itself in a “process of discovering or re-discovering a larger kind of conscience altogether.”⁶⁰¹ Not a “computer-like” conscience programed to import the law, but an ethically sensitive and internal conscience becoming of a people in motion. This conscience was “fundamental to Christianity” and in need of “re-discovery.”

In 1965, European theologians began to advance the argument, in an existential parlance, that all particular acts ought to be extensions of what was known to the believer

⁵⁹⁸ Ibid., 351.

⁵⁹⁹ Sister Laurence, “The Sacrament of Penance: An Investigation,” *Clergy Review*, 51 (February 1966): 115-116.

⁶⁰⁰ F.H. Drinkwater, “Conscience Emergent,” *New Blackfriars* 47 (February 1966), 243.

⁶⁰¹ Ibid.

in conscience. The conscience contained a Christian's "total orientation towards life" or a "total meaning of existence." The conscience guided all particular acts as a moral nerve center as it contained a broader posture towards life. The individual located "what they stood for" – apprehended after formation and development – in the conscience, and brought all actions into line with the authentic self as known in conscience. Louis Janssens advanced the most intricate iteration of this argument:

We must succeed in shaping a fundamental judgment of conscience on the total meaning of our existence in order to be able to develop in detail in its light the particular judgments of conscience required in regulating specific acts in conformity with what one considers to be the total meaning of his life, with what conscience one conceives as the ideal of me to be achieved.⁶⁰²

By this reason, all smaller acts should be made in conformity with the total meaning of one's life as known in conscience. Janssens argued that conscience apprehended the "total meaning of existence." This was a broader role for conscience, steeped in existential language, but it did not break with long-standing traditions. "Fundamental judgment of conscience," he wrote, "determines in our actual life the measure of knowledge that we attain concerning the moral good, by pursuing it, that is, in the total meaning of our existence, the ideal of me to be realized."⁶⁰³ The conscience remained the "supreme subjectivity" and the "secret nucleus" of the person. It took on a new role of holding the person's ideal as laws no longer seemed to generate authentic behavior. The editors of the *New Blackfriars* (published by English Dominicans) offered this conscience-centering advice to readers in 1965: "every act of mine, every decision I take, should be an extension of my conscience."⁶⁰⁴ The believer used what was known in

⁶⁰² *Freedom of Conscience and Religious Freedom*, 57.

⁶⁰³ *Ibid.*, 58.

⁶⁰⁴ "Moral Order and the Freedom of Conscience," *The New Blackfriars* 46 (June 1965), 495.

conscience to guide every moral act, large and small. Every moral act thus manifested the total meaning of life as disclosed in a believer's conscience.

The first appearances of existential definitions of conscience on the American scene were modest reappraisals and amounted to only a handful of articles. Franciscan Leonard Foley offered one of the initial redefinitions of conscience in his column, "Stepping Stones to Heaven," published in the June 1964 edition of *St. Anthony Messenger*. Conscience, Foley remarked, was not "some kind of record God puts on a player in our soul," "some kind of gadget attached to my soul," or "a catalogue of laws."⁶⁰⁵ Foley defined conscience as the entire process of searching for – and apprehending – the truth. God held the ultimate truth. But the person must seek, in principle and in fact, the truth God wanted to communicate to the person. "This seeking and finding and choosing is conscience," Foley wrote.⁶⁰⁶ God granted persons consciences, but persons must actuate the process of conscience from an initial stirring all the way to the grasping of truth. It was through forming conscience, and not quick understanding of law, that a Catholic grasped truth.

Foley's existential and psychological language captured new emphases on motion, development, and searching. The new language strengthened the role of conscience in moral decision-making. "God himself made this final, sacred sanctuary where truth is sought and goodness freely embraced," Foley wrote, "I have a 'good conscience' if I am sincerely seeking, at each new moment, the truth and the whole truth

⁶⁰⁵ Leonard Foley, "You (and) Your Conscience," *St. Anthony Messenger* 72 (June 1964), 15.

⁶⁰⁶ Ibid.

about life, and sincerely embracing the good that lies at the heart of truth.”⁶⁰⁷ The person who develops conscience, Foley concluded, fulfills God’s plans for his or her life.

American Catholics increasingly understood the conscience as this core of the person from which all moral decisions and notions of the self would flow. Conscience assumed a new role as moral nerve center as law continued to lose the capacity to organize moral life. A Catholic laymen writing for *The Liguorian* in 1966, the national magazine of American Redemptorists, explained that when the process worked correctly, “Your conscience is speaking out for you as a person...Conscience ... is that strong voice within you together with the Holy Spirit who knows, feels, appreciates, and judges in a situation that, even if you wanted to, you could not silence it.”⁶⁰⁸ Catholics understood the properly formed conscience to be the most authentic distillation of the person. Xavier G. Colavechio, a seminary professor and Norbertine priest, explained in a 1967 article for *Continuum* how conscience – urging the self to be authentic – unified the person. “Understanding conscience as this awareness of inner harmony,” he explained, “it is easily seen that the formation of conscience consists in an ever deepening awareness of self ... conscience ... is the inner most voice of the self, the very basis of the person, which says to man he must be authentic.”⁶⁰⁹ Obedience to law did not make the person whole or authentic; one followed conscience to make an “authentic” decision that extended from the authentic self as known in conscience.

The individual followed conscience, the most authentic voice of the self, rather than the stale external voice of law. The individual placed their “fundamental judgment” or “awareness of the self” into conscience and guided all subsequent moral actions, large

⁶⁰⁷ Ibid.

⁶⁰⁸ James P. Lavin, “Conscience or Mob Consciousness?” *The Liguorian* 54 (August 1966), 49.

⁶⁰⁹ Xavier G. Colavechio, “Conscience: A Personalist Perspective,” *Continuum* 2 (Summer 1967), 210.

and small, accordingly. As a 1967 article in *St. Anthony Messenger* explained:

“conscience is not a push-button gimmick, a red and green traffic light that blinks.”

Conscience did not, in other words, simply convey laws to be obeyed after the individual pushed a button or waited at a traffic light. Rather, conscience “is an attitude which possesses the entire being.”⁶¹⁰ This “attitude of your entire being,” structured, the article told readers, “the way you dress, write a letter, spank a child, treat your spouse, help a Samaritan, share pizza, weed carrots and pick blackberries.”⁶¹¹ Conscience became the individual’s chief moral guide as laws lost moral authority.

American Catholics were encouraged to affix increasingly heavy burdens of moral decision-making squarely on conscience by the Dutch Catechism. The authors of the Dutch Catechism (1967) explained to America readers why Catholics placed more emphasis on conscience. “There are many reasons why at the present time greater stress is laid on the personal verdict of conscience,” the Dutch authors began.⁶¹² A proper formation of conscience, above all else (considering but not outright obeying the laws) helped a Catholic to understand his or her “situation” and how to respond. Laws were incapable of anticipating each idiosyncratic moment; the values that underwrote laws were in flux; and the laws delved too deeply into the minutiae. Catholics had become more aware of the “growing uniqueness of each man and his situation.” The Dutch authors understood Catholics the world over to be living in a period when “our sense of values are being very definitely renovated.” Finally, the importance of conscience burgeoned because “laws which reflect an antiquated notion have gone too deeply into

⁶¹⁰ “To Catch the Conscience of a Child,” 30.

⁶¹¹ Ibid.

⁶¹² *A New Catechism: Catholic Faith for Adults* (New York: Herder and Herder, 1967), 375.

detail.”⁶¹³ The uniqueness of each individual, the notion that values were in flux, and the revelation of the limits of laws explained the new emphasis on conscience. When laws and authorities lost moral authority, the Dutch catechism explained, Catholic tradition, stretching back to the early church and Thomas Aquinas, merited a shift to conscience.

Endorsing the formation of conscience did not inaugurate an age of relativism. The Dutch authors explained that “we have the duty, as friends of God, with tranquil and courageous consciences, to consult men of good will and not to evade the responsibility of personal decision where this is called for.”⁶¹⁴ Catholics were obligated to reach a decision of conscience through consultation with community members, and to act on the responsibility to follow what was revealed in conscience. The well-formed conscience, and the duty to follow conscience, provided Catholics with a moral guide suited to the changing times.

Writers on both sides of the Atlantic split conscience into a tripartite operation – into stages – an exercise that also articulated the traditional teachings on conscience in psychological terms. The use of psychological terms helped to make conscience the locus of an individual’s moral decision-making. A 1966 editorial in the Catholic magazine *Sign*, on “The Split-Level Conscience” called the first level of conscience “instinct” (prohibition or taboos); the second level “human morality” (obligation to be true to the self); and a third level “religious” (an encounter with God).⁶¹⁵ Scottish philosopher John Macquarrie, an Anglican priest well respected in Catholic circles, introduced the tripartite operation of conscience into academic theology with his book, *Three Issues in Ethics*. Macquarrie identified the first level of conscience as the individual’s wrestling with

⁶¹³ Ibid.

⁶¹⁴ Ibid., 376.

⁶¹⁵ “The Split-Level Conscience,” *The Sign* 45 (February 1966), 34.

concrete “occasions of choice” where one decides right from wrong. In the second gradation, conscience has a “generalized knowledge of right or wrong, of good and bad ... a generalized knowledge of moral principles.” It was a mark of the times that Macquarrie introduced yet a third layer of conscience as a “fundamental mode of self-awareness – the awareness of ‘how it is with oneself.’”⁶¹⁶ The formation of conscience reached the highest stage when it offered “awareness” (the psychological term) of the self. Conscience conjured the ideal of the individual to be realized; such self-knowledge would prove useful in a world with its values in flux.

American and European theologians construed conscience as the most important location – inside the person – where the believer made contact with God. Catholics increasingly articulated the contact between individual conscience and the divine in psychological terms at the end of the 1960s. The Catholic found “inner awareness” or produced an “entire way of being” by encountering God on the grounds of conscience. Belgian theologian Philippe Delhayé’s 1968 book *The Christian Conscience*, translated into English and bearing the imprimatur of Archbishop of New York Terence Cooke, explored the letters of St. Paul and the natural law tradition of Aquinas to elaborate a highly psychologized definition of conscience. Delhayé, diocesan priest and professor at Institut Catholique de Lille, called conscience “God’s abode within us” where Christians “grasp moral values and that we make judgments on our attitude toward them.” Conscience served as the “primary spokesman of the Christian life.” It is because of this “interiorizing” of God’s call, according to Delhayé, that the “conscience truly realizes the

⁶¹⁶ John Macquarrie, *Three Issues in Ethics* (New York and London: Harper and Row Publishers, 1970), 111-112.

conditions of a contact between God and the soul.”⁶¹⁷ God appeared to be less of a law-maker and more of a conscience-dweller. Some American Catholic writers could put the psychologized formation of conscience in colloquial terms. In an essay for the volume *Conscience in Today's World*, Franciscan priest Cyril Maus explained that:

conscience is the main place where we carry on our lifelong dealings with God Himself ... In revealing Himself to us, God woos us and we respond in faith ... To see the precisely religious dimension of conscience, we must try to understand what ‘revelation’ means and what is involved in our response.⁶¹⁸

God went directly into the person – and made contact with the person – at the point of conscience. Catholics were to understand God’s call in conscience and respond accordingly.

Catholics explained the formation of conscience with terms drawn explicitly from developmental psychology beginning in 1968. The insights of developmental psychology helped Catholics “see” the formation of conscience occurring in real time, as a person moved from one life stage to the next. American Catholic writers joined European Catholic writers – often women – in understanding an individual’s passage from childhood to adolescence as a prolonged “development of conscience.” German Catholic Felicitas Betz, in a 1968 essay entitled “How the Child’s Conscience Develops,” explained for her readers that, “Conscience, like all life, develops in stages; it changes from the preliminary stage of dependent conscience to the inner voice.”⁶¹⁹ The goal of Catholic parenting was to develop a “mature conscience” that would be a “capable of

⁶¹⁷ Philip Delhay, *The Christian Conscience* trans. Charles Underhill Quinn (New York: Desclee Company, 1968), 19.

⁶¹⁸ Cyril Maus, “Conscience: The Call of God,” in *Conscience in Today's World* ed. Jeremy Harrington (Cincinnati, Ohio: St. Anthony Messenger Press, 1970), 9-10.

⁶¹⁹ Felicitas Betz, “How the Child’s Conscience Develops,” in *Making Sense of Confession: A New Approach For Parents, Teachers and Clergy* ed. Otto Betz and trans. Hilda Graf (Chicago: Franciscan Herald Press, 1968), 42.

criticism” rather than totally beholden to being “dictated.”⁶²⁰ In a 1968 pamphlet on penance, a nun known only as “Sister Marie,” stressed that obedience to rules only stunted the development of the conscience. “If we help [children] become conscious of the importance and value of acts of charity, mercy, kindness, goodness ... we are building a sound foundation for the development of Christian conscience,” she wrote, adding that, “forming a Christian conscience, therefore, is essentially fostering a love relationship between God and the human person.”⁶²¹ Developing conscience cultivated a relationship based on love between person and God, rather than law.

Terms drawn from the stock of developmental psychology defined the child’s growth exclusively as a process of creating an adult conscience (a conscience no longer using the law as a crutch). Sister Marie noted how the young child only had the “external conscience” of adults; only as the child matured did the conscience “internalize” and become in the individual’s own voice.⁶²² Mrs. Ethel Marbach, mother to eight children and author of two books, advised parents in an essay for *St. Anthony Messenger* that: “in trying to form a God-loving rather than a God-fearing conscience, we will provide a cocoon in which the child’s instinctual conscience can develop more easily into a moral one.”⁶²³ Catholic parenting guides on the theology of conscience read like excerpts from psychology textbooks. Around the ages of 6 to 8, now obeying rules out of internal control, Marbach observed that parents will see “the first growth of what we call conscience – an awareness and true self-control in decision making.”⁶²⁴ A significant

⁶²⁰ Ibid.

⁶²¹ Sister Marie, *Penance* (Worcester, Massachusetts: The Confraternity of Christian Doctrine, 1968) 3. Liturgy and Life Collection (hereafter LLC), Boston College Burns Library (Hereafter BCBL).

⁶²² Ibid.

⁶²³ Ethel Marbach, “To Catch the Conscience of the Child,” *St. Anthony’s Messenger* 74 (March 1967), 31.

⁶²⁴ Ibid.

surge in the literature offered Catholic parents advice on how to “develop” a child’s conscience, and marked the signposts on how the conscience moved from one stage to the next. The adult conscience spoke the values within rather than the laws – or the parents’ voices – from without. But the shift to conscience, taking place with a new vocabulary, had been foretold in Catholic tradition.

Psychological terms entered theological parlance rather subtly as priests concluded that Catholics had to “judge” how laws applied to their “particular situations.” In the summer of 1968 – after Vatican II documents had circulated and the invocations of conscience in sexual morality and the Vietnam War had become conspicuous – Catholic seminar professor John Dedek, an instructor of moral theology at St. Mary’s on the Lake, Chicago reflected on the question of whether or not Catholic teaching permitted the faithful to act on the “freedom of conscience” in concrete situations. Dedek, considering this question along the lines of natural law, began subtle movements towards a psychological vocabulary as he pondered how “the law” applied to the “individual’s situation.” Vatican II and the events of 1968 centered conscience in moral discussion but the implications of the new emphasis on conscience were not clear to Dedek. He wondered aloud in a 1968 article for *Chicago Studies* if Catholics should genuinely possess a “freedom of conscience” in the world. “While awaiting the full articulation of this theology,” he began, “it might be useful here to note some directions in which it might unfold.”⁶²⁵ Dedek first rehearsed St. Thomas Aquinas’s lesson that “the individual conscience must judge whether a law obliges in a particular situation.”⁶²⁶ Catholics had responsibilities dating back to the high medieval period to discern if the general good

⁶²⁵ John F. Dedek, “Freedom of Catholic Conscience,” *Chicago Studies* 7 (Summer 1968), 118.

⁶²⁶ Ibid.

appeared in a general law. “To judge the [law’s] binding force and relevance in one’s own situation is the burden and the freedom of conscience,” Dedek reminded his readers.⁶²⁷ Catholics acted on the freedom of conscience when they “judged” how the law applied to their particular “situation.”

But Dedek’s article stressed the exceptions to calls for obedience to authority. Dedek concluded that as a Catholic could favor conscience over a secular law that did not contain the general good (the draft law), so too could a Catholic favor conscience over a Church law that did not seem to contain a general good (artificial birth control). Church law, Dedek admitted, could fail to represent the good. Catholics could attain a freedom of conscience in worldly deliberations by determining – as individuals – the disjuncture between “the good” and the law. “It seems that it can be safely argued,” Dedek concluded, “that a Catholic possesses a genuine freedom of conscience in every area of his life.”⁶²⁸ Laws provided objective norms but did not always convey truth. Catholics proceeded with a “freedom of conscience” but it would be revealed through a “burden of conscience” to judge how the law applied to the individual’s situation.

The formation of conscience grew in stature as Catholic priests confronted the relationship between laws and individual moral growth. Priests increasingly concluded that law failed to serve as an adequate moral guide, priming, as outlined in tradition, an endorsement of conscience. Benedictine Paul Marx, considering this dilemma, scrutinized one of Patrick O’Boyle’s pastoral letters in his study at St. John’s University in Collegeville, Minnesota. The marginalia of Marx’s copy of Archbishop Patrick O’Boyle’s October 1968 pastoral letter (the briefing that critiqued the AWP’s turn to

⁶²⁷ Ibid., 119.

⁶²⁸ Ibid., 124.

conscience) demonstrates how a new emphasis on personal growth and the limits of laws brought the traditional teachings on conscience into a fruitful relationship with key terms from developmental psychology. Marx reviewed O'Boyle's pastoral letter and made notes on the physical text. Next to O'Boyle's insistence that the magisterium bound Catholic consciences to obedience, Marx jotted the words: "laypeople must make a reasonable effort to inform conscience."⁶²⁹ Marx penned his other disagreements with O'Boyle's emphasis on the timelessness of Church law into blank spaces of the pastoral letter. "But," Marx asked, in a sentence jotted next to O'Boyle's mention of Vatican II, "does this not mean that what is taught by the church must always be accepted regardless of the person continuing the education of man who knows more than the [Archbishop]?"⁶³⁰ Lay Catholics were persons in motion and movement, not stasis; a well-formed conscience provided an adequate moral guide in a moment when laws appeared ossified. In another flourish, next to a reference to Pius XII's assertions of divine law, he asked: "have we not developed since then?" Laypeople "developed" through education, a process, and a maturing, which helped them to "inform conscience."

Like other Catholic academics Marx argued that a moral system based on the formation of conscience became a real option for American Catholics with increasingly levels of education among laypeople. "Conscience can be better understood today because we are more educated than we were in the past," he concluded.⁶³¹ The formation of conscience grew in importance – increasingly equipped with a new vocabulary of "growth" and "development" – as priests like Marx determined obedience to the law a

⁶²⁹ Marx, "Comments on O'Boyle's Pastoral Letter," n.d. but late 1968. Paul Marx Papers (hereafter PMP), 55/12, University of Notre Dame Archives (UNDA).

⁶³⁰ Ibid.

⁶³¹ Ibid.

regressive mode of moral decision-making. As the law revealed limits, Marx used the vocabulary of development to shift moral decision-making to conscience, a highly traditional endeavor. Priests like Dedek and Marx remained in the traditional system of balances and counterbalances between law and conscience. The use of “growth language” from developmental psychology entailed a new means to emphasize a traditional end.

“Those People Who Speak So Confidently About The Supremacy of The Conscience Haven’t Really Faced Up To The Consequences of That Supremacy” :Reflection, Critique, and Endorsement, 1968-1971

The question lingered as to how, exactly, the new emphasis on the formation of conscience should affect real choices. Catholics held a series of academic conferences and published a number of literary symposia in the 1960s to address the question of how Christians were to follow the call of conscience in their own specific earthly circumstances. Catholic periodicals offered generous space to commentators urging Catholics to follow conscience. Psychological vocabulary, with its emphasis on “change” and “dynamism,” made several sly appearances. The magazine *Spiritual Life* published a symposium on “Conscience and Authority” in the fall of 1965, and the periodical *St. Anthony Messenger* published a symposium on “Conscience in a Changing World” in the spring of 1967.⁶³² Both symposia suggested that the limits of authority and the flux of the moral world merited more emphasis on conscience. An ecumenical conference held in Boston in the spring of 1967 on “The Role of Conscience,” detailed by Paulist priest John Sheerin in the *Catholic World*, mentioned speeches on “The Meaning of Conscience” and “Obstacles to the Development and Expression of Conscience.”⁶³³

⁶³² “Conscience and Authority: A Symposium,” *Spiritual Life* 11 (Fall 1965): 54-92; “Conscience in a Changing World; Symposium,” *St. Anthony Messenger* 74 (March 1967): 10-40.

⁶³³ “The Role of Conscience in the Modern World,” *America*, May 20, 1967, 746. See also John Sheerin, “Thomas More: Conscientious Objector,” *The Catholic World* 205 (July 1967), 196.

The surge of conscience talk brought public personalities from Catholic ranks to critique the spreading theology as incorrect, misguided, and imprudent. The Catholic Church still stood as a clear moral authority capable of precisely articulating divine and natural laws. The theology of conscience remained a traditional task of implanting the clear natural law (objective) into the subject's conscience (subjective). In a book published in 1969, German émigré turned Fordham philosopher, Dietrich von Hildebrand, wrote, "the thesis that the decision to practice contraception ought to be left to the consciences of individual Catholics has become quite fashionable ... [it is], however, a confusion – an utterly false understanding of conscience."⁶³⁴ Conscience did not determine right or wrong; conscience merely spoke it, as right and wrong had been already been discerned by the Church, and enshrined in the Church's laws. Conservative pundit William F. Buckley Jr. accused Catholics of abusing St. Thomas's dictums on conscience: "it seems to me that the Church has an obligation to especially emphasize the fact that to follow one's conscience without a total consultation and a submissive consultation with the contending position as specified by the Church is an act of hubris," Buckley announced – "those people who speak so confidently about the supremacy of the conscience haven't really faced up to the consequences of that supremacy."⁶³⁵ In the winter of 1969, the need to keep the theology of conscience exclusively on a natural law footing reached the Vatican. Speaking to a general public audience in February of that year, Paul VI felt compelled to offer a critique:

But We must make an observation about the supremacy and exclusiveness that people are attempting to attribute to conscience today in the guidance of human

⁶³⁴ Dietrich von Hildebrand, *Love, Marriage, and the Catholic Conscience* (Manchester, New Hampshire: Sophia Press, 1969), 77.

⁶³⁵ William F Buckley Jr., "Freedom of Conscience Vis a Vis Church Authority," in *Spectrum of Catholic Attitudes* ed. Robert Campbell (Milwaukee: Bruce Publishing Company, 1969), 83.

conduct. We often hear it repeated, as an unquestionable maxim, that the whole morality of man must consist in following his conscience ... But it must be pointed out ... that conscience, in itself, is not the arbiter of the moral value of the actions it suggests. Conscience is the interpreter of an inner and higher norm.⁶³⁶ According to Pope Paul, making conscience the “whole morality of man” (existential and psychological language) departed significantly from the notion of conscience as an “interpreter” of a higher norm, the classic scholastic task assigned to conscience. A conscience so exalted by man was “subjectivist.”

A number of observers declared the conscience talk a mere facade for selfish or deranged ends. There was a need in the late 1960s and early 1970s to speak frankly about the motivations conscience talk concealed. A 1968 letter to the editors of the *Boston Globe* put it bluntly: “As for the term ‘conscience’ itself, I suspect that it is too often a cover for the exercise of irrational self will.”⁶³⁷ William Marra argued in *Triumph*, a conservative Catholic magazine, that, “When this person acts in defiance of the teaching authority, he cannot be said to ‘follow his conscience’ ... He follows his desires ... his conscience ... is perfectly quiet.”⁶³⁸ Sociologist David Riesman, author of *The Lonely Crowd*, wrote a letter to Gordon Zahn, a steadfast defender of the Catholic orthodoxy of following conscience, to declare that: “I think acts of conscience can be criticized. They can be criticized for harming the ethical cause which is their supposed justification... [such witnesses have done] crazy and paranoid things.”⁶³⁹ Reflection on conscience talk brought commentators to stress the real motivations the theology of conscience obscured.

Other Catholic thinkers decried the theology as grossly negligent of law and, therefore, dangerous to American society. Two papers given at the Fordham conference

⁶³⁶ Paul VI, “Conscience: Its Dignity and Limitation,” February 12, 1969. PMP, 55/12, UNDA.

⁶³⁷ Harold R. Smart, “Socrates, dissent, and the law,” *The Boston Globe*, January 29, 1968, 10.

⁶³⁸ William A. Marra, “De-Mythologizing Conscience,” *Triumph* (December 1968), 11, 14.

⁶³⁹ David Riesman to Gordon Zahn, January 5, 1971. GZP, 1758, UNDA.

by Jesuit priests addressed the subversive implications of conscience talk, were it to be realized in the world. Jesuit political scientist Richard Regan, placing limits on the theology of conscience from the Second Vatican Council, wrote: “The Declaration [of Religious Freedom] did not state any limits to the rights of persons not to be coerced to act contrary to their conscience in religious matters, but this should not be taken to imply that it recognized no limits to this principle ... there are cases in which governments apparently force citizens to do things that their consciences forbid – and with good reason.”⁶⁴⁰ John A. Rohr, also a Jesuit and a political scientist, warned against stressing the duty to follow conscience to the point that individuals no longer considered the complexity of legislation. Rohr contended that policy concerns did not simply evaporate as the theology of conscience entered the world. “When [advocates] prattle on about the citizen’s duty to follow his conscience, they only belabor what no one denies ... in so doing they fail to take seriously the conscience of the legislator,” he concluded. The theology of conscience did not elide other realities in American life – namely, the law – as Catholics brought it more fully into the world.

But a considerable contingent of Catholic thinkers emphasized the conscience, and wrapped it in a new psychological vocabulary, precisely because law failed as a guide. The March 30, 1969, edition of the *National Register*, a national Catholic newspaper, featured six short essays by Catholic moral theologians under the headline: “How Does a Christian Form His Conscience?” The question, posed in the language of formation and development, seemed pressing in the late 1960s because of the moral complexity of the moment. “The question of conscience – specifically how to go about forming it – has always been crucial for the Christian,” the editors explained, “today,

⁶⁴⁰ Richard J. Regan, “Conscience in the Documents of Vatican II,” in *Conscience*, 32.

however, it is a more difficult question because of the multiplicity of issues constantly bombarding the individual and the variety of authoritative opinions he has as a basis for his own judgment.”⁶⁴¹ As the surrounding world seemed to undergo a change, so too should an individual Catholic’s moral world.

Clergymen insisted that the formation of conscience had been emphasized for a reason: it had a freshly realized mission of assisting Catholics in reaching sound individual moral judgments in a world lacking clear moral authority. The papers given at the Fordham University conference in 1969, appearing in the subsequent volume in 1971, illuminated reasons why American Catholics discussed conscience: the perceived onrush of complexity fomented confusion about norms and impressed upon individuals (and their teachers) the need to sharpen individual moral judgment. One of the primary reasons for the discussion of conscience, alluded to in *The Register*’s March 30 spread, was the belief that modern Americans (and modern people generally) suddenly inhabited a pluralist society without strong norms, laws or guides. It made sense to accentuate the theology of conscience in a society understood to be experiencing rapid change. Tradition held that as laws lost authority or clarity, Catholics could shift moral decision-making onto the conscience. “There can be little doubt ... [what] has created for the society a critical problem regarding conscience,” sociologist Gerald M. Shattuck wrote, “what is right or wrong, what is or ought to be, what is true or false are being defined differently by varying groups with varying stakes in a complex, urban, and rapidly changing society.”⁶⁴² Stressing the importance of conscience, Jesuit Joseph Dolan added, “is of primary importance for the contemporary Catholic who must live with today’s religious

⁶⁴¹ “How Does a Christian Form His Conscience?” *The National Catholic Register*, March 30, 1969, 10.

⁶⁴² Gerald M. Shattuck, “Social Influences in the Development of Conscience,” in *Conscience: Freedom and Limitations* ed. William C. Bier (New York: Fordham University Press, 1971), 97.

and cultural pluralism when he can no longer find the automatic support for his values in the environment ... and where the complexities of personal, civic, and professional life make many more demands than heretofore on his own power of moral judgment.”⁶⁴³ As the laws seemed to fail as moral guides and authority figures lost clout, Catholics pushed the shift to conscience.

Some Catholics argued that the theology of conscience was merely fulfilling its role as outlined in Catholic tradition. Jesuit presenters, steeped in Catholic theology, acknowledged the necessity at certain moments in church history, of diminishing the importance of external norms and augmenting the internal guide of conscience. As Catholics heaped doubt upon law – or new circumstances called the authority of law into question – the onus of moral decision-making shifted onto conscience. The individual could retain dignity in a fallen moral world by following the call of conscience. “Man is positively an individual, and not just a negative or material instance of general nature,” Jesuit John J. McNeil argued – “as a spiritual personal being man is more than the point of intersection of general truths and maxims ... the consequence of this understanding of man for moral life is that man’s conscience has a function over and above the application of general norms to concrete circumstances.”⁶⁴⁴ Interpreting Catholics to be “individuals” and “spiritual personal beings” meant that an obligation of conscience need not be derived from an external law.

Conscience served as the locus and nerve center of morality that granted meaning to each moral choice. Jesuit Joseph Dolan celebrated the revival of conscience as the return of a “Pre-Reformation” tradition of grace. One *developed* their internal resources

⁶⁴³ Joseph V. Dolan, “Conscience in the Catholic Theological Tradition,” in *Conscience*, 17.

⁶⁴⁴ John J. McNeill, “Freedom of Conscience in Theological Perspective,” in *Conscience*, 122.

of grace more robustly rather than using the external law as a crutch. “More account is now taken of the dynamics of Christian life understood as a development of internal finalities of nature and grace, rather than in terms of an ethics of avoidance or conformity to an extrinsic (in the sense of personally unassimilated) moral code,” Dolan wrote, explaining that the “mature Christian” had made the external law part of his or her own inner life.⁶⁴⁵ In moving the external law into the self, Dolan explained, it was logical for Catholics “to stress the formation of conscience as a principle of growth and resonator of values natural and Christian.”⁶⁴⁶ The formation of conscience moved the external law into the Catholic self, yielding a “mature Christian.” Catholics had formidable theological resources with which to move the moral guide from the external law to the individual’s conscience, and Jesuits put them on display at the 1969 Institute. The move to conscience was highly traditional, even if made with a fresh language of growth.

The loss of authority and limits of the law seemed clear to American Catholics in the late 1960s, bringing them to accentuate the formation of conscience. In the introduction to a 1970 volume on conscience, Franciscan Jeremy Harrington observed that “We used to think that almost every case was covered in the file of conscience...we just had to pull out the card and find the one-sentence solution.”⁶⁴⁷ But by 1970, he noted, “we are continually confronted with new facts and insights from the knowledge explosion in psychology, medicine, biology, physics, anthropology, sociology, and new discoveries in even history and theology ... the circumstances are always shifting and a

⁶⁴⁵ Joseph V. Dolan, “Conscience in the Catholic Theological Tradition,” in *Conscience*, 16.

⁶⁴⁶ *Ibid.*, 17.

⁶⁴⁷ Jeremy Harrington, “Introduction” in *Conscience in Today’s World* ed. Jeremy Harrington (Cincinnati, Ohio: St. Anthony Messenger Press, 1970), vi-vii.

little different in each situation.”⁶⁴⁸ Harrington concluded that Catholic moral teaching, adjusting to the new knowledge regime and awareness of the particularities of each situation, could not provide answers for all people in all moments: as such, it became crucial for priests and laypeople to stress the formation of conscience.

“Today we live in the age of the individual conscience”: Developmental Psychology and the Formation of Conscience, 1969-1990

Developmental psychology gave Catholic priests a new vocabulary to explain the concrete movement of individual conscience. Catholics gleaned an appreciation of the uniqueness of each moral situation from developmental psychology, and the discipline’s emphasis on “growth” and “stages” gave Catholics a renewed commitment to studying the formation of conscience during childhood years. Catholics suddenly found psychologists as helpful as theologians in understanding the development of conscience. “Although the development of personal conscience is a highly complex process, the studies of Piaget, Bruner, Kohlberg, McVicker Hunt and other child psychologists provided much important information to parents and to educators,” James T. McHugh, director of the Family Life Division at the USCC wrote in a 1972 pamphlet.⁶⁴⁹ Psychology enhanced priests’ understanding of a traditional theological term. “Modern psychology has contributed a great deal toward our understanding of conscience, its formation and malformation,” Father Jeffrey Keefe observed in a 1977 article for the *Catechist*.⁶⁵⁰ Keefe explored Thomistic and Freudian notions of conscience and, blending

⁶⁴⁸ Ibid., vii.

⁶⁴⁹ James T. McHugh, *The Family in the Seventies* (Washington D.C.: The Publication Office of the United States Catholic Conference, 1972), 13.

⁶⁵⁰ Jeffrey Keefe, “Conscience: The Wisemen’s View,” *The Catechist* 11 (September 1977), 11.

new with old, concluded that conscience “undergoes structural development and matures in natural and supernatural wisdom.”⁶⁵¹

Father Paul Marx – the Benedictine sociologist irked by O’Boyle’s pastoral letters – spread the word about the importance of conscience-formation with pastoral workshops conducted for Catholic parents in the late 1960s. Marx deployed a flurry of terms and phrases from psychology at his conscience workshops: The formation of conscience helped a Catholic to draw in, crystallize, and ultimately internalize guides for moral behavior. “The acquisition of conscience,” Marx explained, came from a “personal thinking out ... [an attempt to] grasp, appropriate, assimilate by osmosis.”⁶⁵² Catholic thinkers like Marx thought of themselves as moving Catholic moral teaching from obedience to law to the formation of conscience: he understood this transformation, a move from law to the formation of conscience, to be one of progress. Marx explained to the parents at his workshop that, “the problem today is not to get people to avoid sin, but to form people’s conscience – to help people form their consciences.”⁶⁵³

Marx expanded on these remarks in a subsequent workshop he called “The Nature, Function, and Formation of Conscience: How Parents Can Form Their Children’s Consciences.” He urged Catholic parents to end the practice of raising children to simply obey laws. “Very bad training in home & school & Church in past – but perhaps no one is to be blamed, given the social conditions of the past,” Marx intoned. Lamenting the emphasis on law, he thundered, “But we can’t go on like this!”⁶⁵⁴ Marx told Catholic parents that a new and properly functioning morality could be achieved by focusing on

⁶⁵¹ Ibid.

⁶⁵² Ibid.

⁶⁵³ Paul Marx, “Discussion,” n/d but late 1968 or 1969. PMP, 55/12, UNDA.

⁶⁵⁴ Paul Marx, “The Nature, Function, and Formation of Conscience: How Parents Can Form Their Children’s Consciences,” n/d but late 1968 or 1969. PMP, 55/12, UNDA.

the child's development of conscience. Catholic parents needed to consider "environment," "learning" and "developmental stages."⁶⁵⁵ Marx did not abandon the old manual terms: to form a "correct" and a "certain" conscience (the desired end result of conscience development), it would require "prayer," "work," "thot" [sic], and "grace."⁶⁵⁶ Marx believed that if parents invested in the child's conscience, a wide range of values and positive demeanors would flow from the conscience. From conscience, Marx sketched in his lecture notes, radiated: God, Law & Authority, Responsibility, Morality, Measure, Guidance, Freedom, Personhood, Human Nature & Destiny, and Heredity & Environment.⁶⁵⁷ The developed conscience would serve as a moral core from which other values flowed. This was a traditional moral move in a context where law evacuated its authority. Marx's workshops, apace with the theology of the late 1960s, urged Catholic parents to place emphasis on the development of conscience rather than external laws.

The shift of moral authority from laws to the formation of conscience had a manifesto by the spring of 1968. In 1968, Jesuit theologian Robert H. Springer, a professor at Woodstock seminary, published *Conscience and the Behavioral Sciences*, a booklet calling for a fresh and robust definition of conscience based on Catholic theology and the behavioral sciences of sociology and psychology. Springer anchored his case in the Thomist theology of old, and the familiar language of the Catholic manuals, but he called – like other theologians of his moment – to make the formation of conscience more concrete in the world by explaining its theological processes in the language of developmental psychology. The strengthening of conscience seemed a pressing mission

⁶⁵⁵ Ibid.

⁶⁵⁶ Ibid.

⁶⁵⁷ Ibid.

to Springer in 1968: laws no longer inspired individual Catholics to grow. Emphasizing obedience to laws left Catholics unable to evaluate their particular circumstances in a rapidly changing world. Conscience remained the “subjective side” of morality, but as the prime subjectivity, conscience needed a new respect in confirming the legitimacy of particular objective norms. Objective norms could be created only with a subjective confirmation in conscience. Confirmation in conscience then entailed “growth” for the individual. “The polarity of conscience must be respected, if a viable moral theology of conscience is to be had,” Springer wrote, “this requires not only that morality attend to objectivity but that it develop a subjectivity ... personal responsibility must be given room to grow.”⁶⁵⁸ Springer argued that the social sciences – sociology as the objective and psychology as the subjective – would guide Catholics in identifying new objective norms. As a conscience grasped and confirmed these norms, it “grew.” He wrote: “It is an invaluable function of social science to show us how to ease the way for the acceptance of new formulations, to set up norms for determining when a previous stage of theology development no longer fits the needs of Christians in the present.”⁶⁵⁹ The social sciences could be used to identify new moral rules and to understand how those moral rules were confirmed in a person’s conscience – thus creating a fresh moral system.

The conscience, as it underwent the theological process of formation, identifying new rules and confirming the rules in the subjective element of morality, “acquired norms,” “developed an ability to evaluate,” and “integrated conduct and feelings.” Springer offered a new definition of conscience:

⁶⁵⁸ Robert H. Springer, *Conscience and the Behavioral Sciences* (Washington and Cleveland: Corpus Books, 1968), 12.

⁶⁵⁹ *Ibid.*, 17.

conscience may be described in its several dimensions as the person acquiring a set of norms for determining good and evil, developing the ability to evaluate, experiencing feelings of satisfaction and guilt and moving toward an integration of his conduct with his sense of right and wrong and with his feelings.⁶⁶⁰ A deeper commitment to development language found in psychology and sociology would help American Catholics to strengthen the long-standing process of conscience-formation. As individuals grew, their consciences they created a better moral future for American Catholicism.

Publishing his booklet before the promulgation of *Humanae Vitae* (June 30, 1968), Springer applied his argument to the use of artificial birth control. He argued that a stale set of normative rules left Catholics with a “superego fixation” that impeded the development of the person. Catholics had become so focused on obedience to the law that they had become incapable of developing new objective norms and confirming the norms in conscience. They could not, in short, “grow.” Springer reasoned that if a Catholic studied the shifting moral structures with insights of social science (overpopulation, gender, family life) they could create new objective external norms (the use of artificial birth control) by confirming the new norm in conscience, the other side of the polarity and the subjective side of morality. The Catholic studied the shifting structures; he or she confirmed the new behavior in conscience; and the individual Catholic, growing and developing, created a new moral norm sensitive to objective law and subjective conscience. Springer admired a Catholic’s quest to confirm morality in conscience – to force the conscience to grow – and he criticized the Church’s outright ban of artificial birth control as an inhibitor of growth. “Since conscience is the person in his highest strivings, the perpetuation of this repression of growth is a sin against the person,” he

⁶⁶⁰ Ibid., 24.

concluded.⁶⁶¹ Any morality of law not attuned to the changing moral structures and the subjective dimensions of the person, Springer added, “is bad psychology, bad morality, and deplorable conscience formation.”⁶⁶²

Catholic educators, vowed religious and priests, fortified the formation of conscience with new linguistic signposts. “Responsibility” and “response” became crucial terms in a new conscience vernacular. Jesuit James J. DiGiacomo, author of the 1969 high school textbook *Conscience and Authority*, designed a unit of conscience to help Catholic students “embrace positively the values of responsible self-determination that are part of the authentic Christian tradition.” DiGiacomo dealt “realistically with weaknesses and limitations that beset most adolescents’ groping towards responsible freedom.”⁶⁶³ Priests believed that the formation of conscience – and acting on what was known in a well-formed conscience – helped Catholics become “responsible” for their own actions in real time; Catholics could not simply follow the laws of authorities and hope to be responsible. An individual’s attempt to be responsible to other community or family members formed the conscience. “Conscience is to be worked out by an individual trying to be responsible to all the people who make up his life,” Holy Cross brother Gabriel Moran, head of Manhattan College’s theology department, wrote: “with this context he makes a decision on the basis of all the evidence that’s available to him with a readiness, of course, to qualify or negotiate or to be corrected in practice.”⁶⁶⁴ One formed conscience by *responding* to communal circumstances, or specific individual circumstances.

⁶⁶¹ Ibid., 27.

⁶⁶² Ibid., 28.

⁶⁶³ James J. DiGiacomo, *Conscience and Concern: Teacher’s Guide* (Holt, Reinhart, and Winston: New York, 1969), 19.

⁶⁶⁴ Gabriel Moran, “Creating Mature Consciences,” *The National Register*, March 30, 1969, 10.

Franciscan Nicholas Lohkamp defined conscience as a “response-ability” to God’s call in a 1970 article for the *St. Anthony Messenger*. Lohkamp wrote: “conscience is my capacity to read my situation in the light of faith and to decide how I ought to act to be responsible ... It is I who engage myself in a particular form of response in a particular situation to a particular value.”⁶⁶⁵ One read the situation, cued up the conscience, and responded to the particularities at hand: laws could not provide all encompassing guides for moral behavior. Formation of conscience took place in the concrete world as Catholics considered responsibilities to self, community, and God. The new vernacular of response strengthened the role of conscience in a context where, according to the traditional formula, Catholics downplayed the authority of laws.

The notion of the mature conscience – linked initially with aspirations for moral adulthood in the writings of European theologians – came more fully into focus at the end of the 1960s and the start of the 1970s in various writings by American priests and vowed religious. The notion of a mature conscience, Brother Moran wrote, entailed “learning to make decisions on our own for which there isn’t an absolute security.”⁶⁶⁶ The mature conscience served as a norm-generator in a world where laws had lost certainty and legitimacy. It rose from, and fulfilled, the traditional mandate given conscience in the law and conscience framework: where law failed, conscience stepped forward. The published text of the Fordham conference, released in 1971, included the proceedings of a panel on “The Mature Conscience in Multidisciplinary Perspective.” The panel’s first paper, given by a Jesuit philosopher, ventured a comprehensive definition of the mature conscience:

the primary characteristics of the mature conscience are that its moral judgments be truly personal or interiorized, i.e., proceeding from the authentic inner self of

⁶⁶⁵ Nicholas Lohkamp, “Conscience = Response-Ability,” *St. Anthony Messenger* 78 (October 1970), 40.

⁶⁶⁶ “Creating a Mature Conscience,” 10.

the person; truly social-minded, seeing his own good as inseparable from the good of others; and truly prudent or showing habitual good judgment in deciding, among various conflicting values at stake, what is the best thing to do, here and now.⁶⁶⁷

Maturity seemed the pinnacle of what Catholic priests meant by conscience: interior, relational, social, and situational. Importantly, a mature conscience remained prudent as it confronted “conflicting values.”

Father John Ferrante of the Salesians of Saint John Bosco fleshed out a definition of the mature conscience with terms drawn from developmental psychology in a 1972 article for *The Priest*. A Catholic with a mature conscience came to see transgressions and sins in a new light: sins were not to be understood as infractions of the law, or breaking an antiquated code, but as violations or neglect of other people in one’s life. He emphasized the relational notion of sin: “as the child the reaches out towards the attainment of a mature conscience, he should be encouraged to see the wrongness of his faults ... in view of the harm that it does to another creature of God.”⁶⁶⁸ The mature conscience also granted its host a capacity to “seek the good” – a higher order operation than obedience to laws. As Thomas O’Connell wrote for *Chicago Studies*, “Throughout the whole exercise of conscience ... as we maturely and prudently listen for whatever wisdom we can receive, we never forget that we are looking for not ‘the approved,’ not for the ‘permitted,’ but for the ‘good.’”⁶⁶⁹ The mature conscience resided in the interior of the person; offered stability in a world of flux; blossomed with an understanding of the other; and allowed for recognition of “the good,” not just “the law.” The mature conscience seemed, with the help of developmental language, to provide Catholics a strong moral guide.

⁶⁶⁷ W. Norris Clarke, “The Mature Conscience in Philosophical Perspective,” in *Conscience*, 359.

⁶⁶⁸ John Ferrante, “Forming the Conscience,” *Priest* 28 (February 1972), 69.

⁶⁶⁹ Thomas O’Connell, “A Theology of Conscience,” *Chicago Studies* 15 (Summer 1976), 166.

Catholics did not see acts of conscience or the development of individual conscience as solipsistic; rather, a Catholic came to a decision of conscience, or had their conscience formed, through relationships in community. Church community or family developed the individual's conscience, forming it and fine-tuning it. Priest-theologian Anthony Padovano wrote in a 1971 article for the *Catholic World* that "Christian conscience is always developed in community; the purpose of this community is not to declare the way conscience must proceed but rather to provide the basic elements without which conscience lives less."⁶⁷⁰ Layman John Deedy, editor of *Commonweal*, stated in his 1972 book, *What a Modern Catholic Believes About Conscience, Freedom and Authority*, that relationships in family, between husband and wife, formed conscience on the matter of artificial birth control. "Theologians have always stressed that the Christian conscience is developed in community," he wrote, explaining that, "the development of the Catholic conscience on birth control can be viewed as a dramatic example of that principle in operation."⁶⁷¹ Language drawn from developmental psychology helped Deedy to place the formation of conscience into concrete relations between husband and wife. One member of a married couple developed their conscience on the use of artificial birth control by considering their partner and the marriage itself.

Catholics also understood particular acts of conscience – and decisions of conscience – not only as produced in community, but as a means to join into relationships with others, both near and far. When one acted on the total self as contained in conscience, one joined in solidarity with others who had manifested their total selves in the same manner. A layman named William Birmingham, an associate editor of *Cross*

⁶⁷⁰ Anthony T. Padovano, "Authority and Conscience," *The Catholic World* 213 (May 1971), 80.

⁶⁷¹ John Deedy, *What A Modern Catholic Thinks About Conscience, Freedom and Authority* (Chicago, Illinois: Thomas More Press, 1972), 41.

Currents, put it expansively in his essay for the 1971 volume from the Fordham Conference: “the person who makes healthy decisions is not lonely, existentially cut-off,” he wrote, “the act of conscience takes place in a moment of unity with the world; it is an act of relationship.”⁶⁷² Decisions of conscience – manifestations of the total self – placed individuals into relationships with others, helping the individual to develop. As a Spiritan priest wrote in a 1971 article for *Living Light*, “Man’s decision of conscience comes forth from his own inner resources, yet it is greatly dependent on outside influences, because each man is not an isolated entity – he becomes his full self only in mutual exchange with others.”⁶⁷³ Decisions of conscience and the development of conscience arose out of a broader social milieu.

The formation of conscience – the phrase itself – received profound emphasis from Catholic writers in the 1970s. The insights of developmental psychology – sense of self; awareness of choice; an adult consideration of rules – helped Catholic priests to see the formation of conscience as a process that really took place in the world. Developmental psychology gave Catholic priests a language with which to strengthen the role of conscience in moral decision-making, keeping lay Catholics – it was imagined – in tradition. Gregory Kenny’s 1972 book, *How Conscience Can Be Your Guide*, focused on the process of conscience-formation. Kenny, a member of the Missionary Sons of the Immaculate Heart of Mary, first reflected – without using the exact term – on the relationship between external law and individual situation. The emphasis on conscience extended from considerations of the law and conscience framework. “Before mature conscience exists,” he wrote, “we must have a sense of ourselves and where we stand in

⁶⁷² William Birmingham, “The Conscience of the Roman Catholic Layman,” in *Conscience*, 291.

⁶⁷³ Cornelius J. van der Poel, “Let Your Conscience Be Your Guide,” *Living Light* 8 (Summer 1971), 105.

relation to our Christian commitment and outside forces ... For Catholics, this means coming to terms with the meaning of religious laws in their lives.”⁶⁷⁴ Laws were outside of the self; conscience-formation began by considering how law connected to the internal space of conscience. A mature conscience, a linguistic product of developmental psychology, did not immediately obey the law, rather, the individual with the mature conscience *considered* the law. The role of conscience, linked with psychology, extended from the traditional framework of law/conscience.

The formation began at the point of law, but then continued down a longer line of considerations. Like other theologians of the 1970s, Kenny urged Catholics to figure out why they followed particular laws: one should avoid eating meat on Fridays (a bygone practice), he wrote, out of a deep internal respect for the church, not because an external authority told them to avoid meat. In the second place, the formation of conscience took place when Catholics faced a particular decision, in a context where multiple paths might be taken. “When we become aware of a moral choice between one act or another ... then we are face-to-face with the decisions that constitutes an act of conscience,” he wrote, adding that, “we have set about forming our conscience.”⁶⁷⁵ This stage of conscience-formation continued when one took an “inventory” of possible actions (or inactions). Kenny explained that, “Each individual then must be aware of his own self: WHO AM I? WHERE AM I GOING? HOW SHALL I GET THERE? ... These basic questions go into the formation of our conscience.”⁶⁷⁶ The absence of defining laws offered pretext for the expansion of conscience.

⁶⁷⁴ *How Conscience Can Be Your Guide*, 6.

⁶⁷⁵ *Ibid.*, 13.

⁶⁷⁶ *Ibid.*, 15.

In the final layer of conscience-formation, Kenny urged Catholics to give Church rules the first word in the process of formation, and some leeway. But he held that a true formation of conscience (rather than a “molding” a conscience) took place as the individual considered the rules of the church in their particular situation. “In forming our conscience, the Church deserves the benefit of the doubt ... we take it for granted that the Church follows the inspirations of the spirit,” Kenny wrote, making clear that “because we are not talking about molding a conscience, but formation of a conscience, an interacting occurs between the individual and the Church.”⁶⁷⁷ Emphasizing the formation of conscience helped Catholic priests like Kenny fill the sizable gap between the Church’s laws, its authority, and the individual’s situation. Catholics had a long tradition of considering the relation of objective (law) to subjective (conscience). By the 1970s, Catholics did so with a vocabulary derived from developmental psychology.

Formation of conscience was the most important developmental process to Catholic writers of the era, as it combined “seeking the good” with the highly regarded goal of remaining in Catholic tradition. Formation became a pronounced theme in the field of religious education: “those of us who are involved in religious education today are very much aware of the volumes of literature about the formation of conscience,” Carl Middleton, director of pastoral activities of Catholic seminary, observed in a 1974 article.⁶⁷⁸ Priests drew attention to the Church’s deep tradition on the formation of conscience and proclaimed it a guiding moral tenet for the 1970s. In a 1975 article for *Hospital Progress*, Anthony Kosnik, dean of theology at SS Cyril and Methodius Seminary, noted that, “for centuries, the Church has recognized man’s right and

⁶⁷⁷ Ibid., 16.

⁶⁷⁸ Carl Middleton, “The Formation of Conscience,” *The Religious Teacher’s Journal* 7 (January 1974), 27.

responsibility to follow a seriously formed conscience ... the Church has reaffirmed the principles that the well-formed individual conscience is the ultimate subjective norm for moral action.”⁶⁷⁹ Kosnik, combining new and old, explained that Catholics had four essential sources for the formation of conscience in the 1970s: the bible, the magisterium, science, and the Holy Spirit. Importantly, Kosnik argued that, “no reliable ethical decision can be made without the evidence that modern science can provide.”⁶⁸⁰ Catholics were to consult all sources, scientific and religious, over the course of their entire lives. “Conscience...[is] a capacity, a responsibility that must be continuously developed ... the proper formation of conscience as a life-long task for man’s communion with God and his fellow man is never meant to end,” Kosnik wrote, putting a twentieth century spin on the long-standing teaching.⁶⁸¹

The individual Catholic formed his or her conscience in the 1970s – as Aquinas noted in the 13th century – by bringing the objective (law) into a relationship with the subjective (conscience). But by the 1970s the law provided only a suggested route for moral behavior and not a closed case. One formed conscience with more than law even as one considered, using the traditional framework, the relationship of law to conscience. The first step in forming a conscience, Jesuit Norbert Rigali explained in a 1975 article for *The Priest*, was prayer to God. The second step was to bring the universal to bear on the particular: “The universal moral law should be seen as one expression of the will of God, and not the only one,” Rigali wrote, “Christian conscience must be formed according to an existential or individual ethic of the universal moral law.”⁶⁸² This

⁶⁷⁹ Anthony Kosnik, “Forming the Catholic Conscience,” *Hospital Progress* 56 (August 1975), 51.

⁶⁸⁰ *Ibid.*, 53.

⁶⁸¹ *Ibid.*, 52.

⁶⁸² Norbert Rigali, “Notes on Conscience Formation,” *The Priest* 31 (October 1975), 38.

understanding of conscience – that it considered and internalized the law as an individual ethic – served as “the way back to a truly Christian conscience and to authentic Christian morality.”⁶⁸³ Formation of conscience brought together trends new and old in the life of the individual Catholic of the late 20th century.

The terms of developmental psychology helped Catholics to more completely redefine conscience as “movement.” Forming conscience, a theological process increasingly expressed in psychological vocabulary, meant that the individual moved conscience closer to the truth. Conscience represented an individual Catholic’s quest for “the good.” Jesuits were particularly fond of this definition of conscience in the late 1960s and early 1970s. Jesuit moral theologian Richard A. McCormick defined the formation of conscience as “seeking to arrive at a reasonably secure judgment of what is a truly Christian response to what is God’s call in the complexity of the moment.”⁶⁸⁴ He added that, “the realistic Christian, even after he has arrived at a conscience judgment, must maintain himself in the spirit of continuous readiness to learn.”⁶⁸⁵ Another Jesuit defined conscience as “a program for search,” explaining to his readers that conscience is, “the serious and honest quest for one’s own deepest self in a constructive relationship to others, a search in which man shapes and creates himself as the image and likeness of the Creator.”⁶⁸⁶ Still another Jesuit, writing for *Theological Studies* in 1971, praised conscience as “dynamic,” a state that entailed “an awareness and sensitivity to value

⁶⁸³ Ibid.

⁶⁸⁴ Richard A. McCormick, “A Readiness to Learn,” *The National Register*, March 30, 1969, 10.

⁶⁸⁵ Ibid.

⁶⁸⁶ “Let Your Conscience be Your Guide,” 104.

which develops and grows; a mind-set which can precisely function in a new situation.”⁶⁸⁷

Terms drawn from developmental psychology helped Catholics to see the formation of conscience – the movement of conscience – more fully into the world around them at the end of the 1980s. In an interview with the editors of *US Catholic*, Mercy College psychology professor Sidney Callahan explained that “your conscience is formed by what it knows to be reality or truth and responds to the good.” She defined a conscientious person as “someone who is trying to keep his or her conscience informed by constantly seeking the true and the good.”⁶⁸⁸ By the end of the twentieth century, Catholic theologians articulated the “movement of conscience” with terms from developmental psychology.

In the late 1970s and early 1980s Catholic priests enhanced their understanding of the formation of conscience with psychologist Lawrence Kohlberg’s stage-based schema of the moral development to conscience. Catholics amplified their Church’s ancient teachings on conscience with fresh psychological insights. In a 1977 article for *The Catechist* entitled “How Conscience Thinks,” Fr. Jeffrey Keefe – a clinical psychologist by training, a Franciscan priest by vocation – unpacked Kohlberg’s five stages of moral development for the magazine’s readers. In stage 1, whatever is punished is seen as wrong; in stage 2, the good-to-be-done is rewarded as useful; in stage 3, the individual associated what was right with a communal good; in stage 4, the individual sees a good beyond what they are told by friends and family; and, finally, in stage 5, the individual

⁶⁸⁷ John W. Glaser, “Conscience and Superego: A Key Distinction,” *Theological Studies* 32 (March 1971), 38.

⁶⁸⁸ “Should Catholics let the Conscience be their Guide?: The Editors Interview Sidney Callahan,” *US Catholic* 53 (December 1988), 16, 18.

assesses laws in light of internalized principles.⁶⁸⁹ Stage five of Kohlberg's model marked the achievement of a "responsible conscience," a "mature conscience," or an "adult conscience" – the desired product of Catholic conscience-formation. One assessed particular situations, using the law as a resource rather than a command, and responded accordingly. Jesuit James DiGiacomo condensed Kohlberg's schema into three stages in a 1978 article for *Living Light*: the pre-conventional (the moral course the individual deems best for him- or herself); the conventional (the realization that others have rights); and the post-conventional (the discovery of the principles that underlie any society). DiGiacomo blended Kohlberg's moral development with conscience formation seamlessly:

So, should we tell the young to follow conscience? Yes, but show them how to form a conscience ... and make sure you know how to do it yourself...To Kohlberg's postconventional, it means doing the right, no matter what the cost. To the conventional, it may mean "Don't listen to anyone; you're on your own." And to the preconventional, it may simply mean "the lid's off; do as you please."⁶⁹⁰

The readers of such periodicals received many such crash courses in developmental psychology.

Developmental psychology and the theology of conscience overlapped at the point of seeking the internalization of laws in the subject's conscience. Kohlberg's stage-based framework explained the process by which Catholics internalized the Church's laws in conscience as subjects "grew" and "developed." Robert T. Reilly, a reporter for *US Catholic*, interviewed Jesuit Gene Donahue in September 1983 on the status of Catholic moral teaching. Donahue, the article noted, "spends a month discussing

⁶⁸⁹ Jeffrey Keefe, "How Conscience Thinks," *The Catechist* 11 (November 1977), 7.

⁶⁹⁰ James DiGiacomo, "Follow Your Conscience," *Living Light* 15 (Fall 1978), 398.

conscience in his Creighton University moral theology course.”⁶⁹¹ Donahue, announcing himself as a critic of the secularization of Catholic culture, then explained to Reilly that, “‘Conscience formation is the greatest need in the church.’”⁶⁹² Donahue then discussed Kohlberg’s three stages of conventional moral development. Donahue’s comments revealed how developed psychology helped to reify the desired (normative) end of Catholic conscience formation. Achieving the third level, the post-conventional conscience, the Catholic comes to obey the Church’s laws because they have internalized those laws, and see them as the best guides for moral behavior.

The approaches of developmental psychology and Catholic conscience formation overlapped, but the transcendent resources of the church remained crucial. Father Thomas Srampickal, a priest from the Indian diocese of Changancherry with a doctorate in moral theology from the Alfonsian Academy in Rome, published *Conscience in Today’s Empirical Psychology and the Documents of the Second Vatican Council* in 1976, which set definitions of the “mature conscience” from developmental psychology (particularly Piaget) and the Second Vatican Council side-by-side. Developmental psychologists defined conscience as “autonomy or being guided by one’s interiorized values ... the values of those of a mature conscience are those deriving from the ‘universal principle of justice.’”⁶⁹³ The Second Vatican Council defined mature conscience as “correspond[ing] to man’s fundamental call and orientation , expressed in the fundamental moral law ... the values of those of a mature conscience ... should be those which foster the growth of the human person, who is called to communion with

⁶⁹¹ Robert T. Reilly, “Catholic Morality: Bless me, Father, for maybe I sinned,” *US Catholic* 48 (September 1983), 53.

⁶⁹² Ibid.

⁶⁹³ Thomas Srampickal, *The Concept of Conscience in Today’s Empirical Psychology and the Documents of the Second Vatican Council* (Austria: Resch Verlag, Innsbruck, 1976), 384.

God and fellow men – who is the image of God.”⁶⁹⁴ Catholics, willing to use the insights of development psychology to understand the formation of conscience in the world, required that transcendent values (as known to the Church) play a crucial role in the development of conscience.

Other Catholic theologians like William May, a long-time editor at Bruce Publishing Company turned-academic-theologian (Ph.D. Marquette University), stressed the pronounced differences between Catholic theology and secular developmental psychology: Kohlberg merely recapitulated the old Freudian superego. “To identify our moral conscience with the Freudian superego or whatever else one may wish to term the agency mediating to use the moral values and rules of our parents and their social world would,” he wrote, “be a mistake.” May continued: “it can be suggested that the super-ego initiates us into the moral life, a suggestion that I believe is corroborated by the work of developmental psychologists Jean Piaget and Lawrence Kohlberg.” May’s article, published in *Communio* in 1975, related the discoveries of Kohlberg with the socializing function Freud gave the superego. In that article, and in a book released that year, *Becoming Human: An Invitation to Christian Ethics*, May touted the transcendent role of the Catholic Church in conscience formation: “For Roman Catholics the obligation to be conscientious in making judgements about moral situations includes the obligation to be open to and responsive to the teachings of the Church as expressed by the magisterium ... this obligation raises the serious question of possible conflict between one’s own personal conscience and authority.”⁶⁹⁵ Catholics had always been given the duty to form conscience, and the possibility of conflict with authorities, both church and state,

⁶⁹⁴ Ibid.

⁶⁹⁵ William May, *Becoming Human: An Invitation to Christian Ethics* (Dayton, Ohio: Pflaum Publishing, 1975), 65.

remained. Kohlberg's notions of moral development and Catholic conscience formation shared a desired end – giving the individual the ability to assert one's own internalized values in the face of pressure to do otherwise – but whereas Kohlberg derived the values of a secular notion of universal values, the Catholic Church instilled values in conscience from a transcendent moral law or a calling from God.

The tools of developmental psychology only illuminated the secular aspects of the formation of conscience. The starkest demarcation of secular development and transcendent conscience formation came from a 1979 article in *Horizons*, written by a Dominican priest named Paul J. Philibert. "Conscience, in Kohlberg's conception, is a postconventional phenomenon," Philibert wrote, explaining that Kohlberg's notion of conscience made it a deficient moral faculty until it reached its most developed stage. "But if one's idea of conscience is open to deeper theological values organized to include the doctrine of divine grace and the Holy Spirit," Philibert wrote, "Kohlberg's perspective will appear to undervalue the positive phenomena which pertain to the preconventional and conventional levels."⁶⁹⁶ In Kohlberg's scheme, the individual is deficient until their own moral values include an orientation towards universal values; in the Catholic theology of conscience, according to Philibert, earlier stages of life are understood as steps the person is taking towards "the good." This is the process of conscience formation. In conscience formation, the individual is in a process – a movement – that is taking the individual towards "the good," the "moral law," or "communion with God." The tools of developmental psychology aided in understanding the formation of conscience – as it occurred in the world – but the discipline's

⁶⁹⁶ Paul J. Philibert, "Conscience: Developmental Perspectives From Rogers and Kohlberg," *Horizons* 6 (1979), 13.

nomenclature could not close the deal with transcendent sources or a rarefied process of conscience-formation.

Conclusion

Priests noticed that a significant surge in the amount of writing on conscience had taken place in the 1970s and 1980s. “Today we live in the age of the individual conscience,” Gregory Kenny declared in his 1972 book: “This central truth of Christian ethics has re-entered the Christian spotlight.”⁶⁹⁷ Not all observers were as sanguine as Kenny; the bombardment of conscience claims could become tiresome and problematic. Stephen Palmer, a Redemptorist priest writing for his order’s national magazine, *The Liguorian*, griped in a 1977 article that “the word conscience has been overworked lately.”⁶⁹⁸ Palmer’s article began with a contrived story about a Catholic parent who complained that both his kids and his local priest discussed conscience too frequently. The surge of scholarly work on conscience perhaps obfuscated as much as it clarified. By 1990, when eminent moral theologian Joseph Fuchs went to assess the literature on conscience in a festschrift for a fellow scholar, he turned to the phrase “over-evaluation” to describe the intellectual investment in conscience that had taken place in the preceding two decades. Fuchs observed that “A considerable measure of discussion has taken place with the Catholic Church and within its moral theology in recent years concerning the concept of conscience.”⁶⁹⁹ Fuchs implied that the flood of writing on conscience had not done much to clarify the concept’s definition.

⁶⁹⁷ Gregory Kenny, *How Conscience Can Be Your Guide* (Chicago: Claretian Publications, 1972), 18.

⁶⁹⁸ Stephen Palmer, “Confusion, Conscience, and Common Sense,” *The Liguorian* 65 (July 1977), 51.

⁶⁹⁹ Joseph Fuchs, “Conscience and Conscientious Fidelity,” in *Moral Theology: Challenges for the Future, Essays in Honor of Richard A. McCormick* 108.

A considerable discussion on conscience had taken place among American Catholics in the thirty years between 1960 and 1990. Increasingly, nomenclature derived from developmental psychology set the terms for how the formation of conscience should be understood. The transatlantic exchange with European theologians in the early-to-mid 1960s helped American Catholics rethink their definitions of conscience. Early adoptions of the new definition of conscience as a “process in motion” and the “core of the person” then appeared in articles for *St. Anthony’s Messenger* and the *Liguorian* in the mid-1960s. American Catholics were exposed to – and eventually adopted – European emphases on the psychological, existential, and personalist elements of conscience. The movement to redefine and strengthen the theology of conscience had already been in motion for nearly a decade when mentions of conscience filled denominational and public debates in 1968 and 1969 about individual morality in response to war and contraception. Catholic theologians responded in a variety of ways to the proliferation of conscience claims (endorsement, reflection, and critique) and the late 1960s and 1970s witnessed a critical appraisal of the movement of conscience to the center of Catholic morality. A round of individual reflections, unequivocal endorsements, and tempered approvals clashed with a chorus of outspoken critics from influential positions in the Catholic Church. Ultimately, the use of developmental psychology to articulate the formation of conscience surged in the 1970s and 1980s, pushing past the critics’ reservations.

By the mid-1970s, a cloud of new and old words like “formation,” “relationships,” “maturity,” “movement,” and “responsibility,” helped to place the formation of conscience more firmly into the world as the actual and desired process by

which a Catholic internalized “the good” in conscience. The formation of conscience couched in the terms of developmental psychology – understood to articulate the reality of growth and change in a person’s life – helped Catholics to undertake and complete a traditional task.

Along the way, our Catholic protagonists offered several clues in regards to why they remained in a moral framework defined by law and conscience. Many Catholics felt as if they were living in an American society and a modern world incapable of hosting laws (clear guides) capable of guiding individual moral decisions. In a context in which pluralism, complexity, and diversity had made it impossible to organize moral life through the promulgation of law, many Catholic educators deemed it proper to accentuate the role of conscience in moral decision-making. The motivation for the augmentation of conscience can be found, as it has been in earlier defenses of conscience, in the Catholic connection to the traditions of the Church, real and imagined. Centuries of theology had made it acceptable to rely on conscience when extrinsic and external codes seemed to falter. Catholics had always had a duty to discern whether or not the law, from church or society, coincided with or departed from “the good.” The language of developmental psychology helped Catholics to remain in tradition during a moment of cultural and intellectual turbulence.

6.0 CHAPTER 6

“Rather Than Adopting a Stance Of Moral Superiority, The Issue Is One Of Informed Conscience”: The Formation of Conscience in Liberal Protestantism, 1961-1980

Introduction

Carl Ellis Nelson treated the Protestant audience at his 1978 Robert F. Jones Lectures in Christian Education to psychological and Catholic notions of conscience. Conscience did not bypass earthly mediation to make a direct connection with God. Socialization and religious instruction, Nelson argued, actively “formed” the conscience. “An examination of how conscience is formed will show why we must be wary of conscience as the voice of God,” Nelson, a former professor at Union Seminary turned president of Louisville Presbyterian Seminary, warned his audience.⁷⁰⁰ The process of conscience-formation – a notion both psychological and Catholic – recurred throughout Nelson’s lectures. This was not an accident: Nelson, a Protestant theologian trained in theology and psychology, began writing his Jones lectures while on a tour of Catholic Europe in the summer of 1972. The lectures were drafted after Nelson visited Xaverian University in England, the University of Leuven in Belgium, and the Higher Catechetical

⁷⁰⁰ C. Ellis Nelson, *Don’t Let Conscience Be Your Guide* (New York: Paulist Press, 1978), 27.

Institute in the Netherlands.⁷⁰¹ Nelson had discussed the formation of conscience with Jesuit priests in Belgium.

C. Ellis Nelson was one among a generation of Protestant theologians and activists who learned from Catholics to appreciate how mediating bodies (parents, institutions, and church teachings) “formed the consciences” of individuals. Throughout the 1960s and 1970s, thinkers like Nelson urged fellow Protestants to move away from declarations that conscience made a direction connection with God. Nelson introduced his fellow Protestants to a more discerning mode of moral decision-making centered on the formation of conscience, derived explicitly from the Catholic theology of conscience and more in sync with the findings of modern developmental psychologists.

Protestant theologians held throughout the 1940s and 1950s that the autonomy of conscience (a believer’s direct, unmitigated connection to God at the point of conscience) propelled America past superstition, tyranny and obeisance. Mediating authorities, notably Catholic priests, made it impossible to realize a freedom of conscience that advanced national liberty, science, and democracy. One needed to act on a “private judgment” of conscience; God was, as they argued, the only Lord of Conscience. But the Catholic theology of conscience – emerging from the depths of tradition in the 1960s and modernized with the spread of developmental psychology in the 1970s – helped Protestants to replace a complete commitment to the autonomous conscience with a contention that mediating authorities “formed the consciences” of individuals. As historian David Hollinger has noted, the liberalization of Catholic theology in the 1960s made Catholics “more serious interlocutors” with Protestants and, in turn, Catholics

⁷⁰¹ “Promoting Your Work,” 2. Carl Ellis Nelson Papers (Hereafter CEPN), Box H010a, Folder, “Don’t Let Your Conscience Be Your Guide, 1977-1978 and undated,” Austin Presbyterian Theological Seminary (Hereafter APTS).

“helped ‘provincialize” American Protestantism.⁷⁰² This chapter will show that, after learning from Catholics in the late 1960s and early 1970s, liberal Protestants increasingly concluded that individual conscience did not connect directly to God in order to hear God’s voice; instead, worldly mediators were needed to form the individual conscience in concrete circumstances. Liberal Protestants concluded that the Catholic theology of conscience, particularly its emphasis on the formation of conscience, created ethically superior persons and Christians.

This chapter shows that while Protestants never abandoned some of the biblical and confessional underpinnings of their theology of conscience (reconstructed here in this chapter), an intense collaboration with Catholics brought Protestants activists and theologians to move co-religionists from autonomous declarations of conscience to a mode of moral development based on the mediated process of conscience-formation. It has two sections. The first section shows how Protestants like Nelson, drawing connections between Catholic theology and developmental psychology, moved away from the long-standing emphasis of autonomy of conscience and towards the importance of mediating authorities in forming individual consciences in academic and pastoral theology.

The second section explores how Liberal Protestants, acknowledging Catholics as the premier guardians of conscience, tapped Catholic theology to create stronger defenses of conscience and to place a new emphasis on the need for young Protestants to form conscience, with the help of mediators, in response to conscription laws. Young Protestants from mainline denominations, facing conscription in the military, seemed to

⁷⁰² David Hollinger, *After Cloven Tongues of Fire: Protestant Liberalism in Modern American History* (Princeton and Oxford: Princeton University Press, 2013), 9.

require “informed consciences” rather than consciences tied directly to the Lord. The autonomous connection of conscience to God’s voice appeared an insufficient response to the state’s calls for conscription. Liberal Protestants like Ralph Potter of Harvard Divinity School, Edward LeRoy Jones of Oberlin College, Roger L. Shinn of the Council for Christian Social Action, and Paul Ramsey of Princeton University introduced the Catholic theology of conscience-formation, as derived from Vatican II documents and the just-war framework, to their fellow Protestants in the debates about selective conscientious objection during the Vietnam War. These Protestant thinkers and activists argued that mediating authorities – teachers, texts, and Catholic traditions – should play a role in forming the individual conscience in response to conscription. The decision to resist the state with an informed conscience – aided by mediators – realized an ethically superior citizen and Christian.

The first part of this section investigates Protestants’ use of conscience in debates over conscription, and the final part looks at Protestants’ use of the term in the fight for amnesty. In both debates, mainline Protestants worked alongside Catholics to defend conscience claimants. Liberal Protestants joined ecumenical organizations designed to protect rights of conscience. They attended Catholic academic conferences on conscience in the just war tradition. Protestant theologians co-authored books with Catholic intellectuals about conscience. Protestants, Catholics and Jews explained the theology of conscience to members of congress alongside one another. Catholics and Protestants continued to defend the rights of conscience – and the formation of conscience – as the debate on conscription shifted to the debate about amnesty at the opening of the 1970s.

“It Is a Highly Individualized Conscience, Not Greatly Influenced by the Teachings of The Church”: The Formation of Conscience in Developmental Psychology

Protestants explained in the 1940s and 1950s that God set his will – and the differences between right and wrong – into the individual’s conscience, bypassing any earthly mediation. Midcentury Protestant writings took conscience to be directly illuminated by God and, therefore, bound only to God. “God touches our conscience by one means or another in such a way that it begins to function normally,” Norwegian Lutheran O. Hallesby wrote in his 1944 book, *Conscience*.⁷⁰³ Hallesby’s book, then in its second edition, published by Minnesota-based Augsburg Printing Press, further explained to readers that “our conscience speaks to us without our asking it, or desiring it.”⁷⁰⁴

After God opened the individual’s conscience, and set his will there, the conscience then became the inner authority to which the individual believer adhered. Henry Stob, a professor of ethics at Calvin Theological Seminary, defined conscience in a 1957 book as “that native and inalienable property or organ of man by which he apprehends moral truth and is laid under obligation to fulfill it.”⁷⁰⁵ Conscience, as a result of encountering the moral truth, “is tied to God ... answerable only to God, and can allow itself to be bound to no human authority.”⁷⁰⁶ God implanted and touched the individual’s conscience; the individual became bound to follow conscience; and no earthly authority could stand between individual conscience and God.

⁷⁰³ O. Hallesby, *Conscience*, trans. Clarence J. Carlsen, (Minneapolis, Minnesota: Augsburg Printing Press, 1944), 59.

⁷⁰⁴ *Ibid.*, 60.

⁷⁰⁵ Henry Stob, *The Christian Concept of Freedom* (Grand Rapids International Publications: Grand Rapids, Michigan, 1957), 40.

⁷⁰⁶ *Ibid.*, 42-43.

Protestants held that following conscience – a conscience pledged only to God – produced the freedom needed for the political and intellectual advancement of modern American society. A conscience beholden to any earthly authorities, especially Catholic authorities, was incapable of producing the freedom needed for religious liberty, scientific advancement, or democracy. On a special Reformation Day service in late October 1944, Reverend Samuel Calvert told congregants from 14 New York churches that Protestantism’s direct relationship with God produced a “religion of conscience and conviction, free from compulsion imposed from without.” This religion of conscience and conviction, he explained, made “a dynamic contribution to the spirit of freedom in every other realm.”⁷⁰⁷ Methodist bishop G. Bromley Oxnam preached in a 1949 sermon at the Arlington Street Church in Boston that freedom of conscience offered a crucial clue as to why Protestant countries were less susceptible to communist take-over. Individuals without conscience directly loyal to God were less likely victims of authoritarian power. Individuals connected conscience directly to God and then followed it, bypassing any earthly authorities. “Protestant Christianity exalts the individual particularly in its doctrine of the right of private judgment,” Oxnam announced, “this doctrine frees the individual conscience from submission to any external or tyrannical authority ... it develops the scientific attitude of mind and penetrates the fog of ignorance and superstition. It contributes significantly to the democratic society.”⁷⁰⁸

The notion that freedom of conscience had an important role to play in making individuals free was commonplace among Protestants in the late 1940s. In a paper given at the Chicago Institute for Religion and Social Studies in November of 1949, Paul

⁷⁰⁷ “Churches Observe Reformation Day,” *New York Times*, October 30, 1944, 11.

⁷⁰⁸ “Protestant Emphasis on Freedom Bars Communism – Bishop Oxnam,” *The Boston Globe*, November 11, 1949, 38.

Lehmann, a professor at Harvard Divinity School, commented on how “the Reformation rightly grasped the fact that conscience is a religious and not a moral function of human nature.”⁷⁰⁹ Protestants made obedience to conscience superior to any law or earthly authority. Lehmann declared that: “the conscience of the individual is divinely sanctioned as the ultimate authority in matters of faith and conduct.”⁷¹⁰ Freedom of conscience, Protestants argued, produced private judgment, intellectual curiosity, and, Lehmann argued in 1949, it ensured the individual’s dignity against obedience to law or corrupt authorities.

Lehmann’s paper warned that the freedom of conscience must be protected from “idolatrous pretensions of Catholicism.”⁷¹¹ Oxnam, a bishop in the Methodist Church, implied that countries like Poland fell to communists because of the nation’s Catholicism. Protestants writing in the late 1940s in general did not think Catholics had individual consciences, much less freedom of conscience. As such, nations with Catholics were less likely to have a robust democracy, intellectual accomplishment, and religious liberty. Paul Blanshard’s 1949 blockbuster best-seller, *American Freedom and Catholic Power* (a book in its 18th printing by 1953), commented casually on how Catholic laypeople did not possess consciences of their own. “In almost all cases in which the Church and the American people disagree the hierarchy uses ecclesiastical penalties to punish its members for making their own choice in good conscience between Church policy and public policy,” Blanshard wrote.⁷¹² In his chapter on Catholic schools, Blanshard added

⁷⁰⁹ Paul Lehmann, “What is Religious Liberty? Definitions and Presuppositions,” November 8, 1949, 1. The Paul Lewis Lehmann Manuscript Collection (hereafter PLLMC), Box 12, Folder 19, Princeton Theological Library Special Collections (hereafter PTLSC).

⁷¹⁰ Ibid., 1

⁷¹¹ Ibid., 7.

⁷¹² Paul Blanshard, *American Freedom and Catholic Power* (Boston: Beacon Press, 1949), 52.

that “the priests tell their people that they are compelled ‘in conscience’ to maintain a separate school system. Many a Catholic parent has recognized that the ‘conscience’ is the conscience of the priests and not of the parents themselves.”⁷¹³

Protestants were befuddled by Catholic conscience talk at mid-century. Catholics spoke a language about a faculty – conscience – they did not actually possess. The editors of the *Christian Century* were perplexed by a National Catholic Welfare Conference announcement (which turned out to be false) that a Catholic judge might “act against his conscience” in permitting divorce in certain cases. “How could any authorized Catholic teacher say that a Catholic may act against his conscience when he is doing what the church tells him he may do?” the editors wondered.⁷¹⁴ After providing and parsing a definition of conscience from Canon George Smith’s *The Teaching of the Catholic Church* (i.e., the conscience is a judgment of the mind, based on habitual knowledge, that an action is in conformity with the law of God or not), the editors concluded that since “the Catholic is bound in conscience to accept what the church delivers to him as God’s law and God’s truth, it would seem quite impossible for him to ‘act against his conscience’ when he is acting in accordance with the church’s instructions.”⁷¹⁵ Earthly authorities played no role in forming individual consciences. A Protestant’s conscience went directly to God at midcentury; it was not formed by priests or catechists or the laws of a church.

Protestant theologians were not interested in taking any systematic approach to conscience at midcentury. Serious scholarly work on conscience by Protestants was nearly non-existent in the 1940s and 1950s. One exception to the dearth was “Conscience

⁷¹³ Ibid., 79.

⁷¹⁴ “Conscience and the Law,” *The Christian Century*, December 14, 1949, 1477.

⁷¹⁵ Ibid., 1478.

in Western Thought and the Idea of a Transmoral Conscience,” an article by Paul Tillich appearing in *Crozier Quarterly* in the fall of 1945.⁷¹⁶ The other exception was C.A. Pierce’s 1955 biblical exegesis, *Conscience in the New Testament*, which concluded that early Christians had taken the concept of conscience from the Greeks.⁷¹⁷ Articles on conscience that did appear in print were often critical of the naiveté it took to believe that conscience connected directly and instantaneously to God. In the first sentence for a 1945 article on conscience appearing in *The Journal of Philosophy*, Richard Niebuhr wrote “discussions of the meaning and function of conscience are often confused because the word is used in broad and overgenerous fashion to refer now to one, now to another, aspect of what is a highly complex experience.”⁷¹⁸ In an article written over a decade later Reinhold Niebuhr commented on how “the ‘content’ of conscience is obviously relative to time and place.”⁷¹⁹ Quite telling of the almost total lack of concern for conscience among Protestant theologians in the 1950s was the relegation of a section on conscience to the appendix of proceedings of a 1957 conference on theology, psychology, and psychiatry. “The whole problem of conscience is somewhat difficult to place in the behavioral sciences,” the volume’s editors concluded.”⁷²⁰

The origins of a more academic theology of conscience – one that would ultimately help Protestants replace autonomy with processes of formation – can be found in Protestant scholars’ early flirtations with Freudian psychoanalysis. Presbyterian

⁷¹⁶ Paul Tillich, “Conscience in Western Thought and the Idea of the Transmoral Conscience,” *Crozier Quarterly* Vol. XXII (October 1945):289-300.

⁷¹⁷ C.A. Pierce, *Conscience in the New Testament* (London: SCM Press, 1955).

⁷¹⁸ Richard Niebuhr, “The Ego-Alter Dialectic and the Conscience,” *The Journal of Philosophy* 42 (June, 21 1945), 352.

⁷¹⁹ Reinhold Niebuhr, “The dialogue between the Will and the Conscience of the Self,” *Pastoral Psychology* 9 (June 1958), 10.

⁷²⁰ *What Then is Man? A Symposium of Theology, Psychology, and Psychiatry* (Saint Louis, Missouri: Concordia Publishing House, 1957), 310.

theologian C. Ellis Nelson began to find Sigmund Freud's definition of conscience insightful in the late 1950s. Nelson, while pursuing a Ph.D. in education at Columbia University (completed in 1955), came to agree with Freud that individuals had superego consciences. Freud had famously "discovered" the existence of the superego – an internal psychic reflex that punished the individual for breaking codes. The superego was a proxy for the parental voice, and it urged obedience to rules. In a 1957 lecture given at Union Seminary in New York City, Nelson explained that "cultural and class values are instilled in the child by the family... from the day a baby is born he is faced with the realities of life and interpretation of what those values mean. The result is the formation of conscience ... conscience, then, is a regulatory mechanism."⁷²¹ The superego punished with guilt.

The superego uttered the family's or community's moral rules (it did not echo God's voice directly into the self): to avoid guilt, it said, do not break these codes. During childhood and adolescence, Nelson argued in a presentation to a board of Christian educators in the 1950s, "the conscience develops in prohibitions and not in reasoned understanding of what is the best course of action...the early conscience is therefore largely negative ... a moral code telling them what not to do."⁷²² Freud, he conceded, had rightly observed that superego conscience was a human community's voice, and not God's.

Protestant educators warmed up to Freud's definition of conscience in the mid-1960s, the same moment Catholics began to approach Freud. Protestants too found much

⁷²¹ C. Ellis Nelson, "The Contemporary Mind," October 1957, 6. CENP, Box C008A, Folder "Professional: Minister – Addresses and Sermons, 1," APTS.

⁷²² C. Ellis Nelson, "Environment in the Christian Education Process," 22-23, n.d. but late 1950s. CENP, Box C008A, Folder "Professional: Minister – Addresses and Sermons, 1," APTS.

to admire in Freud's understanding of conscience as the internalization of parental denunciations and encouragements. The recognition of the socialization of conscience – the existence of the superego – gave Protestants and Catholics an initial psychological language of conscience. "This traditional psychoanalytic concept of the conscience as delineated by Freud enjoys widespread acceptance in psychiatric and even certain theological circles," James Knight, Union Seminary professor of Psychiatry and Religion, reported in *The Journal of Pastoral Care* in 1964.⁷²³ Protestant and Catholic writers understood Freud to be correct about the existence of the superego, especially in children, as one stage of the individual's development. A Protestant writer taking stock of the new-found respect for the Venetian doctor's definition of conscience in an article for the *Concordia Theological Monthly* concluded that Church professionals "may be inclined to be less categorical in our rejection of Freud ... religious-oriented men, both liberal and conservative, have recognized the validity and usefulness of contributions made by Freudian psychoanalysis."⁷²⁴ By the mid-1960s Freud had made pupils of Catholic and Protestant theologians researching the conscience.

Protestant educators found Freud's notion of the superego useful but ultimately, as Catholic educators had argued, the superego was meant to be transformed. The superego was an unconscious psychic reflex to be overcome, due to its close connections with socialization. Howard Worth, professor of religious education at Illif School of Theology in Denver, Colorado, commented on the limits of Freud's superego in a 1963 article for the *Illif Review*. "Conscience should be distinguished from what Freud called the 'super-ego,'" he wrote, "Freud's word 'super-ego' never referred to reasonable,

⁷²³ James A. Knight, "Conscience," *The Journal of Pastoral Care* 18 (Fall 1964), 136.

⁷²⁴ Allen Nauss, "Freud's Superego and the Biblical Syndeisis," 33 *Concordia Theological Monthly* (May 1962), 273.

objective ego judgments but covered all the unconsciously working, repressing forces of the mind.”⁷²⁵ Christian educators might help individuals break the chains of socialization (the superego conscience) through education. According to a theologian writing for the *Concordia Theological Monthly*, reading the bible moved Christians from uncritical superego to an enlightened, more universal conscience. “Freud sees the super-ego as having worth only in maintaining moral standards in social relations,” he wrote, but “the Bible, in addition to recognizing the social value of conscience, considers conscience necessary for the make up of the Christian in conforming his behavior to law.”⁷²⁶ Christian educators began to recognize the reality of Freud’s superego in the early 1960s but thought of it as a psychic state to overcome.

Nelson accepted Freud’s notion of the superego conscience but, unlike the Viennese doctor, and like his Catholic and Protestant counterparts, he concluded it could be transformed. He argued that Christian education could produce a “positive conscience.” With the proper techniques ministers “can help people develop a positive conscience which causes them to serve in the kingdom of God out of a motivation for love.”⁷²⁷ Nelson, defining the positive conscience in a 1961 article for *The Princeton Seminary Bulletin*, explained that it was the Apostle Paul who first realized that “the conscience has a practical function only in terms of order and that the Christian must go beyond law to grace.”⁷²⁸ To go beyond law to grace, Christians needed “positive consciences” that, not judging in relation to disobeying codes, instead pushed the

⁷²⁵ Howard A. Worth, “Religious Education and the Development of Conscience,” *Illif Review* 20 (Spring 1963), 19.

⁷²⁶ “Freud’s Superego and the Biblical Syndeisis,” 280.

⁷²⁷ “The Contemporary Mind,” 7.

⁷²⁸ C. Ellis Nelson, “The Christian Education of Conscience,” *Princeton Seminary Bulletin* 55 (1961), 43.

individual to consider – rationally – what they *should be* doing. The individual should not simply obey codes; the individual should actively seek to promote the kingdom of God.

Nelson's 1961 article demonstrated the congruence being discovered between the formation of conscience (realizing a positive conscience) and developmental psychology. "The Kingdom of God demonstrated in Christ releases us from the bondage of restrictive law and sets our feet on the path of service to the kingdom," Nelson wrote, adding that, "this theological affirmation seems to harmonize with much of our [psychological] knowledge of conscience."⁷²⁹ Individuals feel shame, not guilt, at not having become the good, and they were motivated by a positive conscience, Ellis argued, to pursue the kingdom of God with mirth and reasonability.

Nelson linked his notion of the positive conscience with Freud's idea of the "ego-ideal." The ego ideal was a projection of the norms to achieve, not the rules to avoid transgressing. Nelson explained that individuals do not seek to avoid the guilt that comes with infractions of specific rules, instead, they seek the breakthrough to grace that comes with attempting to live up to the standards of the good. Christian education – updated with the tools of developmental psychology – should place the development of positive consciences at the center of its curriculum. "Our task," he wrote in 1961, "is to help a person grow in grace and knowledge of Jesus Christ so that he may pass through the confines of his negative conscience and emerge as one whose only fear is the shame that might come to an unworthy disciple."⁷³⁰

Liberal Protestants began to work in the same academic channels as Catholics in the early 1960s, often having conversations with their new interlocutors about the

⁷²⁹ Ibid.

⁷³⁰ Ibid., 44.

theology of conscience in relation to what Nelson had called “the bondage of restrictive law.” Catholics and Protestants both gave the theology of conscience a more privileged role in academic theology as laws – and obedience to laws – appeared only to stunt an individual’s development. Psychology helped both groups understand conscience formation in relation to the individual’s “growth.” Catholic and Protestant conversations about conscience began at Harvard Divinity School’s March 1963 Roman Catholic-Protestant Colloquium, where Charles Curran (Catholic priest), Paul Lehmann (Presbyterian theologian), John L. Thomas (Jesuit sociologist), David Stanley (Protestant Theologian) and Kirster Stendahl (Protestant theologian) gave a series of papers on conscience, followed by a seminar discussion on “Conscience in a Pluralistic Society.”

Charles Curran treated his ecumenical audience to a ringing defense of the formation of conscience. “The defects of the manualistic treaties on conscience,” too focused on the objective law, Curran wrote, “were great.”⁷³¹ Curran encouraged the Christian academics to acknowledge the uniqueness of each situation. “God has called each person by his own name ... every individual is unique,” he wrote, adding that, “the Christian’s answer to divine call must respond to his individual circumstances.”⁷³² Thus, Curran concluded, “the formation and training of conscience include much more than the mere knowledge of the external formulas of law.”⁷³³ Formation of conscience included individual psychological dynamics (obedience could be an “inferiority complex”), prudence in daily life, and virtue in normal circumstances.

Catholic theologians were wont to remind Protestant theologians that Catholic moral theology had always accentuated the role of conscience in the subjective life of the

⁷³¹ 265.

⁷³² Ibid., 270.

⁷³³ Ibid., 271.

Christian. Hans Kung told 250 Protestant and Roman Catholic theologians gathered at Boston College in April of 1963 that “St. Thomas Aquinas had declared in the 13th century that a Catholic must be obedient to his conscience even if it meant excommunication from the church.”⁷³⁴ Curran, offering a similar note in his talk, had explained that the natural law, become internal, made conscience the “supernaturally elevated subjective power of man.” Protestants seemed receptive to the Catholic theology of conscience and its emphasis on formation.

Liberal Protestants, in addition to sharing a common psychological language of conscience with Catholics, also accentuated the formation of conscience in attacks on “code morality.” In the spring of 1963 – among the first of many efforts made by theologians in the 1960s and 1970s – Paul Lehmann of Union Theological Seminary published the conclusions of an ambitious research agenda designed to redefine conscience. Lehmann, a Presbyterian, first took aim at Catholic and Protestant definitions of conscience in his comments on a paper given by Charles Curran at the Ecumenical Dialogue at Harvard in March of 1963. Catholic notions of conscience as the subjective side of natural law morality, and Protestant notions of conscience from the writings of Wittenberg, Geneva, and Massachusetts Bay, had to be dismissed, Lehmann argued, because “the consciences of Catholics and Protestants alike have been bogged down in the deadening gap between the strident certainties claimed for moral insights ... and the daily occasions and responsibilities of decision-making.”⁷³⁵ Laws (i.e., “certainties”), in other words, had no bearing on the real decisions Catholics and Protestants faced in their

⁷³⁴ Brian Justin Hoel, “Cleric Stresses Conscience,” *The Christian Science Monitor* April 17, 1963, 3.

⁷³⁵ Paul Lehmann, “Integrity of Heart: A Comment Upon the Preceding Paper,” in *Ecumenical Dialogue at Harvard: The Roman Catholic-Protestant Colloquium* (Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 1964), 275.

everyday lives. Lehmann deepened his critique of available definitions of conscience, including Freud's, in a presentation to the Duodecim Society of Princeton University in May of 1963. "The conscience, in so far as it is regarded at all," he wrote, "functions as the bearer of ethical generalizations increasingly emptied of concrete behavioral meaning and power, and as the seat and source of guilt which paralyzes the nerve of ethical action."⁷³⁶ Conscience went unaffected by external and meaningless laws, or conscience punished individuals with guilt for breaking laws. Both instances, Lehmann concluded, marked the decline and fall of conscience as a useful faculty in moral life.

Protestants and Catholics needed to make conscience an effective faculty for moral decision-making. Lehmann brought his task of redefining conscience to full fruition in his 1963 landmark work, *Ethics in a Christian Context*. Conscience was not to be purely autonomous (subject to its own laws only) or strictly heteronomous (under the dominance of outside laws). Conscience was to be formed in a Christian community called the *koinonia* (a Greek word for 'communion' or 'joint participation'). The formation of conscience in community moved Protestants away from claims of autonomy as it moved Catholics away from obedience to the law. Lehmann turned to the Apostle Paul's advice given to the community at Corinth that Christians should not eat the meat that had been sacrificed to the gods if it weakened a brother's or sister's conscience. Conversely, a Christian was free to eat the meat if consuming the meat did not damage a fellow Christian's conscience. Christian community and Christian ethics became real when a Christian considered how a particular action affected a fellow community member's conscience. No law should be made banning the eating of meat that had been

⁷³⁶ Paul Lehmann, "Christian Freedom and the Ethical Reality of Conscience," Duodecim Society, May 1963, 2. PLLMC, Box 25, Folder 14, PTLSC.

sacrificed to pagan gods; nor should the Christian forgo the meat as a result of making their own law. Christians arrived at the appropriate behavior by creating what Lehmann called a “conscience-relation.” Christians in the *koinonia* made rules that actually governed everyday behavior by considering one another’s consciences. “The ethical significance and function of my neighbor’s conscience are concretely exhibited in the conscience-relation between my neighbor and myself,” Lehmann wrote, explaining that this reciprocity “is a relation of human claim and human response through which no human action is ethical in itself but all human action is instrumental to what God in Christ is doing in the world to make and to keep human life human.”⁷³⁷ Lehmann also referred to the conscience as the “nexus of obedient freedom” to demonstrate how Christians ought to freely obey laws made in a community of conscience relations. Christians obeyed or ignored restrictions because they created the ethical reality of Christian community through a series of conscience relations. Acting on sensitivity to a brother’s or sister’s conscience gave a particular action (e.g., eating or not eating sacrificed meat) an ethical reality. Lehmann reasoned that God and Christ wanted Christians to keep “human life human” through relationships, avoiding the lethargy that came with complete autonomy or meaningless appeals to external laws.

The dearth of academic scholarship on conscience underwrote Protestant searches for new sources. Protestants who began research projects on conscience in the mid-1960s started from a relatively clean Protestant slate. In a paper given at a 1969 conference on conscience organized by the Jesuits of Fordham University, David Little, a professor of ethics at Yale University, began by confessing that Protestants “have not of late engaged in much systematic reflection on the subject of conscience.” Theologians like Little were

⁷³⁷ Paul Lehmann, *Ethics in a Christian Context* (New York and Evanston: Harper and Row, 1963), 360.

surprised at the paucity of academic research on conscience given Protestantism's long-standing emphasis on the freedom of conscience. "This is odd, too," Little explained, "because Protestants are usually eager to claim 'freedom of conscience' as one of the great contributions of Protestantism to the rise of modern society ... one looks in vain for any sort of extended discussion of conscience in the writings of influential Protestant theologians like Emil Brunner, Karl Barth, Dietrich Bonhoeffer, and Reinhold Niebuhr."⁷³⁸ The only notable exception to this dearth was Harvard's Paul Lehmann, who produced a flurry of work on conscience in 1963.

Nelson claimed to have launched his research agenda on conscience in the early 1960s after a visit to the library at Union Theological Seminary turned up little to no research on the subject. Nelson received an appointment at Union Theological Seminary as the Skinner and McAlpin Professor of Practical Theology, a post he held from 1955 to 1974 – and his interest in the theology of conscience held steady during his time at Union. He explained in an interview to *The New Review of Books and Religion* near the end of his career that, "I went to the library at Union and was astonished to find how little there was on conscience. This reinforced, from an academic viewpoint, my own private interest in trying to work at it."⁷³⁹ The new work on conscience among Protestant theologians would require resources beyond the extant Protestant theology of conscience. Eric Mount, a professor of religion at Centre College, found the same lacuna as Nelson as he began a doctoral dissertation on conscience at Duke University in the early 1960s. He introduced his 1969 book, *Conscience and Responsibility*, by noting that, "conscience is

⁷³⁸ David Little, "A View of Conscience Within the Protestant Theological Tradition," in *Conscience: Freedom and Limitations* ed. William C. Bier (New York: Fordham University Press, 1971), 20.

⁷³⁹ Kendig Brubaker Cully, "Reinterpreter of Conscience: Carl Ells Nelson Interviewed," *The New Review of Books and Religion*, (1978), 3.

making a comeback in Christian ethical thought ... after a period of being relegated to a place of importance ranging from subordinate to negligible in Protestant thought, conscience has been receiving renewed attention.”⁷⁴⁰ Protestant theologians were joining Catholics in making a turn to conscience, but they had significantly fewer academic resources with which to do so.

Protestant thinkers, partaking of the general embrace of developmental psychology, became critical of a narrowly individualist notion of conscience in the late 1960s, opening the door further to considerations of Catholic tradition. Protestants began to argue that the theology of conscience be moved from assertions of autonomy to emphasis on more prolonged processes of formation. Looking for a notion of conscience that meant more than “do your own thing” brought Donald Berry to explore the Catholic concept of conscience as “totality of the self” in a September 1968 article for the *Christian Century*. “Conscience is not a part of the self ... Conscience is simply a way of viewing the totality of the self in its moment of committing and trusting,” he wrote, adding that, “when conscience guides us, we are guiding ourselves from the depth of our being.”⁷⁴¹ Church historian L. John Van Til argued in an article for *Christianity Today* for the “restitution of a doctrine of conscience” which understood that, “the operation of conscience is a process, and this process involves knowledge and judgment ... recognition of this would allow persons to examine and educate their consciences.”⁷⁴² The sudden undesirability of pure autonomy brought Protestant academics to import key motifs of the Catholic theology of conscience in their writings on the subject.

⁷⁴⁰ Eric Mount, *Conscience and Responsibility* (Richmond, Virginia: John Knox Press, 1969), 10.

⁷⁴¹ Donald L. Berry, “The Rhetoric of Conscience,” *The Christian Century*, September 4, 1968, 1103.

⁷⁴² L. John Van Til, “The Appeal to Conscience,” *Christianity Today*, May 23, 1969, 8.

Protestant consciences need to be formed by the proper institutional and educational mediators. In a lecture given in the late 1960s to the Division of Christian Education at the National Council of Churches, Nelson lamented that “many Protestants, rather than listening, to have their conscience formed, will in the name of their own conscience oppose what thoughtful church leaders are saying ... they are Protestant in that they have made conscience their authority; but it is a highly individualized conscience, not greatly influenced by the teachings of the church nor by the traditions of the past.”⁷⁴³ Notions of conscience as “totality of the self,” a “process,” “formed,” and “influenced by the teachings of a church,” were long standing motifs of the Catholic theology of conscience.

Mount’s book – an attempt to redefine conscience – stands as a testament to the reality that Protestants’ redefinitions of conscience often required Catholic sources. Mount used secular sources (existentialism, psychoanalysis, continental philosophy) and Protestant theology to address “selfhood” – a related concept – but Catholics were recognized throughout his book as the crucial guardians of conscience. Catholics had specialized in the theology of conscience formation. Mount acknowledged Catholics’ robust definition of conscience in his introduction: “Protestant ethicists [are] beginning dialogue concerning the concept of conscience with Roman Catholic thinkers, in whose tradition conscience has generally remained an important term.”⁷⁴⁴ Mount conceded that Catholic theology might help Protestants fill gaps in their own theology of conscience. “The Catholic tradition also offers aid on the matter of the guidance of conscientious

⁷⁴³ C. Ellis Nelson, “Can Protestantism Make it With the ‘Now’ Generation?” 10. CENP, Box H006B, Folder, “Nelson: Professional: Educator, 1960-1969,” APTS.

⁷⁴⁴ Ibid., 10.

judgment,” Mount wrote, admitting that “Protestant thought has often failed to help the moral agent as he reflects on the murky matters of moral choice.”⁷⁴⁵

One of Mount’s main resources in his reformulation of conscience was the vast corpus of German theologian and Redemptorist priest Bernard Häring. “Häring’s moral theology is an impressive Catholic resource ... He appropriates his own Thomistic tradition both critically and creatively,” Mount wrote, then turning to conscience, noting that Häring, “makes good conscience inseparable from integrity of heart and accents the role of the Church as the context of Christian context.”⁷⁴⁶ Häring, and the broader Catholic theology of conscience, helped Mount to craft a definition of conscience that brought the objective moral rules into particular instances through the believer’s subjectivity. Mount concluded that Häring “makes great strides toward a wedding of conscience and responsibility and opens rich possibilities for ecumenical dialogue.”⁷⁴⁷ Mount made extensive use of Häring’s work, but also explored writings of Thomas More, John Thomas, Charles Curran, Pope John XXIII, and Jacques Maritain.

Most importantly, *Conscience and Responsibility* arrived at a definition of conscience with a heavy Catholic inflection of formation. Nearing the end of his book, Mount advanced his new definition of conscience with several layers. Mount noted that, “Christian conscience can respond to the living God in light of both tradition and situation” – proffering a deep connection of his definition of conscience with the Catholic emphasis on rules as considered in specific situations.⁷⁴⁸ Christians formed consciences by considering how broad rules were to be lived out in their specific circumstances.

⁷⁴⁵ Ibid., 43.

⁷⁴⁶ Ibid., 45.

⁷⁴⁷ Ibid., 46.

⁷⁴⁸ Ibid., 157.

Aquinas argued in the 13th century that the individual conscience must judge whether a law obliges in a particular situation, an adage Haring made use of several times in the books that Mount analyzed. Mount further concluded that conscience “has to do with one’s orientation, one’s ultimate commitment, one’s habitual style of life within which specific consciously weighed decisions are made” – connecting his definition to the Catholic notion of conscience as “total self,” an understanding of conscience discussed intensely in Catholic circles since the mid-1960s.⁷⁴⁹ Mount’s reference to “specific consciously weighed decisions” connected conscience to processes of formation, not strict declarations of autonomy. Then Mount arrived at a final, rather dense definition:

The Christian conscience then is knowing with oneself ... which the self’s integrity or image of itself is constituted in God as he has made himself ... known in Jesus Christ and this revelation is mediated through the Christian community.⁷⁵⁰

This individual knows himself or herself – creating integrity in the heart – in the same manner God knows the particular individual. Mount’s final definition bespoke the Catholic emphasis on a type of communal mediation aiding in the process of conscience formation. The process of coming to know the self was, in fact, a process, not merely an instantaneous connection between conscience and God. Mount’s definition of conscience also connected with the budding Catholic emphasis on the self’s conscience as known through relationships with others.

Nelson reached similar conclusions in the years just after Mount published his book on conscience in 1969. Nelson began to reflect more intensely on conscience with Catholic terms and with the tools of developmental psychology at the beginning of the 1970s, particularly the notion of formation. In a September 1970 letter to Robert

⁷⁴⁹ Ibid.

⁷⁵⁰ Ibid., 173.

Sutherland of the Hogg Foundation for Mental Health (connected to the University of Texas), Nelson explained that, “within recent years I have become increasingly interested in moral development, and I am now testing ... the interrelation of religion and morality in the early adolescent years.”⁷⁵¹ Development – a term used in Catholic circles – hailed from the social sciences, but the word “formation,” often used by Nelson, carried a deep Catholic valence. Nelson hypothesized in his letter to Sutherland that adolescence “is probably the point in human development where we can more accurately understand the relationship of religion and socially induced moral principles and discover ... the values of religion in the formation of proper moral character.”⁷⁵²

In a letter sent to Karl Ernst Nipkow, professor of religious education at Germany’s University of Tübingen, nearly a year later, Nelson used the language of conscience formation casually. “At the present time I’m deeply involved in a project related to conscience and moral education,” Nelson wrote, “at the moment I’m compiling a reader of theological, psychological, and educational materials related to conscience formation.”⁷⁵³ Nelson added that, “I am also about half way into a manuscript on conscience formation and its relation to religious education.”⁷⁵⁴ Nelson ended his letter to Nipkow by reporting the good news of a sabbatical for the spring of 1972, when he planned to visit England to learn more about Christian moral education from professors at Oxford. Nelson would be visiting Europe under the auspices of a grant from the Farmington Trust, an award he won while working at Union Seminary.

⁷⁵¹ C. Ellis Nelson to Robert L. Sutherland, September 18, 1970. CENP, Box H005A, Folder, “Nelson: Personal: Correspondence, 1970-1981,” APTS.

⁷⁵² Ibid.

⁷⁵³ C. Ellis Nelson to Karl Ernst Nipkow, August 12, 1971. CENP, Box H005A, “Nelson: Personal: Correspondence, 1970-1981,” APTS.

⁷⁵⁴ Ibid.

Nelson planned to immerse himself deeply in European Catholicism during his 1972 sabbatical in an effort to learn more about Christian moral education, particularly the theology of conscience. One of Nelson's recommenders for the grant, Philip Phenix of Columbia University's Teachers College, highlighted Nelson's planned trips to European Catholic institutions as important to the projected study. "With the participation of Catholics in many of our religious education programs," Phenix wrote, "Dr. Nelson's plan of study should make a valuable contribution to this ecumenical phase of his professional work."⁷⁵⁵ Nelson made good on his recommender's promises about the project. In a September 1972 letter to David S. Schuller of the American Association of Theological Schools, Nelson explained that, "the primary purpose of my sabbatical was to read and write in the field of conscience and moral education while located at Oxford University ... my secondary purpose was to become better acquainted with the religious education situation in England, including the work of Roman Catholics."⁷⁵⁶ Mainline Protestants like Nelson understood Catholic institutions to be important resources in designing new research agendas focused on moral education.

Nelson's debriefings of his European sabbatical detailed a prolonged foray into Catholic institutional life in England, Belgium, and the Netherlands. Nelson met with several Oxford dons and visited a number of British schools, but he made an effort to visit Catholic schools and interview Catholic intellectuals as well. Nelson visited the St. Francis Xavier Center and Xaverian College in Manchester; he interviewed Jesuit priest Andrea Godin about his research and his position as editor of *Lumen Vitae*, a Belgian

⁷⁵⁵ Philip H. Phenix to American Association of Theological Schools, n/d but fall 1970. CENP, Box H005A, Folder "Nelson: Personal: Correspondence, 1970-1981," APTS.

⁷⁵⁶ C. Ellis Nelson to David S. Schuller, September 1, 1972. CENP, Box H005A, Folder "Nelson: Personal: Correspondence, 1970-1981," APTS.

Catholic periodical dedicated to religious education; and Nelson spent a day with Father A. Vergote, the director of the Center for the Psychological study of Religion at the University of Louvain.⁷⁵⁷

During his time with Vergote, Nelson, according to notes on the interview, posed a question about conscience in the Catholic parlance of maturity. Nelson told Vergote that his own work was dedicated to giving subjects the “maturity to a heightening of conscience.”⁷⁵⁸ Nelson then asked Vergote: “exactly what this is I do not know What exactly is the relation between the Ch. Faith to the maturation of conscience?”⁷⁵⁹ Nelson complemented his institutional and personal visits with a sustained study of Catholic theology. In an interview about his travels conducted after Nelson returned to the United States (never published), Nelson reported that: “I have just finished a tour of major Catholic educational centers in Europe and have read the standard books on this subject.”⁷⁶⁰ He visited Europe, he explained, “because religious education as a field of study in the Catholic church developed in England; and European countries through a dozen or moral training centers leads the Catholic world in this work.”⁷⁶¹

In 1972 Nelson studied firsthand the intellectual context in which the European Catholic emphasis on the theology of conscience was being forged, a context he dubbed “the situation.” “The situation” represented the broader problem of how believers applied rules in everyday situations. Catholics had long discussed conscience as the subjective aspect of the self that understood and applied the broader objective rules of moral life to

⁷⁵⁷ Ibid.

⁷⁵⁸ C. Ellis Nelson, “Notes on Interview with Prof. Vergote,” May 23, 1972. CENP, Box H007a, Folder, “Nelson: Professional: Educator: Publications – Conscience,” APTS.

⁷⁵⁹ Ibid.

⁷⁶⁰ C. Ellis Nelson, “Q: Where is the New Roman Catholic Catechetical Authority? A: In the Situation. (Or is it?)” n/d, but 1972. CENP, Box H006a, Folder, “Nelson: Professional: Educator: Publications, 1968-1969,” APTS.

⁷⁶¹ Ibid.

particular situations. Nelson found himself at an important node of the Catholic theology of conscience that pondered these questions: he visited the Higher Catechetical Institute in Nijmegen, the center that produced the 1966 Dutch Catechism. Nelson told his interlocutor that “The Catholic Center at Nijmegen is the most insistent on the authority of the situation as having primacy in theology, but the center in Paris has been moving in the same direction ... they are emphasizing the situational approach so strongly that they have just changed their curriculum to make the study of the situation the dominant factor in the preparation of Catholic educational leaders.”⁷⁶² Applying broad moral rules to specific situations required more than autonomy; it entailed formation: the process of sifting through the rules, determining what applies, and then acting in the specific situation.

Nelson’s interview, though it did not mention the theology of conscience directly, shows the atmosphere in which the theology of conscience was flourishing. The role of the catechist, Nelson learned, was to bring knowledge from sociology and psychology to “the peculiar or unique conditions that characterize the group with which he is working.”⁷⁶³ Nelson also gleaned the general critique Catholics were making of their own moral teaching as too focused on a litany of laws. “Theology has been taught and the students have the ability to repeat and discuss theological ideas, yet it is now assumed that theological knowledge is not the end of a good catechetical experience,” Nelson explained, adding that, “Now Catholic leaders are attempting to set up aims and procedures that will result in the students living a more Christ-like life and they believe

⁷⁶² Ibid.

⁷⁶³ Ibid.

the way to do it is to stay close to the student's everyday experiences.”⁷⁶⁴ Critiques of the rote knowledge of scholastic law and a renewed focus on everyday experience often preceded or concurred with turns to the theology of conscience.

Nelson blended his reflections on the Catholic theology with his training as educational psychologist to craft new definitions of conscience. Nelson had come by the early 1970s to understand conscience as a process of developing a relationship with God, and the living out the relationship with God in specific circumstances. In the early 1970s, if his memory can be trusted, Nelson was asked to give a homily at a Catholic Mass on “What is Conscience?” A note penned at the end of the printed homily, dated December 30, 1980, recalled the homily as being given in the early 1970s at a Roman Catholic Church in New York City. More to the point –Nelson, a Presbyterian, preached the Catholic theology of conscience from a Catholic pulpit. Nelson defined the conscience as the total person, a definition pursued by Catholic theologian Louis Janssens and several others as early as 1965. “Conscience,” Nelson preached, “means not that we have a conscience, that is, a sense of what is right, but that we are a conscience. That we understand ourselves as persons created by God and are responsible to God.”⁷⁶⁵ The notion of responsibility – between person and God – was an important piece of the Catholic theology of conscience. This responsibility, known through the conscience, helped the person to develop a reciprocity and a relationship with God. “Conscience ... is not a region of our mind, it is not sensitivity to the needs of others, it is not giving another person his right, nor is it obeying the laws of the law,” Nelson preached. Conscience, he continued, “is a relationship to God that causes us to turn in prayer and supplication to

⁷⁶⁴ Ibid.

⁷⁶⁵ C. Ellis Nelson, “What is Conscience?” n/d but early 1970s. CENP, Box E077 Folder, “Nelson Professional Educator: Class and Lecture Notes, Brief Sermon on Conscience,” APTS.

him, seeking his pardon for our sins and asking strength and guidance to face the specific problems and opportunities that confront us every day.”⁷⁶⁶ Conscience was a “reciprocal relationship” with God – a deep understanding of the self’s responsibility to God, a more Catholic and expansive definition than rights, autonomy, or obedience to law.

The project the Farmington Trust grant and European sabbatical helped bring to fruition was *Conscience: Theological and Psychological Perspectives*, a volume of essays edited by Nelson, and published in 1973 with Newman Press, a Catholic company located in New York. The introduction and the selected essays themselves drew upon Nelson’s two major influences: psychology (particularly Freud) and Catholicism. The volume had 7 entries from Protestant theologians (including Paul Tillich and Paul Lehmann); 7 entries from Catholic theologians (including Charles Curran and Avery Dulles); and 7 essays from professional psychologists unaffiliated in any official capacity with a church.

Nelson viewed the volume primarily as a means for theologians to address the psychological notion of conscience, particular Freud’s. The ideal reader, he wrote, would have “a basic understanding of modern social science, especially psychology, and a concern for a theological interpretation of personality.”⁷⁶⁷ Nelson – reflecting the temper of the times in the early 1970s – understood to be the tools of psychology to be crucial in helping theologians to understand the phenomenon of conscience. “Few of these questions are new (How is conscience formed?) (What are the developmental stages of conscience?) (What is the relation of conscience to other functions of person’s mind, particularly his reason?),” Nelson wrote, adding that, “what is new is psychological data

⁷⁶⁶ Ibid.

⁷⁶⁷ C. Ellis Nelson, “Introduction,” *Conscience: Theological and Psychological Perspectives* ed. C. Ellis Nelson (New York: Newman Press, 1973), 3.

about conscience which have been accumulated during the last half century.”⁷⁶⁸ The essays Nelson selected for the volume ensured that any dedicated reader would encounter a welter of psychological language: ego psychology (page 193); the impulses of the Id (195); superego as punishing force (203); psychoanalytical mechanisms (212); existential guilt (226); the ego-ideal (243); genuine developmental dimensions (273); and internalized control (297).⁷⁶⁹ Freud entered theological circles in the mid-1960s and his notions of conscience remained, for Nelson, the most important psychological breakthrough in understanding conscience. The essays confirmed Nelson’s argument: “of matters of conscience, is there a ‘party line’ that determines which articles were used? ... There is a preference,” Nelson answered, “for the Freudian type of psychology because it is so widespread and seems to offer the best basis for analysis.”⁷⁷⁰ But Freud and psychoanalysis remained one of two founts Nelson used to redefine conscience. Catholic theology was also crucial.

The seven essays selected from Catholic theologians ensured that the reader who made it half-way through the volume, or read selectively, would encountered a barrage of Catholic nomenclature from sources as disparate as Thomas Aquinas, the manual tradition, and redefinitions of conscience as “mature” and “adult” then taking place in Catholic circles. The language included: conscience as man’s whole nature (page 95); conscience as an act of judgment (96); erring conscience (107); freedom of conscience as defined by Church Fathers (115); practical judgment (123); invincibly ignorant

⁷⁶⁸ Ibid.

⁷⁶⁹ See Nevitt Sanford, “Elements of Personality,” 191-209; Gregory Zilboorg, “Superego and Conscience,” 210-223; Martin Buber, “Guilt and Guilt Feelings,” 224-237; E. Mansell Pattison, “The Development of Moral Values in Children,” 238-262; Dorothea McCarthy, “The Development of the Normal Conscience,” 292-309 in *Conscience: Theological and Psychological Perspectives*.

⁷⁷⁰ *Conscience: Theological and Psychological Perspectives*, 5.

conscience (131); judgment of particular act (136); formation of conscience (136); conscience as “the supernaturally elevated subjective power of man” (137); mature conscience (144); and a sense of responsibility (151).⁷⁷¹ Ellis prepared the reader in the introduction for the flood of Catholic vernacular. He noted in his introduction that, “the pressing issue now is a better understanding between Protestants and Catholics on moral judgment.”⁷⁷²

The end result of the volume, in Nelson’s own words, was a blending of Sigmund Freud and the Catholic theology of conscience. In a letter to the Dean of the San Francisco Theological Seminary sent several years after the publication of the edited essays, Nelson reported gleefully that the volume “is a reader widely used in courses on moral theology in Catholic colleges.”⁷⁷³ The Catholic theology Nelson had read and his time touring European Catholic institutions, along with his editing of several Catholic essays for the volume, brought him to adopt a notion of morality directed by the “total personality” or the “meeting place of man and God” as the conscience: “these essays ... indicate a rapprochement between theologians and psychologists and a fresh understating of morality that emanates from the core of human nature.”⁷⁷⁴ Conscience was the word used to describe and best understand this core of the human person.

Nelson made the diminution of Freud’s superego conscience a primary goal of his intellectual and pastoral work of the early 1970s. The psychoanalytical notion of conscience influenced Ellis as much as the Catholic theology of conscience. In his 1972

⁷⁷¹ See Josef Rudin, “A Catholic View of Conscience,” 95-114; Avery R. Dulles, “Conscience and Church Authority,” 115-122; R.C. Mortimer, “An Anglo-Catholic View of Conscience,” 123-131; Ewert H. Cousins, “The Mature Christian Conscience,” 143-154, in *Conscience: Theological and Psychological Perspectives*.

⁷⁷² *Conscience: Theological and Psychological Perspectives*, 5.

⁷⁷³ C. Ellis Nelson to Dean Brown Barr, July 23, 1980. CENP, H005B, Folder, “Nelson: Personal: Correspondence – San Francisco Theological,” APTS.

⁷⁷⁴ Ibid.

interview with Professor Vergote, conducted during his visit to the University of Louvain, Ellis mentioned how the “superego, ego, + ego ideal,” needed analysis and that “each is necessary.”⁷⁷⁵ Nelson again made his case that psychology provided a new direction for theologians’ research on conscience: “so where 2 now is that Rel. + morality both one’s out of reflection and both have to be subject to maturity to a heightening of conscience.”⁷⁷⁶ Nelson had pursued this theme as early as 1959 in a lecture on “Christ and Selfhood” where he commented on the church’s role in defeating “superego consciences” that threatened to roost in their congregants: “the church as an organization,” Nelson lectured, “should strengthen the individual believer, otherwise the individual will tend to use the Church as his conscience in order to lessen his feeling of guilt.”⁷⁷⁷ Without proper individual cultivation congregants would be burdened by the guilt of failing to obey a church’s codes. The psychoanalytical notion of conscience remained an important part of Nelson’s public lecturing. The outline for a lecture on “Selfhood as the Actor in Faith,” poured over Nelson’s longstanding acceptance and critique of Freud’s notion of conscience in a line-by-line fashion. Nelson wrote:

Conscience is formed by the self in order to live with regulations.

Early conscience is negative.

The tragedy of much of our religious life today is the fixation of religious belief at the point of childish negative conscience, a list of things a person must not do.⁷⁷⁸

The psychoanalytical definition of conscience loomed large in Nelson’s public ministry of the early 1970s.

⁷⁷⁵ C. Ellis Nelson, “Notes on Interview with Prof. Vergote,” May 23, 1972. CENP, H007a, Folder, “Nelson: Professional: Educator: Publications—Conscience, 1972-1974,” APTS.

⁷⁷⁶ Ibid.

⁷⁷⁷ C. Ellis Nelson, “Christ and Selfhood,” 1959. CENP, Box E077, Folder, “Nelson Professional Educator: Class and Lecture Notes, Austin Seminary, 1959,” APTS.

⁷⁷⁸ C. Ellis Nelson, “Selfhood as the Actor in Faith,” n/d. CENP, Box E077, Folder, “Four Lectures on Faith,” APTS.

Ellis conducted a six-part workshop on “The Nature of Conscience” between March 11 and April 15, 1978 at Hitchcock Presbyterian Church in Scarsdale, New York. The goal of the workshop was to impart Nelson’s basic argument that Christians needed to transcend the confines of socialization (predicated on making individuals obedient to law) with the help of a “mature,” “positive,” or “religious” conscience. Educators and churchmen, proper mediators, helped individuals realize these flavors of conscience. The domesticated, superego conscience was an imperfect guide. At the initial meetings, Nelson asked his audience, “if conscience is the internal regulator, why is it that some people seem to have little guilt about their actions while others sometimes live restricted fearful lives because of the unreasonable demands of their consciences?”⁷⁷⁹ Some people, Nelson explained, always felt guilt as a result of breaking codes. Nelson elaborated in the second workshop on how such a moral system weakened religion or rendered it completely impotent. Christians had mistaken such a code morality, and all its guilt, for religion. They merely obeyed the rules of their own local context. The Christian had to judge morals from a heightened religious perspective: “in psychological terms it would be maturity. In theological terms it would be a sanctification,” Ellis explained.⁷⁸⁰ The results of this maturity, as explained in the third installment, was the “ego-ideal” or the “positive conscience.”⁷⁸¹

The positive conscience injected shame (not guilt) into its host when the individual did not live up to the ideal – motivating improvement and service. The results

⁷⁷⁹ C. Ellis Nelson, “The Puzzle of Conscience,” March 11, 1979. CENP, Box E077, Folder, “Nelson: Professional: Educator: Class and Lecture Notes, Conscience and Moral Development,” APTS.

⁷⁸⁰ C. Ellis Nelson, “What has religion to do with morality?” March 18, 1979. CENP, Box E077, Folder, “Nelson: Professional: Educator: Class and Lecture Notes, Conscience and Moral Development,” APTS.

⁷⁸¹ C. Ellis Nelson, “How Morals are Formed in Growing Persons,” March 28, 1979. CENP, Box E077, Folder, “Nelson: Professional: Educator: Class and Lecture Notes, Conscience and Moral Development,” APTS.

of the workshop, Nelson hoped, would lead to the development of the ego-ideal, positive consciences, or truly religious consciences in each of his listeners. As explained at the first session: “the religious conscience (I should because ...) requires that a person became aware of the moral forces within himself and the morality of the Kingdom of God as demonstrated in Jesus Christ.” “He must work as Jesus did to bring about the kingdom.”⁷⁸² The religious conscience pushed its host to perform an action because such an action, reasonable and positive, brought about the kingdom of God. One need not spend a life avoiding guilt.

The ultimate goal of bridging the gap between guides for Christian life and the individual Christian’s particular situation motivated Nelson, as it did a generation of Catholic scholars, to study the academic theology of conscience. Nelson continued to write about conscience until the end of the 1970s and into the start of the 1980s in an effort to bridge the gap between rules and specific situations. Nelson explained in an interview with the *New Review of Books in Religion* that he wrote his 1979 book, *Don’t Let Your Conscience Be Your Guide*, “trying to ... follow a fairly rational line. Ethics should be made objective.”⁷⁸³ Nelson, like a generation of Catholic priests, introduced the social sciences into his theological method to help bridge the gap between guides and everyday ethics. “I continue to have strong interest in conscience because it combines theology, psychology and sociology in a way that is practical for ministers,” Nelson wrote in a 1980 letter.⁷⁸⁴ In a questionnaire filled out for Newman Press, Nelson responded to the question “What special service is performed by the existence of this

⁷⁸² C. Ellis Nelson, “The Puzzle of Conscience,” March 11, 1979. CENP, Box E077, Folder, “Nelson: Professional: Educator: Class and Lecture Notes, Conscience and Moral Development,” APTS.

⁷⁸³ “Reinterpreter of Conscience: Carl Ellis Nelson Interviewed,” 5.

⁷⁸⁴ Nelson to Barr, July 23, 1980. CENP, H005B, Folder, “Nelson: Personal: Correspondence – San Francisco Theological,” APTS.

work?” by noting that his book is a “demonstration of how psychology is used to explain a human condition (conscience) and how theology is used to give mean and goals for conscience.”⁷⁸⁵ He added later in the interview, using the Catholic language of formation, that his book “includes sociological factors which impinge on conscience formation.”⁷⁸⁶ Nelson shared the same academic goal of bringing guides into particular situations as his contemporary Catholic counterparts, sometimes using the same language.

Nelson also shared with Catholic theologians the emphasis on “personal responsibility” that came with explorations of the theology of conscience. Churches and Christian educators were primarily available to help individual Christians produce their own “educated consciences” – internal faculties that helped individuals become responsible. “We must,” Nelson wrote in an academic paper delivered in the early 1970s, “help individuals make their own judgment and not let the church take on as an organization the responsibility that rightly belongs to the individual ... otherwise the individual believer will tend to use the Church as his conscience in order to lessen his feeling of guilt.”⁷⁸⁷ The individual develops a personal responsibility through the realization of an “educated conscience.” Nelson explained in a 1977 talk that “the educated conscience is one that moves ahead applying reason to life in a sensitive manner, during this process, a person [is] to grow in personal responsibility.”⁷⁸⁸ Nelson inflected key terms from the Catholic theology of conscience in his own academic work.

⁷⁸⁵ “Promoting Your Work,” 2. CENP, Box H010a, Folder, “Don’t Let Your Conscience Be Your Guide, 1977-1978 and undated,” APTS.

⁷⁸⁶ *Ibid.*, 5.

⁷⁸⁷ “Christ and Selfhood.”

⁷⁸⁸ C. Ellis Nelson, “Can Conscience Be Born Again?” 1977, 19. CENP, Box E077, Folder, “Nelson: Professional: Educator: Class and Lecture Notes, Conscience and Moral Development,” APTS.

Nelson also shared with Catholic theologians at the end of the 1970s and the beginning of the 1980s the understanding of conscience as the “total” or “whole” manifestation of the self. In a blank space in one of the outlines for his 1978 workshop on “The Christian Conscience” in New York, Ellis penned the words: “must deal with (1) whole person, in a (2) total situation.”⁷⁸⁹ Catholic theologians like Bernard Häring and Nicholas Lohkamp pursued similar definitions in textbooks on Catholic moral theology published at the end of the 1970s and beginning of the 1980s. In his 1978 book, *Free and Faithful in Christ: Moral Theology for Clergy and Laity*, Häring wrote that, “the call to unity and wholeness pervades our conscience. It is a longing for integration of all the powers of our being that, at the same time, guides us towards the Other and the others.”⁷⁹⁰ According to Häring, the whole situation included openness to fellow men, one’s self understanding, the growth of the person, the stage of development, and one’s knowledge of the good. In his 1982 book, *Living the Good News: An Introduction to Moral Theology for Today’s Catholics*, Franciscan Nicholas Lohkamp – dedicating the entire second half of his book to conscience – explained: “Conscience has to do with the relationships of our whole self, our whole life, to God... we express our self, and we gradually shape the direction of our life, in and through particular choices we make.”⁷⁹¹ Nelson – along with Lohkamp and Häring – understood that the conscience blended together the sense of self, development, particular acts to form a “totality of the self” at the center of the individual’s moral decision-making.

⁷⁸⁹ C. Ellis Nelson, “The Christian Conscience (I Should Because ...),” April 15, 1978. CENP, Box E077, Folder, “Nelson: Professional: Educator: Class and Lecture Notes, Conscience and Moral Development,” APTS.

⁷⁹⁰ Bernard Häring, *Free and Faithful in Christ: Moral Theology for Clergy and Laity* (New York: Seabury Press, 1978), 236.

⁷⁹¹ Nicholas Lohkamp, *Living the Good News: An Introduction to Moral Theology for Today’s Catholic* (Cincinnati, OH: St. Anthony’s Messenger Press, 1982), 88.

“A Service to the Church to Enable a Competent Formation of Conscience”: The Formation of Conscience in Conscription and Amnesty

Liberal Protestants did bring a homegrown theology of conscience to the debates about conscription. Protestants looked to the trials of the early church in the New Testament for a theology of conscience. Particularly important, and often cited, was book 5 of the Acts of the Apostles, verse 29, in which St. Peter defied the local ban against preaching because, he claimed, “We must obey God rather than men.” Liberal Protestants understood Peter to be following conscience rather than law. In a sermon given at Arlington Street Church to 1,000 people during an antiwar protest in Boston on October 16, 1967, William Sloane Coffin, chaplain of Yale University, explained that St. Peter’s words were “indispensable” because, “they tell us that the most profound experience of the self is the experience of conscience, not the experience of private sensations and interior visions.”⁷⁹² Heroes in human history, of whom Peter was just one, followed conscience rather than the state; Coffin argued that following conscience made them good neighbors albeit bad citizens. A statement issued by the National Council of Churches entitled “The Primacy of Conscience,” explained that “Our Christian belief [is] that conscience is the light given by God to every man to seek good and reject evil,” adding, citing the Acts of the Apostles, that, “In instances of conflict with human authorities, Christians have insisted that ‘we must follow God rather than men.’”⁷⁹³ The Acts of the Apostles helped liberal Protestants to craft a theology of conscience.

Prominent Protestant activists like William Sloane Coffin and Robert McAfee Brown also imagined young conscientious objectors to the Vietnam War – secular, Protestant, Jewish, and Catholic – to be rehearsing Martin Luther’s drama at the 1521

⁷⁹² Ibid., 183.

⁷⁹³ “The Primacy of Conscience.”

Diet of Worms, captured by Luther's famous phrase, "Here I stand—I can do no other." Such a phrase, and stand, was imagined by liberal Protestants to be born of conscience. Protestants turned to the historic and personal stands of the original 16th century reformers to produce a theology of conscience. Brown, a professor at Stanford University, told objectors gathered in San Francisco Federal Building on December 4, 1967 that, "all of you...are affirming with Martin Luther 'Here I stand, I can do no other.'"⁷⁹⁴ Brown assured the members of his audience that they took a stand with "an appeal from the law of conscience, a law that the highest court in the land can never overrule."⁷⁹⁵ Coffin concluded his address at Arlington Street Church with a reflection on the legacy of the Reformation and Luther's position as one of its originators. Conscientious objectors, he emphasized, followed conscience in 1967 in the same manner that Luther followed conscience in 1521. "Gentlemen, it is fitting that your action should take place within two weeks of the four-hundred and fiftieth celebration of the Reformation," Coffin announced, "For what we need today is a new reformation – a reformation of conscience."⁷⁹⁶ He then told the crowd that, "You stand as Luther stood then. May you be inspired to speak, and we to hear the words he spoke in conscience and simplicity: 'Here I stand – I can do no other.'"⁷⁹⁷

Presbyterians, using a third decidedly Protestant source, invoked a phrase from the 1646 Westminster Confessional, "God alone is Lord of Conscience," to support claims of conscience. Tethering the conscience directly to God – and not an earthy

⁷⁹⁴ Robert McAfee Browne, "Sermon at the Service of the Turning in of Draft Cards," December 4, 1967. The Vietnam Center and Archive (hereafter VCA), Social Movements Collection, Texas Tech University (hereafter TTU). (<http://www.vietnam.ttu.edu/virtualarchive/#search>) (accessed 15 March 2014)

⁷⁹⁵ Ibid.

⁷⁹⁶ "Sanctuaries for Men of Conscience," 186.

⁷⁹⁷ Ibid.

political authority – helped to support a Presbyterian’s conscientious objection to war. As a staffer for the Presbyterian’s Emergency Ministry on Conscience and War (EMCW) explained in a note hand-written in 1971, Presbyterians, “hold that ‘God alone is Lord of the Conscience, and not the state or Church.’”⁷⁹⁸

Presbyterians cited this theology of conscience – the autonomous conscience pledged only to the Lord – throughout the twentieth century. A 1930 statement issued by the General Assembly claimed a Presbyterian could be a conscientious objector on the grounds that, “the standards of the Church declare that God alone is the Lord of conscience ... the church has always taught that it is the duty of man to obey the conscience in the fear of God.” A 1940 statement from the General Assembly asserted: “God alone is the lord of conscience and the church must oppose all who bind a man’s conscience to any less Lord or master.”⁷⁹⁹ Presbyterians looked to make God the only Lord of Conscience as the American war machine revved up to fight in Vietnam. A 1968 memo from Presbyterian Harry Davis to other staffers in the Presbyterian Church’s bureaucracy called for support for conscientious objectors on the grounds that “‘God alone is lord of the conscience’ is a teaching prominent in Presbyterian traditional and firmly based in Biblical understandings of God, man and society ... Obedience to God’s moral imperatives must take precedence over any man-made standards for behavior, including the laws of the government.”⁸⁰⁰ A statement issued by the Presbyterian Youth Council on May 24, 1971 began with the observation that, “We have come to believe the

⁷⁹⁸ Bruce D.D. Stuart, “Feeling the Draft,” Revision Notes, 1971. Emergency Ministry of Conscience and War (hereafter EMCWC), Box 1, 130 B, Folder, “Bruce D.D. Stuart’s Correspondence, 1969-1971,” Presbyterian Historical Society (Hereafter PHS).

⁷⁹⁹ “Appendix One: Pronouncements of the General Assemblies, The United Presbyterian Church, US, Relating to the Conscientious Objectors,” Revision Notes, 1971. EMCW, Box 1, 130 B, Folder, “Bruce D.D. Stuart’s Correspondence, 1969-1971,” PHS.

⁸⁰⁰ Harry Davis to John Hadsell and Task Force, November 30, 1968. EMCW, Box 3, 130B, Folder, “Constitution and Conscience,” PHS.

time-honored statement of the Westminster Confession that ‘God alone is the Lord of Conscience’ ... in its counsel to the individual on conscience and war.”⁸⁰¹ A third source for the liberal Protestant theology of conscience – beyond the Bible and the words of 16th century reformers – became phrases lifted from foundational confessional statements.

But during the Vietnam War, Protestants introduced Catholic points of emphasis into their theology of conscience. Protestant churches began to make the case that institutions should play an important role in forming the individual’s conscience. A Protestant citizen following a well formed conscience – rather than an unmediated one – might be taking an ethically superior stand. In a 1967 essay, “Appeal to Churches and Synagogues,” Brown argued that it was not enough for Protestant churchmen to simply encourage members to follow conscience. Churches – mediators between the state and the individual – needed to provide resources and services for conscience formation. “When an individual takes a stand against war on the basis of conscience, the religious community has an absolute obligation to support him in that stand,” Brown wrote, explaining that “this means not only providing religious counsel, but also making legal counsel available to him, particularly when he does not fall within conventionally circumscribed boundaries ... the supremacy of conscience is a precious dimension of what makes people both human and humane.”⁸⁰² Brown pledged support for those who followed conscience in a highly conspicuous article for *Look*, a national magazine with a widespread circulation, in October of 1967. Whether it was total resistance, selective

⁸⁰¹ “Youth Statement on Conscience,” May 24, 1971. EMCW, Box 2, 130B, Folder “Feeling the Draft,” PHS.

⁸⁰² Robert McAfee Brown, “Appeal to Churches and Synagogues,” in *Vietnam: Crisis of Conscience* (New York: Association Press, 1967), 103.

conscientious objection, or other forms of dissent, Brown vowed to help students “find whatever level of moral protest is consonant with their consciences.”⁸⁰³

Protestants took from Catholic theology the responsibility of churches in forming and defending the individual conscience. Coffin remarked in his Arlington Church speech on how the church had a long practice of pointing out to the state when “the sanctity of conscience was being violated,” and asked his audience, rather pointedly, “are we to raise conscientious men and not stand by them in their hour of conscience?”⁸⁰⁴ Prominent Protestant antiwar spokesmen wanted their respective churches to put concrete efforts behind their respect of conscience. Clergy and Laymen Concerned about Vietnam (CALCAV), an organization with Protestant notables like Brown, Harvey Cox, and Martin Marty, recommended that churches ought to, “set up draft counseling centers ... and to be prepared to pay whatever price may be exacted to defend the rights of conscience our government refuses to honor.”⁸⁰⁵ Liberal Protestants attempted to convert churches and synagogues – particularly their own churches – into full-fledged defenders of conscience and committed shapers of conscience.

Liberal Protestants attacked the selective service system at the same gap as Catholics: its failure to recognize selective conscientious objectors. Defending conscientious objectors who rejected particular wars, rather than all wars, brought liberal Protestants to accentuate the Catholic theology of conscience-formation. Individuals needed the freedom to determine, after forming conscience, whether or not they could participate in a particular war. Protestants, like Catholics, lobbied congress to recognize

⁸⁰³ Robert McAfee Brown, “Because of Vietnam, in conscience, I must break the law,” *Look*, October 31, 1967, 52.

⁸⁰⁴ “Sanctuaries for Men of Conscience,” 186.

⁸⁰⁵ “Conscience and Conscription.”

SCOs. On April 14, 1967, Roger L. Shinn of Council for Christian Social Action of the United Church of Christ and William E. Dodge, professor of applied Christianity and Dean of Instruction at Union Seminary, testified before the Senate Armed Services Committee about selective conscientious objection. To make individuals oppose war “in any form,” they contended, raises “the problem of conscience in acute form for some people.”⁸⁰⁶ “We maintain that a person might be an authentic conscientious objector to some wars or most wars,” they continued, “we ask that our public law recognize such a freedom of conscience.”⁸⁰⁷ Liberal Protestants presented this argument – that SCOs made genuine decisions of conscience – several times in 1967. The NCC’s statement on “The Primacy of Conscience” called for “the extension of precisely the same provisions for those who are conscientiously opposed to a particular war ... to the one which a young person confronts at the time of induction.”⁸⁰⁸ William Sloane Coffin called Congress’s failure to recognize SCOs “absurd.” A well-formed conscience deserved the same right as autonomous consciences connected directly to God. “The rights of a man whose conscience forbids him to participate in particular war,” he continued, “are as deserving of respect as the rights of a man whose conscience forbids him to participate in any war at all.”⁸⁰⁹ CALCAV recapitulating Coffin’s phrase almost exactly, declared in a public statement on “Conscience and Conscription” that, “the citizen whose conscience forbids him to participate in a particular war is as deserving of respect as a citizen whose

⁸⁰⁶ Roger L. Shinn and William E. Dodge, “Testimony of Selective Conscientious Objection,” April 14, 1967. George Higgins Papers (GHP), Box 108, Folder “Conscientious Objectors 1967-1973,” Catholic University of America Archives (hereafter CUAA).

⁸⁰⁷ Ibid.

⁸⁰⁸ The General Board of the National Council of Churches, “The Primacy of Conscience,” February 23, 1967. National Council of Churches USA, Policy Statements, Resolutions, Messages and Documents. (<http://www.nationalcouncilofchurches.us/common-witness/1967/conscience.php>) (accessed 17 August 2015)

⁸⁰⁹ William Sloane Coffin, “Sanctuaries for Men of Conscience,” *The Union Seminary Quarterly Review* XXIII (Winter 1968), 185

conscience forbids him to participate in any war.”⁸¹⁰ Responding to the strictures of the draft laws and the selective service brought Protestants to the formation of conscience in response to war.

Catholics and Protestants publicly defended followers of conscience together during the early and middle stages of the Vietnam War. Signers of the CALCAV statement, “Conscience and Conscription,” included several notable Protestants and Jews, along with the names of Daniel Berrigan (Jesuit Priest) and John Sheerin (Paulist Priest). Baptist theologian Harvey Cox, flanked by fifty delegates of the United States Conference on Church and Society, read the statement to the press on October 25, 1967 at the Hotel Tuller in New York City.⁸¹¹ The members of CALCAV, an ecumenical venture, pledged to protect claims of conscience, no matter their denominational or religious background. “There are thousands of young Americans whose consciences forbid them to support our country’s military policy by participation in the armed forces,” Cox announced; “the time has come to pledge active support to all who in conscience and through non-violent means decide to resist injustice.”⁸¹² When 11 Catholic priests and 2 Catholic laymen sued the state of California for recognition of conscientious objection based on just war principles, the National Council of Churches filed an amicus brief on the group’s behalf. Six of the 33 member denominations of the NCC filed briefs of their own in defense of the Catholic conscience claimants in the California courts: the list included the American Baptist Convention, the Disciples of Christ, the Lutheran Church in America, the Reformed Church in America, the United Presbyterian Church, and the

⁸¹⁰ Laymen and Clergy Concerned about Vietnam, “Conscience and Conscription,” October 25, 1967. VCA, Social Movements Collection, TTU.

⁸¹¹ Edward R. Fiske, “18 Clerics Back Draft Resisters,” *New York Times*, October 26, 1967. 10.

⁸¹² “Conscience and Conscription.”

United Churches of Christ. The press announcement for the NCC, released in the March 18, 1969 version of *The Religious Newsweekly*, noted that “the brief supports the students’ claim that they are entitled to the conscientious objector’s draft status on the basis of their religious and training and belief in the Catholic ‘just war’ tradition.”⁸¹³ Protestants and Catholics banded together to defend claims of conscience in public addresses and in court cases.

The draft for the Vietnam War intensified the extant ecumenical exchange on the theology of conscience. Protestants, Catholics and Jews attended an Ecumenical Conference on the Role of Conscience in Boston in May of 1967 where, according to Paulist priest John Sheerin, “the three faith-communities [tried to] formulate their expressions of religious conscience on problems such as conscientious objectors, draft card burners, civil disobedience ... to see how successfully these positions are communicated to the rank and file.”⁸¹⁴ A report on the ecumenical gathering in *America* noted that the conference featured lectures on “The Meaning of Conscience” and “Obstacles to the Development and Expression of Conscience” where, the editors claimed, “representative Protestant, Catholic and Jewish theologians ... explained what conscience meant in his tradition.”⁸¹⁵

Catholics invited Protestant theologians to academic conferences to discuss the theology of conscience. The 40th annual meeting of Catholic Association for International Peace, held on October 27, 1967, with proceedings dedicated entirely to the question of selective conscientious objection, featured two panels chaired by prominent Protestant

⁸¹³ “NCC and Six Denominations Challenge Draft of ‘Selective Objectors,’” *The Religious Newsweekly*, March 18, 1969.

⁸¹⁴ John Sheerin, “Thomas More: Conscientious Objector,” *The Catholic World* 205 (July 1967), 196.

⁸¹⁵ “The Role of Conscience in the Modern World,” *America* May 20, 1967, 746.

theologians. Paul Ramsey of Princeton University facilitated a panel on “The State of the Just War Doctrine and its Relation to Selective Conscientious Objection” where Protestant, Catholic and Jewish views of SCO were discussed.⁸¹⁶ Ralph Potter of Harvard Divinity School then chaired a panel on “The Evolution of the Law Regarding Selective Conscientious Objection” in which participants discussed the international standing of SCO in America, England, and France.⁸¹⁷ The important role of conscience in SCO and the just war tradition made it very likely that Protestant theologians like Ramsey and Potter were more fully exposed to Catholic teachings on conscience as early as the fall of 1967.

Protestants and Catholics’ joint explorations of the theology of conscience also appeared in book projects published in the early-to-mid 1960s. These efforts seemed to intensify with the onset of the Vietnam War. The roundtable on conscience at the Protestant-Catholic Colloquium was published in 1963 as *Ecumenical Dialogue at Harvard: The Roman Catholic-Protestant Colloquium*, with Harvard’s own Belknap Press. Robert McAfee Brown published an essay in a 1965 pamphlet, “...*Therefore Choose Life*”, as part of a multi-author response to John XXIII’s *Pacem in Terris*. He was joined by Trappist Monk Thomas Merton, along with Norman Cousins, Rabbi Evert Gendler, and biologist Herman Muller. Brown noted that Pope John XXIII offered “clear expression of the extent to which the rights of individual conscience against unjust laws must be protected.”⁸¹⁸ A 1967 essay by Browne, “An Appeal to the Churches and

⁸¹⁶ “Selective Conscientious Objectors in an Age of Conflict,” October 27, 1967. USCC Social Action Department (hereafter SAD), Box 51, Folder “Conscientious Objector Correspondence, 1967,” CUAA. “Revised Program: 40th Annual Catholic Association for International Peace Conference,” October 27, 1967. SAD, Box 51, Folder “Conscientious Objector Correspondence, 1967,” CUAA.

⁸¹⁷ Ibid.

⁸¹⁸ Robert McAfee Brown, “...*Therefore Choose Life*” (Santa Barbara California: Center for the Student of Democratic Institutions, 1965), 24.

Synagogues,” appeared in *Vietnam: Crisis of Conscience*, alongside essays by Catholic layman Michael Novak and Rabbi Abraham Heschel; Catholic press Herder and Herder, along with two other presses, published the book. The Vietnam War inspired a continued exchange between Protestants and Catholics on conscience. Paul Ramsey, a Presbyterian theologian, contributed an essay to *A Conflict of Loyalties: The Case for Selective Conscientious Objection*, edited by Catholic layman James Finn. Ramsey explored the works of John Courtney Murray, Vatican II, and Jacques Maritain.⁸¹⁹ Books were the concrete products of a lively 1960s exchange between Protestants and Catholics on the theology of conscience.

Academic conferences, book projects and mutual public stands brought Catholic language into Protestant notions of conscience. In the late 1960s, Protestant theologians Ralph Potter and Edward LeRoy Long, both Presbyterians, began to use terms of “discriminating” and “alternatives of judgment” to describe the process of conscience formation. A conscience that had proceed through a decision-making process – a formation – suddenly seemed ethically superior to an unmediated connection between conscience and God. The formation of conscience, a phrase long in Catholic usage, denoted how individuals applied broad laws to their specific individual situations. Potter, a Presbyterian minister and Harvard Divinity School professor with expertise in Christian social thought, privately circulated a 52-page manuscript on “Conscientious Objection to Particular Wars” to Catholic and Protestant theologians in 1967, calling both groups to push for legal recognition of the “discriminating conscience.” “The issue should be cast,” Potter wrote, “not in terms of ‘religious’ versus ‘nonreligious’ objection, but in terms that

⁸¹⁹ Paul Ramsey, “Selective Conscientious Objection: Warrants and Reservations,” in *The Case for Selective Conscientious Objection: A Conflict of Loyalties* ed., James Finn (New York: The Bobs-Merrill Company, 1968): 62-64.

will place alongside the privilege granted to pacifist convictions the rights of the discriminating non-pacifist conscience.”⁸²⁰ Potter was convinced, and wanted his fellow theologians to be convinced as well, that “the individual can, in fact, arrogate to himself the power to define the conditions under which he will participate in the common actions undertaken by the state.”⁸²¹ Conscience need not make a direction connection with God; conscience could be formed on the matter of war. In a 1968 book, *War and Conscience in America*, Oberlin College theologian Edward LeRoy Long – an intellectual active in national bodies of the Presbyterian Church – claimed that the new terms of conscience, ones with significant Catholic inflections, had moved the debate about conscientious objection “from a consideration of policy alone to a renewed appeal to conscience and moral criteria.”⁸²² Long encouraged the state and Protestant churches to recognize “the problems of individual conscience in confronting alternatives of judgment, decision, and opinion, as well as alternatives of action.”⁸²³ All individuals, Long argued, had to form their own response in conscience to the state.

“Forming conscience,” a distinctly Catholic process, and the “informed conscience,” a uniquely Catholic phrase, appeared in cases for SCO made by Paul Ramsey and William Sloane Coffin. An essay-length defense of SCO by Ramsey, a Presbyterian from Princeton University and participant in Catholic conferences, appeared alongside John Courtney Murray’s defense of SCO (in the volume edited by Catholic layman James Finn). The very possibility of SCO, Ramsey began, can be staked only on

⁸²⁰ Ralph Potter, *Conscientious Objection to a Particular War*, 1967, 17. GHP, Box 108, Folder “Conscientious Objection, 1967-1973,” CUAA.

⁸²¹ *Ibid.*, 40-41.

⁸²² Edward LeRoy Long. *War and Conscience in America* (The Westminster Press, Philadelphia: 1968), xiii.

⁸²³ *Ibid.*, xiii-xiv.

how conscience-formation yielded the conclusion to reject participation in a particular war: “the individual is apt rightfully to exercise the choice on how his conscience ... has been formed and informed.”⁸²⁴ Ramsey framed his argument with the Catholic notion of formation of conscience and Potter’s synonymous phrase of discriminating conscience: “Appeals would ... require formulation and empirical knowledge in applying these tests,” Ramsey wrote, concluding that “a premium would be placed on the discriminating religious conscience and on a higher order of ethico-political reasoning.”⁸²⁵ The formation of conscience, as it required applying broad rules to specific situations, involved a higher form of reasoning than simply objecting completely to war. Ramsey encouraged Protestants and Catholics to use the parlance of formation at all gatherings where SCO might be discussed. At workshops on SCO sponsored by ministers and church councils, Ramsey asked, had there been enough “concern over how to form one’s own mature conscience as how to act on an assumed particular opinion?”⁸²⁶

Coffin expounded on the informed conscience at length in a 1970 interview with *Playboy*. In objecting to service in Vietnam, Coffin explained “we must be more concerned with what is right – right in terms of one’s own informed conscience.”⁸²⁷ Objecting with an informed conscience was superior to other forms of objection because it involved prolonged consideration of the situation: “one needs more than simply conscience: one needs to have a great deal of information and a capacity to take this kind of moral stand,” Coffin explained, adding that, “rather than adopting a stance of moral

⁸²⁴ Paul Ramsey, “Selective Conscientious Objection: Warrants and Reservations,” in *The Case for Selective Conscientious Objection: A Conflict of Loyalties* ed., James Finn (New York: The Bobs-Merrill Company, 1968), 31.

⁸²⁵ *Ibid.*, 35.

⁸²⁶ *Ibid.*, 37.

⁸²⁷ “Playboy Interview: William Sloane Coffin,” *Playboy* (December 1970), 48.

superiority, the issue is one of informed conscience.”⁸²⁸ Protestants like Ramsey and Coffin began to adopt the Catholic notion of formation of conscience in the late 1960s and early 1970s to strengthen the case for SCO.

Protestants thinkers analyzed Vatican II’s *Pastoral Constitution on the Church in the Modern World* to deepen definitions of conscience and to support public defenses of conscience. Potter found fodder in Vatican II documents for his advocacy of “discriminating consciences” that were capable of rejecting blind obedience to authority after a thorough formation of conscience. Potter, finding the document useful, argued that, “the intellectual materials for defense of selective conscientious objection are strewn throughout [the constitution] ... They need only be fitted together.”⁸²⁹ He then applauded how the Council “commends those who refuse obedience to superiors commanding unjust action” and Potter celebrated how the Council taught lay Catholics to “be both responsible and discriminating and ... to refuse obedience to unjust commands.”⁸³⁰ *The Pastoral Constitution on the Modern World* also helped Protestants to speak a Catholic vocabulary about the utter impossibility of handing a conscience over to the state. In their testimony to the senate, Shinn and Dodge told the law-makers that, “if we examine our recent and contemporary history, we find many examples of moral judgments insisting that men have no right to turn over their consciences to the state.”⁸³¹ From analysis of the Nuremberg Trials and Vatican II, Shinn and Dodge took the notion that conscience formed by the individual – bringing the universal to bear on the particular situation – to avoid blind obedience to political authorities. The Nuremberg Trials and Vatican II, “both

⁸²⁸ Ibid., 50.

⁸²⁹ *Conscientious Objection to a Particular War*, 34-35.

⁸³⁰ Ibid., 35, 36.

⁸³¹ “Testimony of Selective Conscientious Objection.”

make the point emphatically that man has no moral right to turn his conscience over to the state.”⁸³² Vatican II helped liberal Protestants to broaden definitions of conscience and make public stands in defense of conscience claimants.

Liberal Protestants studied the Catholic just-war framework to both deepen definitions of conscience and defend claims of conscience. Potter’s unpublished paper acknowledged Catholic laymen, theologians, and priests as “the foremost custodians of the just-war doctrine.”⁸³³ A discriminating conscience was needed for the individual to determine the justness or unjustness of a particular act regarding war. In a background paper for committee work in the Presbyterian Church, theologian Edward LeRoy Long noted that Catholic just-war teaching placed “the issue of conscience in relationship to military service in an entirely new dimension.”⁸³⁴ The new dimensions of the issue could be seen, Long argued, “with significant clarity in the fact that the Roman Catholic bishops have called upon the state to recognize the right of the individual conscience to object to participation in specific wars.”⁸³⁵

Liberal Protestants linked their case for conscience directly to the deep tradition of Catholic just-war frameworks. Shinn and Dodge told the Senate Armed Services Committee that “for the last fifteen centuries the majority of Christians have said that there are ‘just’ or ‘justifiable wars ... [Christianity] has put upon its people the moral burden of distinguishing between the justifiable and the unjustifiable war.”⁸³⁶ Catholic just war teaching supplied Protestants with the notion that conscience needed to be

⁸³² Ibid.

⁸³³ *Conscientious Objection to a Particular War*, 34.

⁸³⁴ Edward LeRoy Jones, “Background Paper on I.B.1 and I.B. 2: Policy Problems for the State Relating to the Form and Scope of the Conscientious Objection to War,” 4. EMCW, Box 3, 130B, Folder, “Constitution and Conscience,” PHS.

⁸³⁵ Ibid., 5.

⁸³⁶ “Testimony of Selective Conscientious Objection.”

formed as it responded in specific concrete circumstances. Individuals had both a freedom and a burden of conscience. Presbyterians familiarized themselves with the Catholic just war tradition throughout the Vietnam War. A staffer for the national body of the Presbyterian Church, making a casual reference to Catholic just-war tradition in supporting SCO, mentioned the Catholic framework in a 1971 letter thanking James Woolsey, General Counsel of the Senate Armed Services Committee, for a personal meeting. “With the omission of selective conscientious objection it is difficult to allow exemptions on the basis of just war teachings, which are espoused by the Roman Catholic and United Presbyterian Church,” the staffer wrote.⁸³⁷ The Catholic just-war framework helped liberal Protestants to make their case for the exemption of well-formed consciences.

Liberal Protestants – taking another page out of the Catholic playbook – created institutions to help individuals form consciences in response to war. In 1969, Presbyterians formed the Emergency Ministry on Conscience and War (EMCW) to teach young members of their denomination about the theology of conscience and to defend conscience claimants then in conflicts with the Selective Service. The church needed a vehicle to teach young Presbyterians how to respond in conscience to particular situations of war. Long warned the Presbyterian church (and the nation) in his background paper that, “it can no longer ignore the problem of conscience raised by the particular war, and it certainly must not drive these feelings underground.”⁸³⁸ Activists in the Presbyterian Church, Long included, filed the official application in the winter and spring of 1969,

⁸³⁷ Bruce D.D. Stuart to Mr. Woolsey, March 24, 1971. EMCW, Box 1, 130 B, Folder, “Bruce D.D. Stuart’s Correspondence, 1969-1971,” PHS.

⁸³⁸ Edward LeRoy Long, “Policy Problems for the State relating to the Form and Scope of Conscientious Objection To War,” 5 EMCW, Box 3, 130B, Folder, “Constitution and Conscience,” PHS.

seeking \$58,000 to officially form a committee to address the problem of conscience.⁸³⁹

The national body accepted the application, placing the EMCW under the jurisdiction of the Church and Society section of the national church.

The new committee specialized in the formation of conscience and the defense of conscience claims. In an initial memo about the committee's activities, William Yolton, executive director of the EMCW, explained that the committee would bring "the church's ministry of counsel, compassion, and service to those who, in response to the inner promptings of their own moral conscience, are struggling to achieve moral clarity of the issue of participation in war."⁸⁴⁰ Yolton hired an intern for the EMCW, Bruce D.D. Stuart, a graduate student at Princeton Seminary who officially registered with his local draft board as a conscientious objector. Stuart fielded all of the committee's official correspondence and coordinated meetings with other members of the Presbyterian Church. The EMCW even set money into a "Fund For Conscience" to help "persons inconvenienced by their advocacy of the rights of conscience."⁸⁴¹ The initial \$5,000 for the fund would be replenished with money from the national organization, donations, and repayments.

The need for the EMCW was born of Presbyterians' realization that their church failed to provide adequate resources for the formation of conscience. The Presbyterians had a history of letting the Lord alone rule over conscience, but Church leaders concluded that not enough had been done to form individual consciences on the matter of

⁸³⁹ "Emergency Ministry to Conscientious Dissenters: A Request to the World Relief and Emergency Service Committee from the Board of Christian Education," EMCW, Box 3, 130B, Folder, "EMCW," PHS.

⁸⁴⁰ William Yolton to Advisory Committee for the Emergency Ministry on Conscience and War, September 5, 1969. EMCW, Box 3 130B, Folder "EMCW," PHS.

⁸⁴¹ "A Fund For Conscience To Aid Conscientious Objectors and Other Dissenters," April 1970. EMCW, Box 3 130B, Folder "EMCW," PHS.

war. After several rounds of assessment and self-searching, Presbyterians concluded their church had no resources to help the individual conscience respond to the problem of war: they had no official guides that helped the individual respond in conscience to the draft laws, no ministers dedicated to the task, and no pastoral outreach. A task force on “Conscription, Conscientious Objection, and the Church’s Response,” convened in late October 1968 to research the church’s resources, reported that the church had failed to “create a theological/ethical climate for discerning and deciding about issues of conscience and war, and a resonant philosophy of the individual’s relation to the state.”⁸⁴² Other staffers reached the conclusion that the church had few resources for conscience formation in late 1968 and early 1969. A pamphlet produced by a Presbyterian staffer stated frankly that “the church has not been entirely adequate to help [young men of draft age] with their concern about conscience and war.”⁸⁴³ The writer, calling for a specific committee dedicated to the matter, urged the Presbyterian Church to seize the opportunity. If it wrestled with “issues of participation in war in the context of qualified pastoral care and respect for conscience,” the pamphlet read, “the church will increase her reservoir of ethical sensitivity for issues of the future.”⁸⁴⁴ The initial application for the EMCW based the need for its existence on the church’s dearth of resources for conscience formation. “A young man who finds himself required by conscience to make the non-participation decision needs the most competent counsel and accurate information available ... the problems of conscience and their consequences are of special concern for the church,” the application read, “but all too often, in these recent

⁸⁴² Task Force on Conscription, Conscientious Objection, and the Church’s Response, “Summary of First Meeting,” October 25-26, 1968, EMCW, Box 3, 130B, Folder, “Constitution and Conscience,” PHS.

⁸⁴³ Emergency Ministry on Conscience and War, *The Church and Draft Information*, ii. EMCW, Box 3 130B, Folder “EMCW,” PHS.

⁸⁴⁴ *Ibid.*, vii.

months when such demands upon Christian ministry have escalated so rapidly, the churches are unprepared and unequipped to help.”⁸⁴⁵

The Catholic theology of conscience formation appeared frequently in the EMCW’s official documents. An early background paper calling for the creation of the EMCW argued that young Christians needed to understand politics and technology “theologically” so as to, “respond to the conflicting demands of politics and national interest with a conscience already well into the process of formation from within the Christian context and milieu.”⁸⁴⁶ Presbyterians had come to the conclusion that mediators were required to help individuals form consciences in response to war. A 1969 memo to summer camps and conference planners, executive director William Yolton, urging more counseling for the youth, explained that, “one of our major ministries to youth at this moment is to help form the consciences of young people questioning or objecting to participating in war.”⁸⁴⁷ A 1973 memo detailing the EMCW’s mission – education, counseling, and training – explained that the EMCW “is a service to the church to enable a competent formation of conscience about war and to assist those in difficult in relation to their participation in war.”⁸⁴⁸ The replacement of an autonomy of conscience (God is Lord of the conscience alone) with a formation of conscience (mediators) took place in internal documents.

Catholic notions of the formation of conscience, born of the just war theory, became an official resource for the Presbyterian Church when its 181st General Assembly

⁸⁴⁵ “Emergency Ministry to Conscientious Dissenters: A Request to the World Relief and Emergency Service Committee from the Board of Christian Education,” EMCW, Box 3 130B, Folder “EMCW,” PHS.

⁸⁴⁶ Harry Davis to John Hadsell and Task Force, November 30, 1968. EMCW, Box 3, 130B, Folder, “Constitution and Conscience,” PHS.

⁸⁴⁷ L. William Yolton to Summer Camp and Conference Planners, February 13, 1969. EMCW, Box 3 130B, Folder “EMCW,” PHS.

⁸⁴⁸ “The Emergency Ministry on Conscience and War,” April 1973. EMCW, Box 3 130B, Loose Leaf Material, PHS.

issued the statement “War, Peace, and Conscience” in 1969. The official statement, which the EMCW helped to frame, touted the need for individuals to form their own consciences in particular situations, with broader sources of Protestant Christianity. “The individual Christian,” the General Assembly concluded, “... is called upon to decide and act within his own immediate circumstances, free in his conscience formed under the judgment of God and the gospel as he seeks to balance the demands of peace with the demands of justice in a broken world.”⁸⁴⁹ Citing the classic Presbyterian theology from the Westminster Confession that “God is Lord of the Conscience Alone,” and noting the historic freedom of conscience offered in America for religious worship, the General Assembly then turned to a Catholic just war theory. “It is now evident that consideration must also be given to providing legal relief for the moral position of the selective conscientious objector,” they wrote, explaining that, “objection to a particular war judged by individual conscience to be wrong is a moral obligation which may stem from Christian just war teaching.”⁸⁵⁰

The Presbyterians then made an even more decisive turn towards the Catholic language of formation of conscience. The Assembly defined the Presbyterian Church as having a “prime responsibility to assist in forming the conscience and to render pastoral care to all persons in agony of conscience.”⁸⁵¹ The Presbyterian Church had taken on the task of forming individual conscience. The Church diffused just war teachings and built its institutions – acts of mediation – to help form the consciences of its members. By

⁸⁴⁹ Presbyterian Church USA, “War, Peace and Conscience.” EMCW, Loose Leaf Material, Box 130-B, PHS.

⁸⁵⁰ Ibid.

⁸⁵¹ Ibid.

1969, a Catholic language on the formation of conscience had made its way into the Presbyterian's official denominational statement on war.

Liberal Protestants carried the fight to defend conscience into the national dispute about amnesty. In July of 1971, as the debate about conscription transitioned into a debate about amnesty, married couple Dwight S. and Frances K. Large applied for funding from the United Methodist Church (UMC) to establish the Amnesty Information and Action Center (AIAC) in their hometown of Ann Arbor, Michigan. The Larges envisioned the AIAC as a vehicle to build a coalition of organizations concerned with those who, following conscience, resisted the draft or left America to avoid conscription. The Larges sought official recognition with the Methodist Church, they explained, in order to “energize persons and groups to build concerns for conscience,” and to “establish a network of churches, organizations, and persons concerned with conscience and reconciliation, so that a ‘ministry’ may be recommended.”⁸⁵² The Larges, thinking practically, asked the UMC for two payments of \$8,500 over two years, starting in January 1, 1972.⁸⁵³ They wanted the amnesty center to, “explore strategies and share possibilities ... through personal contacts, letters, telephone communications ... with other agencies with Amnesty, church and national conferences, Washington legislators, exile communities ... where people seek to deal with conscience and reconciliation.”⁸⁵⁴

The Larges responded to a community very much in need, they thought, of amnesty. Young men who attempted to follow conscience – often on the advice of their church leaders – needed advocates at the local and national levels. Nearly 600,000 young

⁸⁵² Dwight S. Large and Frances K. Large, “A Proposal: Amnesty Information and Action Center,” July 9, 1971. Amnesty Information and Action Center (hereafter AIAC), Box 1, Folder, “Promotion and Purpose of AI & AC accession Correspondence,” Swarthmore College Peace Collection (SCPC).

⁸⁵³ “A Proposal: Amnesty Information and Action Center.”

⁸⁵⁴ Ibid.

men evaded or “resisted” the draft (of which 200,000 were prosecuted); between 50,000 to 70,000 fled the United States or went underground.⁸⁵⁵ President Nixon and his successor Gerald Ford both proposed plans for amnesty that were punitive in nature and bureaucratic in delivery. In September of 1974, with an executive order, Gerald Ford proposed that conditional amnesty be offered to draft “evaders” and military deserters who agreed to two years of community service.⁸⁵⁶ Ford’s executive order created a 9-person committee to review the cases of those who had already been convicted of deserting or evading. Advocates like the Larges – and wide network of Protestant and Catholic activists and intellectuals – argued that the young men who followed conscience during the war (whether to evade the draft, resist conscription, or desert the armed forces) deserved complete amnesty and even total exculpation.

The Larges built their case for amnesty on the Vietnam-era contests concerning SCO. They understood the individual’s choice to resist or flee as born of conscience and, having made decisions of conscience in particular situations, such individuals deserved a sustained and vigorous ministry from church activists. A memo sent by Dwight Large to church leaders in November of 1972 (the application for funding had been accepted by the UMC) stated: “religious bodies have affirmed an individual’s moral right to refuse participation in a particular war in which the claims of his government and those of his conscience conflict”⁸⁵⁷ Yet, when congress and the supreme court rejected SCO, it

⁸⁵⁵ James W. Tollefson, *The Strength Not to Fight: An Oral History of Conscientious Objection* (Boston and Toronto: Little, Brown and Company, 1993), 6. See also Lawrence Baskir and William A. Strauss, *Chance and Circumstance*, (New York: Alfred A. Knopf, 1978); John Whiteclay, *To Raise an Army*, (New York: Free Press, 1987); D. Michael Shafer, ed. *The Legacy* (Boston; Beacon, 1990); David S. Surrey, *Choice of Conscience* (New York: Praeger, 1982).

⁸⁵⁶ Marjorie Hunter, “Ford Offers Amnesty Program Requiring 2 Years Public Work,” *New York Times*, September 17, 1974.

⁸⁵⁷ Dwight S. Large, “The Case for Amnesty,” October 19, 1972. AIAC, Box 1, Folder “‘Working Materials’ – Notes of Dwight K. Large,” SCPC.

created a “moral crisis for tens of thousands who saw themselves with no choice but exile or prison.”⁸⁵⁸ Amnesty, Large argued, would serve as a delayed recognition of the individual’s choice to refuse military service in the name of following conscience.

Liberal Protestants at the AIAC and beyond engaged in considerable activism on behalf of conscience claimants who they thought deserved amnesty. The Larges networked with other Protestant organizations and local churches to place concern for conscience claimants in the national conversation on amnesty. They gathered sources from various media: The Methodist Church produced a 28 minute color film, *A Matter of Conscience*, about a CO who receives official classification and another who flees to Canada: both were decisions of conscience deserving amnesty from the law. Methodists advertised the video by noting that “while this film does not deal directly with amnesty decisions, it provides background material for consideration of the role of conscience and the ‘rights of conscience.’”⁸⁵⁹ Dwight Large regularly sent letters to the AIAC’s mailing list elaborating on the rights of conscience. In a memo called, “The Pivotal Issues Related to Unconditional Amnesty,” Large asked his fellow conscience advocates “to what degree the people of our nation will recognize the contribution made by, and the rights of – persons who, on the basis of conscience, objected to this war?”⁸⁶⁰ Large reminded his readers that the SCOs who rejected this particular war often did so with church resources and draft counselors. Those who fled or resisted, the Larges concluded, had attempted to follow official church teachings on conscience.

⁸⁵⁸ Ibid.

⁸⁵⁹ Loose Leaf Material. AIAC, Box 1, Folder “‘Working Materials’ – Notes of Dwight K. Large,” SCPC.

⁸⁶⁰ Dwight Large, “The Pivotal Issues Related to Unconditional Amnesty,” April 9, 1973. AIAC, Box 1, Folder “‘Working Materials’ – Notes of Dwight K. Large,” SCPC.

The Larges connected with other Protestants from across America were exploring the theology of conscience and considering its ramifications for American politics. The Social and Ecumenical Concerns Department with the Synod of Southern California (Reformed) issued a “Call to Study” on the question of amnesty at a meeting in Los Angeles on April 6, 1973. The group set aside a section of the study guide for conscience. The study guide asked:

If God alone, and not the nation, is Lord of the conscience, how does the church relate to persons who have in conscience disobeyed the law? Acts 5:29
What restrictions should be applied to the exercise of a free conscience?

....

Within our system how is the individual’s conscience to be preserved?⁸⁶¹

Through activism and educational materials, liberal Protestants placed the “rights of conscience” into the national debates about amnesty.

As the Synod of Southern California’s mention of God as the only “Lord of Conscience” attests, the mainline Protestant case for Amnesty rested on several classic tenets drawn from the long-standing Protestant theologies of conscience. Protestants first supported their case with appeals to the nation’s historic emphasis on the freedom of conscience. Protestants placed following conscience into denominational, national, and even “Judeo-Christian” set of traditions. As a Protestant amnesty activist from the Rochester, New York area put it: “the claim of war resisters to have the right to follow their conscience is not an intruder in the American scene; it is a blood-brother to the widely respected claim that every man has the right to worship God according to the dictates of his conscience.”⁸⁶² The nation’s respect for conscience held, Protestants

⁸⁶¹ The Social and Ecumenical Concerns Department of Southern California, “A Call to Study,” April 6, 1973. EMCW, Loose Leaf Material, Folder “Amnesty,” PHS.

⁸⁶² Kevin Colton, “Rochester’s Draft Indictment,” March 14, 1973. AIAC, Box 3, Folder “Draft Information Center,” SCPC.

argued, throughout the run of American history. “In our country there is a long tradition of respect for conscience as it relates to military service and war,” one activist wrote.⁸⁶³ Malcolm Brooms, the pastor at Southport Baptist Church in Indianapolis, told the readers of *The American Baptist* in a 1974 article that “‘Liberty of Conscience’ which motivated many young men to resist the draft or desert after being drafted is deeply embedded in our Judeo-Christian tradition and has been an integral part of our historic Baptist emphasis.”⁸⁶⁴ The Baptists’ long-standing fight for conscience applied to those in need of amnesty, Brooms argued. “Since liberty of conscience is at the heart of the amnesty question, for the church to ignore this issued would be to betray our Judeo-Christian heritage,” Brooms wrote, concluding that, “the church’s historic position on the liberty of conscience makes it imperative that it support amnesty.”⁸⁶⁵ Locating resisters or “deserters” in Christian tradition, whether national or denominational, helped Protestants legitimize following conscience rather than the law.

The Protestant theology of conscience set the internal motivations of resisters or deserters beyond the judgment of earthly authorities. It was logical, because the conscience of the individual was inscrutable, to grant an unconditional amnesty. Many of the resisters and objectors were surely following God’s directives as known in conscience; it was impossible to know, exactly. A statement released in March of 1973 by the Ann Arbor Reformed Church claimed that the justness or the unjustness of the war was moot; an unconditional amnesty should be made because it respected those who followed conscience *tout court*. “The call for amnesty makes no explicit judgment about

⁸⁶³ Charles F. Wills, “Clemency is not Amnesty,” n/d but fall 1974. AIAC, Box 2, Folder, “Dwight S. Large – ‘Bible,’” SCPC.

⁸⁶⁴ Malcom L. Brooms, “The Church and Amnesty” *The American Baptist* 1974 (January), 29.

⁸⁶⁵ Ibid.

the justness or unjustness of the war; it merely respects the integrity of those who could not serve because of conscience,” the statement read.⁸⁶⁶ Brooms surmised that most resisters and deserters followed conscience in real decisions to fight the system or flee abroad. “We have no way of ascertaining what percentage of these men made a negative decision on the basis of conscience,” he wrote, “but there is little doubt that obedience to conscience was the determining factor in many cases and was likely an important factor in most of the cases.”⁸⁶⁷

Protestants made the argument before political authorities in Washington D.C. that both nation and church perpetrated a “grave injustice” should men be punished for following conscience. In a statement before the Subcommittee on Courts, Civil Liberties and the Administration of Justice of the Committee of the Judiciary of the US House of Representatives, William Thompson, the Stated Clerk of the General Assembly of the Presbyterian Church, told house members that his church did not wish to judge motivations. All actions of resistance and desertion taken by Presbyterians were almost automatically born of conscience. “Recognizing that ‘God Alone is Lord of the Conscience,’” Thompson began, “the General Assembly has repeatedly...recognized the superior claims of conscience ... In doing so, the General Assembly does not differentiate between the various motivations which lead individuals to adopt such a position, but has sought rather to preserve freedom of conscience for those whose consciences forbid them to engage in military service.”⁸⁶⁸ The state – and earthly authorities in the churches – could not know what motivated resistance or desertion; as such, Protestants assumed men

⁸⁶⁶ Ann Arbor Reformed Christian Church, “An Overture on Amnesty,” March 12, 1973. AIAC, Box 4, Folder, “Resolutions,” SCPC.

⁸⁶⁷ “The Church and Amnesty,” 29.

⁸⁶⁸ William P. Thompson, “Testimony on Amnesty,” March 8, 11, 13, 1974. AIAC, Box 3, Folder, “Legislation,” SCPC.

followed God's directives as revealed directly in conscience. "Resisters" and "evaders" therefore deserved amnesty.

Protestants were attuned to the language of conscience in the early-to-mid 1970s, pointing out when President Gerald Ford, an Episcopalian, failed to speak or write in the language. Protestants had become deeply sensitive to the language of conscience by the opening of the 1970s. Charles F. Wills, a Baptist minister who worked for the Department of Chaplaincy Services, noted that Ford's Presidential Proclamation "offers clemency and makes no reference to conscience."⁸⁶⁹ Dwight Large read Gerald Ford's address to Veterans of Foreign Wars Convention (delivered August 13, 1974) and Ford's Presidential Proclamation and noted that, "the word, conscience, did not appear in his statement, nor did it appear in the historic Proclamation 4313 which he signed September 16, 1974."⁸⁷⁰ Protestants expected conscience – one of the moment's most important ideas – to receive its due in presidential politics.

Liberal Protestants worked side-by-side with Catholics and Jews to bring the theology of conscience more fully into the national debate on amnesty, like they did with the debate on conscription. Catholics played a crucial role in making Protestants steadfast defenders of conscience in the early 1970s. Protestants recommended Catholic readings on conscience to their co-religionists. An outline for group meetings on Amnesty provided by the Methodist Church recommended that groups read the 1971 statement on SCO by the United States Catholic Conference.⁸⁷¹ In a 20-page report, Dwight Large noted that Catholics, Jews and liberals "joined with major Protestant churches, accepting

⁸⁶⁹ "Clemency is not Amnesty," 2.

⁸⁷⁰ "Amnesty, Conscience, and the Aftermath of the Vietnam War," 13.

⁸⁷¹ "Outlines for One-Meeting Approach to Amnesty Study or For Several Meeting Approach," n/d. AIAC, Box 1, Folder "Working Materials' – Notes of Dwight K. Large," SCPC.

the responsibility to witness to the nation, and especially to the national government, in terms of such concerns as ... the priority of conscience.”⁸⁷² Large recommended a considerable list of Catholic readings to his fellow activists. Resolutions on conscience and amnesty worth reading, Large reported, were issued by the United States Catholic Conference (1971), the National Conference of Catholic Bishops (1971), and the Province of St. Joseph of the Capuchin-Franciscan Order. “Not all of these early resolutions were for unconditional amnesty,” Large conceded, “but all were concerned for some kind of amnesty, especially on behalf of persons who had acted in terms of conscience.”⁸⁷³

To that end, Catholic statements on conscience were useful for Protestant activists. Liberal Protestants were reading Catholic statements on amnesty and conscience to enhance their own positions in the debate. Protestant leaders in Massachusetts from the Episcopal Church, the Baptist Church, the United Church of Christ, the Unitarian Church, the Black Ecumenical Commission, and the Society of Friends sent Richard Cardinal Cushing’s Easter Statement of 1970 on amnesty to Richard Nixon, linking the Catholic Cardinal’s emphasis on rebirth with the assertion that “amnesty for those whose acts of conscience have led them into trouble with the military system would be a sign of hope in our national life.”⁸⁷⁴ Catholic theologies of conscience proved useful to Protestants in the amnesty debate, as they had during the Vietnam War.

The Larges used the Catholic and psychological notions of “conscience development” to make their case for total amnesty. The Larges inflected Catholic

⁸⁷² Dwight Large, “Amnesty, Conscience, and the Aftermath of the Vietnam War,” 5. AIC, Box 1, Folder, “Dwight S. Large – ‘Bible,’” SCPC.

⁸⁷³ Ibid.

⁸⁷⁴ “Statement on Amnesty,” n/d. AIAC, Box 4, Folder “Amnesty Packet – Mass Conf., United Church of Christ,” SCPC.

language in making their cases for conscience: a stand need not be purely autonomous or instant – it could evolve out of specific circumstances. A stand of conscience born of a thorough formation of conscience enhanced the individual’s stand against the state.

Dwight Large argued in a 1973 memo that the consciences of men who entered the military became more refined over the course of the war. Those who entered the armed services, then deserted, “whose conscience was developed step by step in confrontation with technological warfare on an unprecedented scale” were products of the particular circumstances of the Vietnam War.⁸⁷⁵ In a November 1973 article for the *Michigan Christian Advocate*, Frances Large encouraged Christians to defend conscience claimants who objected during any stage of the military process, also using the Catholic and psychological language of development. “I believe that conscience surfaces at different levels and at different times for individuals; it can be instant or constant, latent or well-developed, late blooming, or recognized as such or not,” she wrote.⁸⁷⁶ According to the Larges the conscience was not instant or autonomous but a process – or a development – realized in specific and concrete circumstances.

Protestants and Catholics in national ecumenical organizations authored statements locating the defense of conscience in a shared Christian tradition. Crafting the statements together produced another round of conversations on the theology of conscience in the early 1970s. CALVAC drew up an “Amnesty Petition” to be sent directly to President Richard Nixon to remind him that, in seeking amnesty, Christians

⁸⁷⁵ “The Pivotal Issues Related to Unconditional Amnesty.”

⁸⁷⁶ Frances K. Large, “I speak FOR AMNESTY,” *The Michigan Christian Advocate*, November 1, 1973, 11.

“affirm our tradition of defense of conscience, [and] the duty of individuals to judge for themselves what is right in the face of conflicting duties.”⁸⁷⁷

A coterie of Christian activists led by Robert Moss of the United Church of Christ and Reverend Richard Killmer of the National Council of Churches planned to publish a similar ecumenical statement on amnesty in the spring of 1972. Father John Sheehan attended the initial committee meeting for this cadre, freshly named the Interreligious Conference on Amnesty. In his report back to Joseph Bernardin on March 7, 1972, Sheehan encouraged the Catholic Church to help craft the language of the statement because “nothing could be more crucial to the aftermath of this terrible war than the question of what to do with those who, in conscience decided not to fight.”⁸⁷⁸ Sheehan and USCC General Secretary Joseph Bernardin agreed that layman James Finn (editor of the ecumenical volume on SCO and the USCC’s Committee for the Department of International Affairs) would be “ideal in providing the Inter-religious Conference with significant Catholic input.”⁸⁷⁹ The final product, issued during Holy Week 1972, contained classic turns of phrases from the Catholic theology of conscience and appeals to the deep well of Christian tradition. “As things of God cannot be rendered to Caesar, no one can surrender his conscience to the State,” the statement declared, adding that, “for centuries religious bodies have affirmed the individual’s moral right to refuse participation in a particular war in which the claims of his government and those of his

⁸⁷⁷ CALCAV, “Amnesty Petition,” EMCW, Loose Leaf Material, Folder “Amnesty,” PHS.

⁸⁷⁸ John Sheehan to Joseph Bernardin, March 7, 1972. USCC, Box 104, Folder “USCC: Military Affairs, Selective Service, CO, 1972,” CUAA.

⁸⁷⁹ Sheehan to Bishop Dougherty, March 10, 1972. USCC, Box 104, Folder “USCC: Military Affairs, Selective Service, CO, 1972,” CUAA.

conscience conflict.”⁸⁸⁰ Catholics helped Protestants appeal to a deep Christian tradition of affirming the rights of conscience.

Much like their liberal Protestant counterparts, Catholics like Father Sheehan were attempting throughout 1972 to convince coreligionists to fight for amnesty for those who, acting on Catholic teaching and Catholic tradition, followed conscience. Lay Catholics and numerous clergymen pleaded with bishops and cardinals to weigh in at the national level in support of Catholics who followed conscience. Gordon Zahn wrote Humberto Medeiros, the new archbishop of Boston, in February of 1972 to tell him that “it occurs to me at this beginning of Lent that you might find it possible to make some public re-affirmation of Cardinal Cushing’s Easter appeal of some years back for amnesty for men in prison or in exile because they could not reconcile their consciences with service in the Vietnam War.”⁸⁸¹ A letter authored by Bishop Louis E. Gelineau, Reverend Frank Bonnike, Msgr. Marvin Bordelon, Rev. Raymond L. Tetrault, and signed by over fifty Catholic laypeople, pointed out to John Cardinal Krol of Philadelphia that President Nixon’s dismissal of amnesty “constitutes a complete disregard for the ancient Christian tradition of respecting the good conscience of those refused to participate in war which they considered immoral.”⁸⁸² When Krol refused to sign a statement endorsing amnesty written by the Justice Office of the USCC, four Catholic priests reminded the Cardinal that “thousands of young men in prison or in exile because they exercised a courageous freedom – and who were encouraged to do so by their Catholic bishops – now find

⁸⁸⁰ Interreligious Conference on Amnesty, “Amnesty: A Statement to the Religious Community of America,” April 11, 1972. USCC, Box 104, Folder “USCC: Military Affairs, Selective Service, CO, 1972,” CUAA.

⁸⁸¹ Gordon Zahn to Humberto S. Medeiros, February 17, 1972. Gordon Zahn Papers (Hereafter GSP), Box 9, Folder 12422, University of Notre Dame Archives (Hereafter UNDA).

⁸⁸² Gelineau, Bonnike, Bordelon, and Tetrault to John Cardinal Krol, October 20, 1972. National Federation of Priests Councils (Hereafter CFPC), Box 14, Folder 9, UNDA.

themselves betrayed by the silence of the Church.”⁸⁸³ Those young men who followed conscience acted in accordance with the Church’s teachings. “Thousands of young persons of sincere and sensitive conscience are standing before the tribunal of our society,” the priests warned.⁸⁸⁴ Church leaders like Cardinal Krol should help achieve amnesty for Catholics who followed conscience.

Protestants, Catholics and Jews lobbied the state together in attempts to secure amnesty, often speaking the language of conscience on one another’s behalf. Bishop John Wesley Lord (United Methodist Church), Bishop Bernard Flanagan (Catholic), Arlo Tatum (Quakers), and Reverend Alexander C. Wilson (United Presbyterian Church), testified before Senator Edward M. Kennedy – of the Committee on the Judiciary – in March of 1972 in support of amnesty.⁸⁸⁵ Flanagan, bishop of the diocese of Worcester, painted following conscience as a universal imperative for people of all faiths. “Whether or not such modifications in our laws are, in fact, made, we continue to hope that in the all-important issue of war and peace, all men will follow their conscience,” Flanagan told Kennedy.⁸⁸⁶ Two years later when religious leaders heard that Ford planned to act independently of congress on the matter of amnesty with an executive order, Rabbi Irvin M. Blank (Synagogue Council of America), Reverend Edmond L. Browning (Episcopal Church), Reverend Theodore Hesburgh (President, University of Notre Dame), Theresa Hoover (United Methodist Church), and William P. Thompson (Presbyterian Church),

⁸⁸³ Raymond Tertrault, James Ford, Basil DePinto, and John Mimnaugh, “Statement of Concerned Clergy and Religious Concerning Amnesty and Church Teaching,” November 2, 1972. CFPC, Box 14, Folder 9, UNDA.

⁸⁸⁴ Ibid.

⁸⁸⁵ “Amnesty, Conscience, and the Aftermath of the Vietnam War,” 7.

⁸⁸⁶ “Statement of Most Reverend Bernard J. Flangan, Bishop of Roman Catholic Diocese of Worcester, to the Administrative Practice Subcommittee of the Committee on the Judiciary,” United States Catholic Conference (Hereafter USCC), Box104, Folder “USCC: Military Service, Conscientious Objection, 1972,” CUAA.

sent the president a letter in 1974.⁸⁸⁷ As part of the campaign, Hesburgh published an editorial in the *Los Angeles Times* on June 5, 1974 asking Americans how they could judge a decision made in conscience: “Who will sit in judgment on the motives of many young people who decided in conscience that they would have no part in this senseless killing, violence and destruction?”⁸⁸⁸ People of all faiths were understood by these religious leaders to act on conscience when they resisted or deserted: such individuals acted on religious teachings to follow conscience and their true motivations could not be known. Harrop Freedman of the Friends Committee on National Legislation testified alongside Thompson before the House of Representatives, where Freedman argued that Protestants, Catholics and Jews were also told by their respective churches to follow their consciences. “Whether he be Jewish (“You shall have no other gods before Me”), Catholic (I am, sire, the king’s good servant, but I am God’s good servant first”), or Protestant (“God alone is lord of conscience”), the religious person must place his religious conscience first,” Freedman testified.⁸⁸⁹ Religious leaders formed an ecumenical lobby for conscience in the early 1970s, often speaking the language of conscience.

The defense of conscience reached an apogee with the statement made by Father Brian J. Hehir, a leading Catholic ethicist, before the House of Representatives on March 8, 1974. Catholics were the most committed defenders of those who followed the theology of conscience in the world in response to war. Hehir elaborated on the

⁸⁸⁷ Ibid., 13.

⁸⁸⁸ Theodore Hesburgh, “At This Late Date, Who is Going to Play God,” *The Los Angeles Times*, June 5, 1974.

⁸⁸⁹ Harrop Freeman, “Testimony of Harrop A. Freeman on behalf of the Friends Committee on National Legislation in Support of Unconditional Amnesty Before the House Judiciary,” March 11, 1974. EMCW, Loose Leaf Material, Folder, “Amnesty,” PHS.

intricacies of the Catholic theology of conscience for House Members, anchoring his case of the importance of “forming conscience” and “following an informed conscience.”

Hehir, the Director of the Division of Justice and Peace at the United States Catholic Conference, began his speech by explaining that amnesty required a “plurality of modes of reconciliation” for the wounded, returning veterans, and the young men who resisted service.⁸⁹⁰ All modes of resistance – all worthy of amnesty – were born of following conscience. “First those young men who were subject to the draft but whose informed conscience led them to oppose participation in the Vietnam War, even though they could not say in conscience that they were opposed to all use of military force,” Hehir explained, “these selective conscientious objectors are now serving prison terms.”⁸⁹¹

There existed a second group who, already in military service, Hehir argued, “for reasons of their consciences were compelled to refuse to serve in the war and who were imprisoned or given less than honorable discharges.”⁸⁹² Hehir gestured again to the lack of respect for SCOs. Finally – “there is a group of young men who have left the country or who have remained in the country as fugitives from the law because they felt compelled to follow their consciences rather than the law.”⁸⁹³ All three modes of conscience-following were in line with Catholic teaching. “Catholic teaching on the morality of warfare fully supports those who with informed conscience oppose participation in all forms of warfare,” Hehir noted.⁸⁹⁴ Hehir explained that the Catholic Church did not seek to underestimate the complexity of the political situation or to

⁸⁹⁰ Brian J. Hehir, “Statement of United States Catholic Conference on Legislation Relating to Amnesty,” March 8, 1974. USCC, Box 104, Folder “USSC: Military Affairs, Selective Service, Conscientious Objection, 1973-1974,” CUA.

⁸⁹¹ *Ibid.*, 4.

⁸⁹² *Ibid.*

⁸⁹³ *Ibid.*, 5.

⁸⁹⁴ *Ibid.*

undermine civil law: Catholics were seeking to honor their teaching on the primacy of conscience. “In taking this position there is no attempt to underestimate the difficulties of the jurisprudential problem involved here for legislators,” Hehir announced, “rather, the intention is to highlight the notion that were the imperatives of the moral law contradict the demands of the civil law in a properly formed conscience, in Catholic teaching the moral order must take precedence.”⁸⁹⁵ Following the moral order, as known in the informed conscience of Catholic and non-Catholic alike, trumped obedience to the civil law. Resisters should not be punished for having followed the moral law as known in conscience.

Conclusion

Catholics and Protestants began to speak a common language of conscience in the early 1960s using the insights of Freudian psychoanalysis. They also shared a common enemy of “code morality.” C. Ellis Nelson began thinking about the theology of conscience in these terms in the late 1950s and with his 1961 article for the *Princeton Seminary Bulletin*. The Vietnam War intensified – and to some extent politicized – the ecumenical exchange on conscience. Catholics and Protestants attended joint academic conferences where they discussed the theology of conscience; they made public statements on conscience together; and they published book projects on conscience. Theologians like Ralph Potter, Edward LeRoy Long and Paul Ramsey, using Catholic sources, introduced their fellow Presbyterians to the “formation of conscience.” The documents of Vatican II and the Catholic Church’s just-war tradition helped Protestants to conceive of conscience in Catholic terms of formation. The Emergency Ministry on Conscience and War imagined itself as a resource-provider for the formation of

⁸⁹⁵ Ibid., 7.

consciences. In debates about conscription and in amnesty, Protestants did not abandon their own theology of conscience, but they did seek to enhance arguments about conscience with Catholic theology. Dwight and Frances Larges urged their mailing list members to read Catholic sources. Catholics and Protestants lobbied the state together to achieve amnesty for those who, following their consciences, resisted the Selective Service, deserted the military, or fled the nation. Protestant theologians in the academy like C. Ellis Nelson, finding that Protestants had not thought systematically about conscience, used Catholic sources in an attempt to move Protestants from declarations of autonomy to a more contextual mode of moral development based on conscience formation. Protestants shared with Catholics a belief that psychology granted serious insight into the nature of conscience; but it was Protestants like Nelson (and not the other way around) who used Catholic ideas of conscience to enhance his case for moral development.

Liberal Protestants, at several crucial junctures, replaced an understanding of conscience as the individual's unmediated connection to God with a notion of the conscience as being "formed" by mediators, organizations, texts, and teachers. Liberal Protestants thus spread key tenets of the Catholic theology of conscience in the context of political and cultural acrimony of the 1960s and 1970s. Liberal Protestants also recognized Catholics as key defenders of conscience and stood alongside them in various political and protest venues. Protestants spoke in their own conscience twang – biblical, traditional, confessional, and nation – but Catholic theology and Catholic activism proved crucial in shaping their stands. Catholic tradition spread during America's culture wars

by way of Liberal Protestants. It also spread by way of secular activists in Amnesty International, the subject of the epilogue.

7.0 EPILOGUE

“Christians, as Followers of Jesus Christ, Should Perhaps Be Able, Above All Others, to Empathize With The Prisoners Of Conscience” : The Theology of Conscience in Global Human Rights, 1977-1984

The mayors of Fargo, North Dakota and Moorhead, Minnesota signed a joint proclamation on October 13, 1980 designating October 11-18 “Prisoner of Conscience Week.” The mayors learned the phrase “prisoner of conscience” – and its resonance in human rights – from Amnesty International (AI). The joint proclamation explained that “Amnesty International has designated the week of October 11-18, 1980 as Prisoner of Conscience Week in order to encourage every individual to honor basic human rights.”⁸⁹⁶ With the declaration, Fargo and Moorhead formally adopted Kim Jung-Taik of South Korea as their particular prisoner of conscience. The South Korean government sentenced Jung-Taik, chairman of an Ecumenical Youth Council in Seoul, to two years in prison for holding an “unauthorized meeting.”⁸⁹⁷

The citizens of Fargo and Moorhead pledged to write letters to jailers and government officials responsible for placing Kim Jung-Taik – a non-violent Christian – behind bars. Fargo and Moorhead also encouraged their local churches to offer a

⁸⁹⁶ *Official Proclamation, Cities of Fargo, North Dakota and Moorhead, Minnesota*, October 13, 1980. Amnesty International of the USA (Hereafter AIUSA), Box VII.3 344, Folder 5, Columbia University Libraries Archive Collection (hereafter CULAC).

⁸⁹⁷ Ibid.

collective prayer for prisoners of conscience around the globe. The proclamation requested that at 6:00 pm, on October 19, “families light a candle and churches ring their bells as a recognition of people who are imprisoned around the world.”⁸⁹⁸ Hopes for the freedom of prisoners of conscience like Jung-Taik flowed from flaming candles and tolling bells in a pair of towns that shared the Minnesota-North Dakota border.

When the cities of Fargo and Moorhead participated in Amnesty International’s prisoner of conscience campaign in autumn 1980, the municipalities contributed to a human rights project defending conscience on a global scale. No group did more than Amnesty International in the late 1970s and mid-1980s to extend the traditional Christian prerogatives of following conscience. The campaign and its prisoner of conscience lexicon built upon the generation-long efforts of Catholics and Protestants to defend conscience in political disputes concerning conscription and amnesty. AI’s prisoner of conscience campaign demonstrates how broadly the language of conscience had spread and become accepted, far from its original home in Catholic theology.

Amnesty deliberately made itself into a conduit through which Catholic and Protestant theologies of conscience could flow into the world. Amnesty organized churches and religious groups across America into letter-writing cells whose task it was to write government officials demanding the release of particular prisoners of conscience. Regional AI offices produced and distributed posters depicting Jesus Christ as a prisoner of conscience. AI staffers in San Francisco and London worked on behalf of thousands of Christians from all denominations who had been imprisoned for following conscience in the face of unjust laws. Catholics and Protestants, working with AI, thus took the theology of conscience into global human rights, as they had the sexual revolution, the

⁸⁹⁸ Ibid.

amplification of the American war machine, and general loss of respect for authority in the 1970s. Indeed, across these domains of change in American life – sexuality, war, and an understanding of human development – a commitment to defending consciences and forming consciences, a deeply held tradition, remained steady. This epilogue explores how, for Catholics and Protestants in America, the prisoner of conscience framework provided by Amnesty International served as means to perpetuate – and expand – a traditional defense of conscience. It also demonstrates just how widespread the language of conscience became in the late 1970s and 1980s, having moved well beyond its midcentury base in Catholic schools, theologates, and academic discourse, and into a global human rights vernacular.

Amnesty's definition of conscience was quite broad. Amnesty understood individuals who expressed opinions or beliefs in a non-violent manner to be following conscience. According to founder Peter Beneson in a 1961 article for *The Observer*, prisoners of conscience were "any person who is physically restrained (by imprisonment or otherwise) from expressing (in any form or symbols) any opinion which he honestly holds and which does not advocate or condone any violence."⁸⁹⁹ Beneson's article provided the initial link between Amnesty International and human rights work to free "Prisoners of Conscience" (POC). Later iterations of the prisoner of conscience concept included explicit allusions to religious motivations. A poster printed during the mid-1970s called POCs "persons who are imprisoned for expressing their religious or political beliefs or because of their ethnic origins, provided they have not used nor advocated the

⁸⁹⁹ Peter Beneson, "Campaign to Free Prisoners," *The Observer Weekend Review*, May 28, 1961.

use of violence.”⁹⁰⁰ A 1977 poster, couched in more precise language, defined a POCs as “those imprisoned anywhere for their political or religious beliefs, color, or ethnic origin, who have neither used nor advocated violence.”⁹⁰¹ Landing in jail for religious reasons – one motivation among many – marked an integral part of the prisoner of conscience designation.

Amnesty groups “adopted” particular prisoners of conscience. A small group assembled on a college campus or in church basement, could associate itself Amnesty International – and the Amnesty’s International Secretariat would assign the local group a prisoner of conscience. If a prisoner met the criteria to become a POC – a designation determined by AI’s researchers in London – the individual became available for adoption. The local Amnesty group, having received their assignment, wrote dozens or hundreds of letters to state officials and jailers responsible for the imprisonment of their POC. Amnesty, seeking to remain objective and universal, made it an official rule that a particular group could not adopt a POC from their own nation. An Amnesty group from Holland, for example, adopted Union Seminary student Vincent McGee, an American, as their prisoner of conscience in July of 1971 after the Supreme Court denied McGee’s conscientious objection appeal, sentencing him to two years in prison.⁹⁰² By the mid-1970s, Amnesty also had an official policy that each group received three adoptees: one POC from a socialist country; another from “the West”; and a final POC from a “third world” nation. POCs with a religious motivation could be found in all three areas.

America had 85 adoption groups in 1975 and, after Amnesty spread throughout the late

⁹⁰⁰ “Today There is a Way To Help Free Political Prisoners: Amnesty International,” circa 1973. AIUSA, Box IX.1 357, Folder 20, CULAC.

⁹⁰¹ “Amnesty International 1977: Prisoner of Conscience Year,” 1977. AIUSA, Box XI.1.3 430, Folder C, CULAC.

⁹⁰² “Prisoners of Conscience Have a Friend,” *St. Paul Sunday Pioneer Press*, June 15, 1980, 9.

1970s, the number of adoption groups in the US totaled 203 in 1980. The number of US adoption groups continued to climb, reaching 288 by 1984.⁹⁰³

From the outset of its campaign, Amnesty defended Christians who, according to the official prisoner of conscience definition, acted on conscience. Catholic priests – particularly priests from the Europe’s Communist Eastern Bloc – filled the initial ranks of adopted prisoners of conscience. A 1966 article in *Time Magazine*, explaining briefly the relatively new work of Amnesty International, reported that the organization “is sending a 25-year-old Labor peer, Lord Gifford, to discuss with Hungary’s Communist officials the arrest of 20 Roman Catholic priests and 50 workers on flimsy charges of agitation against the state.”⁹⁰⁴ A 1972 editorial in *The New York Times*, written by Ivan Morris, the General Secretary of Amnesty International USA and a professor of Japanese at Columbia, detailed two stories of Catholic priests-turned-prisoners of conscience by aggressive states. Morris described how South African police had placed Reverend Cosmas Desmond “a Franciscan priest who worked mostly among blacks, [and] author of ‘The Discarded People,’ which had attacked apartheid,” under house arrest starting in 1971.⁹⁰⁵ Morris also told the story of how Reverend Sandor Somogyi and three other priests were sentenced to four years in jail by authorities in Hungary for teaching “ideology hostile to the present school system.”⁹⁰⁶ The Hungarian state, Morris claimed, had forced young people from Somogyi’s parish to testify against him. Catholic priests stood out among individuals “imprisoned for religious or political belief,” and Amnesty did not hesitate to offer the prisoner of conscience designation to the ordained men.

⁹⁰³ Stephen Hopgood, *Keepers of the Flame: Understanding Amnesty International* (Ithaca and London: Cornell University Press, 2006), 109.

⁹⁰⁴ “International Law: Helping Prisoners of Conscience,” *Time Magazine*, April 15, 1966, 79.

⁹⁰⁵ Ivan Morris, “Prisoners of Conscience,” *The New York Times*, November 11, 1972, 33.

⁹⁰⁶ Ibid.

The prerogatives of following conscience, as promoted by Amnesty in the early-to-mid 1960s, seemed to actually spring well-known religious figures from prison. Secular and Catholic periodicals in America celebrated the role played by Amnesty International in securing the release of the Catholic Archbishop of Prague, Josef Beran, in 1963. Czechoslovakian Communists arrested Beran in 1949 after he refused to swear an oath of allegiance to the state, protested government seizure of church property, and publicly derided the communist soldiers who occupied his cathedral. Amnesty adopted Beran as a prisoner of conscience in 1963 – 12 years into his sentence – and publicized to the world his plight at the hands of communist authorities. Amnesty’s prisoner of conscience campaign offered a conduit through which the theology of conscience could flow. An article in *Reader’s Digest* described how, in 1963, after Amnesty placed Beran on a “Christmas List of Forgotten Prisoners” people from all over the world sent thousands of Christmas cards to communist authorities asking for Beran’s release.⁹⁰⁷ Czech authorities released Beran in 1963, just two years after Amnesty had adopted the archbishop as a prisoner of conscience.

The Beran saga dramatized the ongoing global battle between unjust laws and individuals who followed conscience. Beran’s release brought Amnesty and the prisoner of conscience concept praise from around the world and disrepute to communist Czechoslovakia. *Reader’s Digest* declared: “even the Czechoslovakia government, one of the most obdurate communist regimes in Europe, finally gave way with the help of an Amnesty campaign.”⁹⁰⁸ *Time* noted that, “Amnesty’s most celebrated success was the 1963 release of Archbishop Josef Beran after 14 years of incommunicado house arrest in

⁹⁰⁷ Irwin Ross, “They Fight to Free the World’s ‘Prisoners of Conscience,’” *Readers Digest* 86 (February 1965), 133.

⁹⁰⁸ *Ibid.*

Communist Czechoslovakia.”⁹⁰⁹ The American Catholic magazine *Ave Maria* beamed in 1966 that, after Beran’s release, Czechoslovakia “continues to progress toward the standards of personal liberty that modern civilization demands through such organizations as Amnesty.”⁹¹⁰ A Catholic archbishop was conspicuous among the first wave of prisoners of conscience Amnesty seemingly helped to free.

Despite the universalism and secularism of the POC concept, the leaders of Amnesty both abroad and in the United States understood the prisoner of conscience slogan to convey a theologized tradition of following conscience. Executive directors of the International Secretariat in London and its American division in New York City had deep backgrounds in ecumenical Protestantism or Roman Catholicism. Founder of Amnesty International Peter Beneson was born in 1921 into a large Jewish family and he converted to Catholicism in 1958 while convalescing in Italy after a serious illness. The language of conscience – deployed in Beneson’s initial article for the *Observer* in 1961 – likely carried a deep theological weight with a then recent Catholic convert. Beneson, as one scholar has shown, understood Amnesty to have a religious mission. Beneson told a colleague in 1967 he thought of Amnesty as a “Christian Witness.”⁹¹¹

Amnesty International executive directors in America likely held a theological understanding of the organization’s prisoner of conscience campaign as well. AI directors had been groomed in religious institutions before working in human rights organizations. Directors brought the traditional conscience talk into the work of Amnesty International. David Hawk, the executive director of Amnesty International USA from 1974 to 1978, had a masters’ of divinity degree from Union Seminary. Hawk himself had paid a price

⁹⁰⁹ “International Law: Helping Prisoners of Conscience,” 79-80.

⁹¹⁰ Paul Lyons, “Amnesty for Prisoners of Conscience,” *Ave Maria*, December 5, 1966, 10.

⁹¹¹ Quoted in *Keepers of the Flame*, 65.

for acting on the theology of conscience: Hawk was arrested by federal marshals in 1969 when he sought “sanctuary of conscience” in St. James Chapel on Union Seminary’s campus.⁹¹² Hawk then worked for a time with the National Council of Churches in the early 1970s at the Interchurch Center – known as the ‘God Box’ because it housed the offices of several Protestant denominations – on 475 Riverside Drive in New York City. Hawk’s work at the NCC prepared him well for the global dimensions of an Amnesty USA executive directorship: Hawk had worked as a consultant to the NCC’s Department of International Affairs. The deepest connection between Amnesty directors and Christianity can be seen in the career of Jack Healy, the executive director of AI USA from 1981 to 1993. Healy, the 11th (and final) child in a family from Pittsburgh, had been a Franciscan monk for 10 years before serving as a priest for four years. Healey left the priesthood in 1968 and immediately began working in human rights organizations. The language of conscience was likely charged with deep theological meaning for AI’s human rights activists, beginning with the organization’s executive leaders.

Amnesty’s phrasing – “prisoner of conscience” – connected with a linguistic pattern and theological imagination already possessed by American Christians. Followers of conscience who saw the inside of a jail cell were worthy recipients of a Christian outreach from Amnesty’s prisoner of conscience campaign. Catholics could agree readily with Amnesty’s general suggestion that prisoners of conscience were the victims of a state’s unjust laws. A 1966 article in *Ave Maria* complained that unjust laws “or lack of law – have made prisoners of conscience out of many men and women in many places.”⁹¹³ As a person detained for breaking unjust laws, a duty made incumbent upon

⁹¹² “A Sanctuary of Conscience,” *The Columbia Spectator*, March 11, 1969, 5.

⁹¹³ “Amnesty for Prisoners of Conscience,” 8.

them by universal moral law and the theology of conscience, “a prisoner of conscience is a very real human ... helping prisoners of conscience would be, then, simply a specialized application of an age-old concept of universal brotherhood.”⁹¹⁴ Amnesty discovered flesh and blood examples of individuals who followed conscience and were detained for breaking unjust laws; as such, Amnesty stepped into and expanded a Catholic tradition of standing in solidarity with followers of conscience.

Amnesty spread a theology of conscience across the globe in the 1970s that American Christians had defended during the Vietnam War. Amnesty helped Christians to defend a highly traditional proposition. Protestant leaders like Baptist minister and Harvard professor Harvey Cox had no trouble finding individuals in America jailed for following conscience during the Vietnam War. Cox shepherded a few hundred activists to a “Celebration of Conscience” at Allenwood prison in Pennsylvania in December of 1969, a gathering for those in the labor camp who had acted on conscience. “On the Saturday before Christmas these prisoners of conscience’ sake became the delighted recipients of the one of the largest single visitations that has ever occurred in an American prison,” Cox beamed.⁹¹⁵ The “Celebration of Conscience” was spectacle that included a Protestant prayer service, a Catholic mass, and the Catholic baptism of an imprisoned married couples’ infant son. Cox, writing about the event for *Tempo*, a publication put out twice a month by the National Council of Churches, thought in the theological and linguistic grooves of conscience: “many of these men have taken this perilous step because ... they were once taught never to violate their sacred voice of

⁹¹⁴ Ibid.

⁹¹⁵ Harvey Cox, “A Celebration of Conscience,” *Tempo*, January 15, 1969, 1, 3.

conscience.”⁹¹⁶ Amnesty International’s prisoner of conscience campaign extended a theology of conscience globally during the 1970s that Christians had defended in the late 1960s.

Amnesty’s prisoner of conscience campaign also spread the traditional Catholic theology of conscience around the world. Gordon Zahn had been using the exact phrase, “prisoner of conscience,” since the early 1970s, arguing that POCs deserved a place in the Catholic Church’s liturgical calendar. In a 1973 letter to Carel Der Maat, the General Secretary of Pax Christi Netherlands, Zahn laid out his plans to turn January 1 into a “worldwide day of prayer and penance” for prisoners of conscience. The designation, Zahn explained, “would apply to all political prisoners ... and others who suffer imprisonment or exile because they could not reconcile their consciences with the demands of state authority.”⁹¹⁷ Zahn encouraged der Maat to convince Pope Paul VI to ask the faithful to pray for prisoners of conscience in their own countries every January 1. “If it is still in the liturgical calendar, the Feast of St. Peter’s Chains would seem eminently suitable,” Zahn also added. The chains of St. Peter – a relic by the Church’s standards – manifested the theology of the prisoner of conscience in a concrete form: states had placed Catholic saints in chains throughout history for following conscience. The prisoner of conscience language, spread far and wide by Amnesty, resonated deeply with the linguistic patterns and theological imaginations of American Christians like writers for *Ave Maria*, Baptist theologian Harvey Cox, and Catholic sociologist Gordon Zahn.

⁹¹⁶ Harvey Cox, “A Celebration of Conscience,” *Tempo*, January 15, 1969, 1, 3.

⁹¹⁷ Gordon Zahn to Carel der Maat, April 9, 1973. GZP, Box 6, Folder 8617, UNDA.

Amnesty spread this twang of conscience vocabulary around the world throughout the 1970s. The British section of AI estimated that 250,000 prisoners of conscience were in jails throughout the world – an announcement picked up by the *New York Times* in June of 1970.⁹¹⁸ The sheer magnitude of the claim – 250,000 – created the impression that the world’s jails were full of people who followed conscience. Amnesty also convinced important dissidents and policy makers – people of influence from a range of fields – to use this conscience language. In his 1975 speech accepting the Nobel Peace Prize (read by his wife because he could not leave Russia), nuclear physicist Andrei Sakharov called for the release of 118 prisoners of conscience in the Soviet Union.⁹¹⁹ Daniel Patrick Moynihan, US ambassador to the United Nations, and a prominent American Catholic, called for a “general political amnesty in all the world, liberation for all the prisoners of conscience everywhere” before the UN’s General Assembly a week after Sakharov’s speech.⁹²⁰

Amnesty International’s campaign to convince Americans that the world’s jails were full of individuals who acted on conscience reached a high point in 1977. Amnesty dubbed 1977 the “Prisoner of Conscience Year” – making it a 365-day inundation of conscience sloganeering. A memo written during the planning stages described the purpose of the POC year as to “(1) introduce and promote to a larger American public the ‘term’ and the ‘reality’ of the existence of ‘Prisoner of Conscience’ and (2) to identify Amnesty International as the organization that works to better the conditions and secure

⁹¹⁸ “World’s Political Prisoners Believed to Exceed 250,000,” *New York Times*, June 22, 1970, 8.

⁹¹⁹ “Sakharov pleases for ‘prisoners of conscience,’” *Boston Globe*, December 12, 1975, 1.

⁹²⁰ “A New Look at Amnesty,” *Boston Globe*, December 20, 1975, 7.

the release of ‘Prisoners of Conscience.’”⁹²¹ Amnesty spread conscience talk across the United States throughout 1977. A memo summarizing the accomplishments of the POC year took stock of the outreach. Amnesty sent information packages to all major and college newspapers across the United States; mailed posters announcing the POC year to adoption groups throughout America; paid for radio announcements on 1,400 local and regional stations; shot a series of television commercials; and the San Francisco Office distributed 15,000 posters and bibliographies to the nation’s libraries.⁹²² Singer Joan Baez, pianist Grigory Sokolov, former attorney general Ramsey Clark, and violinist Yehudi Menuhin offered their voices and endorsements for the radio announcements.⁹²³ The Prisoner of Conscience Year was a significant achievement and prodigious media campaign, one which the Noble Committee recognized by awarding Amnesty its 1977 Peace Prize.

Churches were one target group – albeit an important one – within a broader matrix of organizations Amnesty courted for its Prisoner of Conscience Year: the prisoner of conscience phrase, as used by Amnesty, bundled together a wide range of conscience claims and dissident stands. A strategy memo on the public relations program for the POC year called for poster displays in schools, churches, museums and shopping centers.⁹²⁴ Another memo made clear that AI planned to court any institution that hosted meetings of concerned citizens. “Throughout the year the entire display or individual posters can [be] placed in churches, libraries, schools, community centers or wherever the

⁹²¹ David Hawk to Any Amnesty International Parties, “Prisoner of Conscience Week,” n.d. but late 1976 or early 1977. AIUSA, Box XI.1.3 430, Folder C, CULAC.

⁹²² “Report to the Membership Board of Governors,” AIUSA, Box III 1, Folder, “Annual General Meetings, US Section,” CULAC.

⁹²³ “Seven pre-recorded public service announcements from Amnesty International,” n.d. but 1977. AIUSA, Box XI.1.3 430, Folder C, CULAC.

⁹²⁴ “A National Promotion Campaign – Amnesty International,” 4, 1977. AIUSA, Box II.1 4, Folder 11, CULAC.

group holds a meeting,” a memo claimed.⁹²⁵ A series of pamphlets published by Amnesty during the POC Year best demonstrated how religious prisoners of conscience were taken to be one important group among many. For the POC Year, AI published pamphlets entitled *Trade Unionists in Prison*; *Parliamentarians in Prison*; *Journalists and Writers in Prison*; *Teachers and Students in Prison*; and, lastly, *Religious Persecution and Political Imprisonment*.

The pamphlet on religious persecution shows that POCs came from many religious backgrounds. It profiled an evangelical Baptist imprisoned in the USSR; a Christian scholar behind bars in Argentina; an Evangelical Lutheran minister and a Roman Catholic bishop incarcerated in Rhodesia; a Jehovah’s Witness detained in Greece; and the shared plights of Catholics and Buddhists in Vietnam.⁹²⁶ For Amnesty, followers of conscience came from all walks of modern life and from sundry religious backgrounds. Amnesty’s use of conscience was capacious but the term resonated with well-prepared American religious imaginations and traditional theological languages.

Amnesty activists established their organization as a conduit through which the theology of conscience could flow into the world by making religious groups one of their key constituencies. Amnesty’s posters connected the campaign with a religious imagination about the noble Christian who followed conscience despite the threat of jail from a state. A prisoner of conscience poster from the early 1970s included portraits of Jesus Christ, Martin Luther, and Martin Luther King Jr. Thousands of POCs like these figures, the poster claimed, languished in jails in Brazil, South Africa, Czechoslovakia,

⁹²⁵ “Human Right Day and Prisoners of Conscience Kick-Off Projects,” 1977. AIUSA, Box II.1 4, Folder 11, CULAC.

⁹²⁶ Amnesty International, *Religious Persecution and Political Imprisonment*, 1977. AIUSA, Box VIII.3 344, Folder 4, CUPAC.

and Pakistan.⁹²⁷ The connection between the prisoner of conscience and religious motivations could be made explicitly: a poster commissioned for the 1977 Prisoner of Conscience Year depicted Jesus Christ suffering at the hands of state agents. Christ is tied to a pole, wearing his crown of thorns, enduring cattail strikes from Roman soldiers. “He was a prisoner of conscience, hated and persecuted,” the poster announced, adding that:

He wasn’t the first prisoner of conscience. He certainly wasn’t the last. Today about half a million political and religious prisoners are detained all over the world ... Amnesty International tries to help prisoners of conscience all over the world. To free them, or at least to help them live in reasonable conditions.⁹²⁸

In this particular poster, Amnesty was generous in estimating the number of religious POCs throughout the world (implied by the poster to be a significant portion of the 500,000). But the prisoner of conscience concept and the numbers were geared at a constituency of American Christians with pre-existing sympathy for human rights as incarnated by prisoners of conscience. Amnesty’s early prisoner of conscience media, tapping well-worn religious language and imagery, stoked religious imaginations already attuned to the plights of those who followed conscience.

Amnesty officials at the International Secretariat in London spread the theology of conscience by regularly highlighting the plights of Christian prisoners of conscience. Internal reports passed among Amnesty officials discussed the high numbers of religious POCs from around the globe and often described their stories in great detail. A 1979 report on POCs in the USSR noted that, “a large number of Soviet prisoners of conscience adopted by Amnesty International have been imprisoned directly on account of their religious beliefs,” – not only the usual run of Evangelical Christians, Baptists, Pentecostals, and Seventh Day Adventists – but the “prisoners of conscience from

⁹²⁷ “Today There is a Way To Help Free Political Prisoners: Amnesty International.” AIUSA, Box XI.1.3 430, Folder C, CULAC.

⁹²⁸ “And Who Cares About Political Prisoners Today?” 1977. AIUSA, Box XI.1.3 430, Folder C, CULAC.

among the Lithuanian Catholic, Uniate Catholic, Russian Orthodox, True Orthodox Church, Jehovah's Witnesses, Jewish, Muslim, Buddhist and Georgian Orthodox Church religious groups.”⁹²⁹ Catholic priests remained prime candidates for the prisoner of conscience designation as the campaign pressed on in the 1980s. The International Secretariat circulated case sheets in 1982 on Joseph Zhu Yude and Stanislaus Yan Yunliang, two of 17 Catholic priests and laypeople arrested in Shanghai for demonstrating on behalf of religious freedom the year prior. Yude and Yunliang had been arrested for refusing to join the government sponsored Patriotic Catholic Association. Another priest named in the report – Father Zhu Hongsheng – had been arrested for participating in an unauthorized pilgrimage in March of 1980 and communicating with the Vatican.⁹³⁰ Amnesty promoted a broad definition of conscience – acts of conscience could be seen as demonstrating against the state, refusing state orders, or taking an illegal pilgrimage – but the language helped Amnesty uphold the Christian tradition of protecting those who followed conscience.

Adoption chapters throughout the US regularly detailed the plight of religious prisoners of conscience for national and local newspapers. Leonard Gordon of the Riverside Group wrote an editorial for the *Washington Post* in 1979 about a Russian Orthodox nun imprisoned by the Soviets for selling canvas belts embroidered with the words from the 90th Psalm, “Lord, thou has been our dwelling place for in all generations.” Gordon claimed “these belts became popularly known as Belts of Life and proceeds were used to support two houses of refuge for homeless nuns,” concluding that,

⁹²⁹ “Prisoners of Conscience in the USSR,” 1979. AIUSA, Box II.5 10, Folder 1, CULAC.

⁹³⁰ “Case Sheet: Joseph Zhu Yude,” July 18, 1982. AIUSA, Box IX.3 370, Folder 2, CULAC; “Case Sheet: Father Stanislaus Yan Yungling,” AIUSA, Box IX.3 370, Folder 2, CULAC.

“she is clearly a prisoner of conscience.”⁹³¹ The Catholic magazine, *Our Sunday Visitor*, profiled the efforts of an Ithaca, New York chapter to free Alexander Riga, a Catholic member of an ecumenical group in Moscow charged with “anti-social religious activity” and placed in a psychiatric ward in 1984. A member of the chapter told *Our Sunday Visitor* that the ecumenical group “met regularly in each other’s homes for common prayer, bible study, meditation and an agape meal ... they kept a very strict rule of poverty, chastity, and obedience.”⁹³² Members of Amnesty at the local level invested considerable time and resources into studying and sharing the stories of religious prisoners of conscience. Amnesty International members did more than any other organization in the late 1970s and 1980s to bring the theology of conscience into the world.

Amnesty invited American Christians to infuse the prisoner of conscience campaign with theological meaning. Amnesty staffers, aware that Christians already ministered to those who followed conscience, gathered information on how religious bodies like the National Council of Churches were working with imprisoned conscience-followers. Amnesty networked with a wide variety of religious groups in America, from umbrella organizations like the NCC to single congregations and even individual believers. Theo Brown of AIUSA’s Western Regional Office wrote Alice Wilmer of the NCC’s Division of Church and Society in late 1974 to get a sense of how the organization’s “efforts on behalf of ‘prisoners of conscience,’ are ... being channeled through the follow up [work] that you are doing to the World Council of Churches

⁹³¹ Leonard Gordon, “Prisoner of Conscience,” *The Washington Post*, October 15, 1979, A12.

⁹³² Jim O’Neill, “‘Friends’ Seek Release of Prisoner of Conscience,” *Our Sunday Visitor*, March 2, 1986, 3.

Consultation on Human Rights.”⁹³³ In light of the consultation with the WCC on human rights, Brown urged Wilmer and the NCC to join forces with Amnesty in campaigning for the release of prisoners of conscience. When the NCC did create a human rights position in 1977, AIUSA director David Hawk wrote Dr. Eugene Stockwell of the NCC’s Division of Overseas Ministries (in another effort to promote collaboration) to report that, “in our work for what Amnesty International calls ‘prisoners of conscience’ ... church men and [sic] women in this country are increasingly active on behalf not only of their Christian brethren but of all the unjustly imprisoned.”⁹³⁴ Christians were already working with Amnesty to bring the theology of conscience in the world, and executives like Hawk, himself an ecumenical protestant, sought to expand the trend in the mid-1970s.

Amnesty officials also invited Roman Catholic churches to imbue the prisoner of conscience campaign with theological meaning. In 1974, Amnesty distributed postcards with picture of Korean Bishop Daniel Chi, an official prisoner of conscience jailed for criticizing the ruling regime, to dozens of Catholic churches.⁹³⁵ Amnesty postcards with the physical image of prisoners of conscience were akin to devotional cards Catholics carried of their saints, some whom were jailed or executed for the faith. AI also sent information sheets on Bishop Chi to local Catholic priests, suggesting that the priests “read one of them to your congregation during Sabbath services on the weekend of November 2 and 3.”⁹³⁶

The strategy of connecting with the churches paid off on some occasions: Catholics occasionally acknowledged Amnesty as an organization dedicated to freeing

⁹³³ Theo Brown to Alice Wilmer, December 31, 1974. AIUSA, Box II.1 1, Folder 14, CULAC.

⁹³⁴ David Hawk to Eugene Stockwell, May 26, 1977. AIUSA, Box II.1 1, Folder 20, CULAC.

⁹³⁵ Ginetta Sagan to various churches, n.d. but circa 1974. AIUSA, Box II.1 1, Folder 14, CULAC

⁹³⁶ “Statement of Concern,” n.d. but circa 1974. AIUSA, Box II.1 1, Folder 14, CULAC.

explicitly Catholic prisoners of conscience. In May of 1977, an AI member and reader of the *Pilot*, Boston's Catholic newspaper, sent Amnesty staffer Lela Cooper an article appearing in the Catholic paper that described the plight of a potential Catholic prisoner of conscience. The information inspired Cooper to write the International Secretariat in London to see "whether this case has been taken up, and if not whether there are plans to do so."⁹³⁷ Amnesty enhanced its campaign for prisoners of conscience by coordinating with Protestants and Catholics already concerned with the plight of men and women who followed conscience. Traditional teachings, predominately Catholic, had already accustomed many Americans to following and defending conscience. Amnesty – on a global mission – appeared to spread the theology of conscience more fully into the world.

Amnesty commissioned particular programs to bring grassroots religious activists into the human rights movement in this broader task of helping Christians infuse the prisoner of conscience campaign with theological meaning. Between the summers of 1976 and 1977, AIUSA's San Francisco Office organized religious groups into the Inter-Religious Urgent Action Network (IRUAN). When researchers in London found a particularly pressing POC case, that individual, often religious, would receive special attention from the religious organizations in IRUAN. All groups in the network would set to work on freeing that particular prisoner of conscience. Amnesty staffers on the west coast suggested to ministers and lay leaders that their congregation set aside a Saturday or Sunday night to write letters for a particular prisoner of conscience placed into the urgent action network. Such a gathering could be announced by the priest or minister at that weekend's services. A letter introducing congregations to the notion of an urgent action network suggested that, "groups/congregations choose one day a month, usually a

⁹³⁷ Lela Cooper to the International Secretariat, May 19, 1977. AIUSA, Box II.1 1, Folder 20, CULAC.

Saturday or Sunday, for regular participation. Some groups have found that a ‘coffee hour’ immediately following services works well as a time to write letters.”⁹³⁸ Amnesty had done the necessary preparation – the congregation simply needed to inundate the POC’s jailers with letters. Amnesty made itself into a conduit through which American Christians could bring the theology of conscience more fully into the world: thousands of letters from religious groups flowed through the pipeline maintained by Amnesty International. As Jennifer Jacobs, coordinator of the IRUAN, explained in a letter to one religious group, Amnesty provided “casesheets for distribution which include background information, a description of the prisoner(s), type of action recommended, addresses of authorities, sample messages and cost of airmail postage.”⁹³⁹ This ready-made POC kit appealed to churches and congregations by offering such groups the chance to write letters on behalf of religious prisoners of conscience. As staffer Lela Cooper explained in a July 1977 letter to a member of the Woman’s Missionary Union of Birmingham, Alabama, “The IRUAN was set up to deal with cases of members of clergy or persons known to be closely related with churches, temples and religious organizations.”⁹⁴⁰ AI offered a wide range of religious groups the chance to join IRUAN including not only the Woman’s Missionary Union in Alabama, but also the Trappists at the Abbey of Our Lady of Guadalupe in Lafayette, Oregon and the expected channel of officials at the National Council of Churches. By June of 1977, AI staffer Lela Cooper boasted that 60 churches had joined the IRUAN.⁹⁴¹

⁹³⁸ Jennifer Jacobs to Religions Urgent Action Network, 1976. Box II.2 6, Folder 12, CULAC.

⁹³⁹ Jennifer Jacobs to congregations, 1976. AIUSA, Box II.2 6, Folder 12, CULAC.

⁹⁴⁰ Lela Cooper to Leatha Marie Jones, July 6, 1977. AIUSA, Box II.1 1, Folder 20, CULAC.

⁹⁴¹ Cooper to Jones, July 6, 1977.

Executives and staffers found dozens of churches willing to see Amnesty as defenders of a traditional proposition of following conscience. In church basements and social halls across America, letter-writing sessions for POCs became extensions of a Sabbath celebration. Joan MacIntyre, a lay member of St. Leo's Catholic Church in Oakland, California reported to Amnesty that, "Our 10 member Peace and Justice Comm. each write 2 AI letters each month. Four times a year we have an AI Sunday and invite our congregation to participate – about 50 people respond."⁹⁴² Linda Leisy, a lay administrator at St. Mark's Cathedral (Episcopal) in Seattle, Washington explained that, upon receiving a POC's name via the IRUAN announcement, "I write a brief notice for the newsletter describing the prisoners' situation and why they qualify as a prisoner of conscience ... one copy of the appeal is posted on the bulletin board, and one Sunday a month I have a table at the coffee hour where I hand out about 25 copies ... there is a faithful nucleus of people who always pick up a copy and I'm sure they write letters."⁹⁴³ Leisy claimed that the cathedral sent out the POC profile to every Episcopal Church in Western Washington. Adelaida Hartpence of the Panther Valley Ecumenical Ministry claimed that her church's urgent action group had 30 letter-writers and a monthly coffee hour each Sunday. Hartpence also reported that "The AI film, 'Prisoners of Conscience,' was shown in March to our church women's group, with comments afterward by several of the women who are letter writers."⁹⁴⁴

A wide range of churches and religious institutions participated in the letter-writing network in the late 1970s in the effort to help free prisoners of conscience.

⁹⁴² "Amnesty International's Inter-Religious Urgent Action Network," n.d., but 1976 or 1977. Box II.2 6, Folder 12, CULAC.

⁹⁴³ Ibid.

⁹⁴⁴ Scott Harrison and Ellen Moore, "Inter-Religious Urgent Action Network, Memo," n.d., but 1976 or 1977. Box II.2 6, Folder 12, CULAC.

Amnesty groups gathered in church basements, social halls, at coffee hours, and in peace centers pumped the theology of conscience along the lines of communication set up by Amnesty International. The network included: the Sacred Heart Fathers and Brothers at the Chicago House of Studies (Chicago, Illinois); the Temple Israel (Kinson, North Carolina); the Sufi Order (Lebanon, New York); a retreat center run by Ursuline nuns called the Angela Center (Santa Rosa, California); The Unitarian Church of All Souls (New York, New York); Federated Church run by United Church of Christ and the American Baptists (Grand Forks, North Dakota); the parishioners at St. Francis de Sales Cathedral (Oakland, California); Pullman Baptist Church (Pullman, Washington); Westminster Unitarian Church (East Greenwich, Rhode Island); Durham Friends Meeting (Freeport, Maine); First Presbyterian Church of Yorktown (Yorktown Heights, New York); Grace United Church of Christ (Hanover, Pennsylvania); Woodland Park Presbyterian Church (Seattle, Washington); Murray Presbyterian Church (Murray, Nebraska); Genesee Valley Office of Social Ministry of the Catholic Diocese of Rochester (Rochester, New York); Newman Communities at State University of New York at Brockport (Rochester, New York); and the Battle Ground United Methodist Church (Battle Ground, Washington).⁹⁴⁵ Amnesty organized itself in such a way that a wide array of churches, religious networks, and religious offices could send the theology of conscience around the globe.

Amnesty's prisoner of conscience campaign provided flesh and blood incarnations of a long-gestating Christian tradition of following conscience. Amnesty spoke a language of conscience with which Catholics and Protestants were already highly

⁹⁴⁵ "Amnesty International's Inter-Religious Urgent Action Network"; "Inter-Religious Urgent Action Network, Memo."

fluent as a result of familiarity with traditions found in the bible and the lives of the saints. Christianity had inspired many men and women to throughout the ages to follow conscience in ways that prompted states to take punitive action. Amnesty actually defended individuals who acted on the tradition of following conscience in real world affairs. A 1980 article for *The Evangelical Review of Theology* by Gwen Graham, the Secretary of the Western Australia branch of Amnesty, made the case that “Christians, as followers of Jesus Christ, should perhaps be able, above all others, to empathize with the prisoners of conscience because in this world every Christian is potentially such a person.”⁹⁴⁶ Like other Protestant activists – William Sloane Coffin or staffers of the National Council of Churches – Graham imagined St. Peter as prisoner of conscience who had acted on loyalty to God, a higher power than the nation-state. “Our patriotism is qualified as we have only one absolute loyalty, for, as Peter, himself a prisoner of conscience for some time, affirmed, ‘we must obey God rather than men.’”⁹⁴⁷ This theological imagination understood that by placing Peter in prison for defying the local ban on preaching, the Sanhedrin made him a first century prisoner of conscience.

Prisoners of conscience also embodied the Catholic tradition of following conscience in the world. Prisoners of conscience followed in the footsteps of Catholic saints whose bodily suffering and blood broke the theology of conscience into real time at certain moments in history. The Jesuit editors of *America* linked Amnesty’s POC campaign with the story of Saint Thomas More, who was often venerated by Catholic defenders of conscience during the Vietnam War. In this interpretation, Henry VIII made

⁹⁴⁶ Gwen Graham, “A Candle in Barbed Wire: Hope for Prisoners of Conscience,” *The Evangelical Review of Theology*, 5 (October 1981), 272.

⁹⁴⁷ Ibid.

More a sixteenth century prisoner of conscience by placing More in prison for refusing to take the Oath of Supremacy. The 1984 editorial advised:

... Christians must go beyond appeals to human authorities. They recall that Thomas More, one of history's most famous prisoners of conscience, used to ask for prayers that he might not grow fainthearted. When the weapons of action fail to secure the liberation of captives, the weapons of faith can win them with the grace to endure.⁹⁴⁸

Prisoners of conscience lived the theology of conscience in the world in the 1980s. They deserved, like certain saints before them, to be venerated as materializers of the duty to follow conscience. As a "secular organization that might be said, in the words of Isaiah, to have been touched by the spirit of the Lord," Amnesty International's defense of "prisoners of conscience ... [holds] special symbolic significance because the attacks upon them are like attacks upon the ideals of political and religious freedom."⁹⁴⁹ The editors of *America* took note of a winter 1984 report released by Amnesty calling attention to the plight of 5,000 prisoners of conscience.

Catholics and Protestants discerned multiple layers of religious meaning in prisoners of conscience. POCs represented the cosmic cause of justice. A 1980 article in the *Suburban Life Graphic* on the 63-person Amnesty chapter in La Grange, Illinois, observed that "most of Amnesty's members are church-goers – Congregationalists, Presbyterians, Lutherans. Many consider themselves active Christians, if not Christian activists, concerned with the issues of peace and justice."⁹⁵⁰ The reporter noted how the group met at a Christian center of justice and peace to write letters on behalf of prisoners of conscience. American Christians also argued that placing an individual in prison for following conscience violated human rights. Jeremy Larkin, the Amnesty secretary for a

⁹⁴⁸ "Prisoners of Conscience," *America*, December 29, 1984, 434.

⁹⁴⁹ Ibid.

⁹⁵⁰ Bob Vladova "Amnesty group wields pens to fight oppression," *The Suburban Life Graphic*, November 15, 1980, 2.

group at Boston College, a Jesuit school, staged a protest campaign in early April of 1982 to draw attention to human rights abuses against prisoners of conscience in Poland.

“Amnesty International seeks to alleviate the suffering caused by violations of human rights throughout the world,” Larkin wrote in the *Heights*, the student-run university paper, adding, “We invite all members of the Boston College Community to join us in this endeavor and protest the growing violations of human rights in Poland.”⁹⁵¹

Christians also joined AI because the organization was a powerful vehicle through which to pursue the highly traditional mission of caring for followers of conscience. Monsignor Paul Lackner told the readers of the *Pittsburgh Catholic* in a 1982 editorial on Amnesty that “I admire its goals and I support it financially.”⁹⁵² Lackner advised his readers, writing with the verve of a local pastor, that, “we can join the Amnesty International and learn more about these people ... we can pray for them.”⁹⁵³ If Christians could not visit POC’s in prison – to honor the Gospel of Matthew’s injunction, “I was in Prison and you came to visit Me,” – they could write a letter which, according to Lackner, constituted a “work of mercy.” Catholics and Protestants understood prisoners of conscience to embody a cosmic cause of justice, the noble cause of human rights, and the vulnerable in need of religious succor.

Amnesty recruited “religious celebrities” to join in the prisoner of conscience campaign. Religious notables – both ordained clergy and laypeople in the secular world – signed the Universal Appeal for Amnesty for All Prisoners of Conscience in 1983. Prominent Catholic politicians Governor Mario Cuomo, and Senators Edward Kennedy, and Daniel Patrick Moynihan signed the petition. They were joined by Protestant

⁹⁵¹ Jerry Larkin, “Polish Oppression,” *The Heights*, April 5, 1982, 5.

⁹⁵² Paul Lackner, “On Amnesty International,” *Pittsburgh Catholic*, May 28, 1982.

⁹⁵³ Ibid.

notables like President Jimmy Carter (Baptist), Coretta Scott King (Baptist), and Bishop Paul Moore (Episcopalian). Most notable of all was the first name listed in the 1983 press release announcing the signatories: John Paul II.⁹⁵⁴ The Pope was himself an impassioned and vocal defender of the rights of conscience, especially from the threats posed by communist regimes. His first encyclical, *Redemptor Hominis*, issued in 1979, drew an explicit connection between human rights and the rights of conscience. John Paul II wrote:

... the rights of power can only be understood on the basis of respect for the objective and inviolable rights of man. The common good that authority in the State serves is brought to full realization only when all citizens are sure of their rights ... These rights are rightly reckoned to include the right to religious freedom together with the right to freedom of conscience.⁹⁵⁵

For John Paul II, Amnesty International spoke the Church's language of conscience. AI acted on the Church's mission to defend the rights of conscience wherever threatened. Catholics had been extending that mission into the world intensely for twenty years by the time John Paul II signed Amnesty's universal appeal in 1983. Amnesty – again mixing the religious with the secular – made it a strategy to gain the imprimatur of religious leaders so as to imbue their cause with the holiness long-associated with the defense of conscience rights. Secular or not, religious leaders understood Amnesty to uphold the traditional Christian prerogatives of following conscience.

Religious leaders and laypeople from across the United States integrated prisoners of conscience into their rituals in the late 1970s and early 1980s, exercises that helped American Christians to associate Amnesty International with a theological cause.

⁹⁵⁴ "Celebrities Publicly Sign the Universal Appeal for All Prisoners of Conscience," December 9, 1983. AIUSA, Box XI.3 370, Folder 20, CULAC.

⁹⁵⁵ John Paul II, *Redemptor Hominis*, 1979. The Vatican Website http://w2.vatican.va/content/john-paul-ii/en/encyclicals/documents/hf_jp-ii_enc_04031979_redemptor-hominis.html (accessed 12 July 2015)

Protestants placed prisoners of conscience on prayer lists and mentioned their stories at religious services. Linda Leisy of St. Mark's Episcopal Cathedral in Seattle told AI in the late 1970s that "When I receive the appeal from you at the beginning of each month, I immediately call the church and place the names of those prisoners on the prayer list ...they are then included in our intercessions at every service."⁹⁵⁶ William Jerauld of Woodland Park Presbyterian Church (also in Seattle) told Amnesty that on one Sunday each month "an announcement is made at the beginning of the church service concerning the current [prisoner of conscience] case."⁹⁵⁷ Christians prayed for prisoners of conscience at their Sunday services.

Protestants and Catholics also developed unique rituals to pray for prisoners of conscience. Catholic students at Boston College held a mass for Polish prisoners of conscience in April of 1982. "A special liturgy sponsored by Amnesty International will be said for Polish Prisoners of Conscience and all those living under martial law [in] St. Joseph's Chapel, 4 pm," the announcement in the student newspaper read.⁹⁵⁸ Religious leaders marked Prisoner of Conscience Weeks in the early 1980s with creative rituals. Reverend Jim Oines of Arizona Lutheran Church gave a small speech before members of his Phoenix-based adoption chapter released 100 balloons into the air with the names of 100 prisoners of conscience. A local newspaper reported that "the balloons carried messages demanding the unconditional release of all political prisoners."⁹⁵⁹ Creative services observed on behalf of prisoners of conscience were ecumenical undertakings. Religious leaders held a special services at Grace Cathedral (Episcopal) in San Francisco

⁹⁵⁶ "Amnesty International's Inter-Religious Urgent Action Network."

⁹⁵⁷ "Inter-Religious Urgent Action Network, Memo."

⁹⁵⁸ "Tuesday," *The Heights*, April 5, 1982, 5.

⁹⁵⁹ Richard Lessner, "Amnesty Group Calls Attention to World Plight," *Phoenix Republic*, October 14, 1982. See also, "Rally to be held for prisoners of conscience," *Tempe Daily News*, October 9, 1982, B4.

for Prisoner of Conscience Week in 1981. Reverend David M. Gillespie (Dean of the Cathedral), John R. Quinn (the Catholic Archbishop of San Francisco), and Rabbi Malcolm M. Sparer (President of the Board of Rabbis in Northern California) attended the services.⁹⁶⁰ Special guests present for the service included Amnesty International board member Vincent McGee (the POC adopted by Dutch group in 1971), singer Joan Baez, and three former prisoners of conscience. The presence of three prisoners of conscience incarnated the theology of conscience in the world. They embodied the campaign Catholics and Protestants had launched through the 1960s and 1970s to defend followers of conscience and the three prisoners of conscience likewise lent flesh and blood to Amnesty's efforts to let that theology flow through them and into the world on a global scale.

Amnesty International brought the theology of conscience into the world on a global scale in the late 1970s and throughout the 1980s. Individuals had a duty – cultivated through deeply cherished traditions – to follow conscience rather than unjust laws. Amnesty deployed a language of conscience that Catholics and Protestants already spoke fluently. The organization also solicited theological support from American Christianity. In the mid-1980s, the theology of conscience, a long-standing Christian teaching, flowed through Amnesty International, a nominally secular organization, into the world. No other group did more to help American Christians bring the theology of conscience into the world in the late 1970s and mid-1980s.

⁹⁶⁰ “Amnesty International Invites You to A Special Event For Prisoner of Conscience Week,” 1981. AIUSA, Box VIII.3 344, Folder 6, CULAC.

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