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Robert Egan

Voting and
Conscience

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I recently taught a class in moral theology on the apparent paradox contained in the Church's teaching on the primacy of conscience. The idea is that one's conscience, even when in error, is morally binding: 'Every conscience, whether right or wrong ... obliges us in such a way that whoever acts against conscience sins.'¹ The problem arises when we consider another aspect of Church doctrine, namely, its specific and definitive moral teaching, such as its instruction on abortion or euthanasia. The question naturally arises: What is the Catholic expected to do? Is he or she expected to obey the dictates of conscience or that of Church authority? The answer is that the Catholic is expected to inform his or her conscience. He or she is expected to understand clearly what the Church teaches on a particular issue, and to take this teaching seriously when making moral decisions.

To illustrate a judgement of conscience made without an informed conscience, I referred to the recent referendum on abortion. I suggested that the choice to vote Yes to the repeal of the Eighth Amendment was, in many cases at least, based on little more than an uncritical acceptance of a slogan such as 'A woman's body, a woman's choice.' In response, one of my students asked whether voting Yes in this referendum was a sin. I answered that if this was a judgment made with an informed conscience, then it should not be regarded as a sin, as there is a moral obligation to obey the dictates of such a conscience. However, I added, in the case of someone voting this way on the evidence of little more than a slogan, it would be difficult to see how such a judgement would be morally legitimate.

When the class ended, *my* conscience was activated. Something about what I had taught did not sit comfortably with me. I realized that many of my class had probably voted Yes in this referendum, and that, as this was their first year studying theology, at least some

1 Thomas Aquinas, *Quodlib.* 3, 27.

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of them had probably done so with an uninformed conscience.² So, what exactly was I saying to these students, or, perhaps more importantly, what was I not saying? In this article, I will draw out and critically assess some of the implications of the Church's teaching on abortion and sin.

IMPLICATIONS

If we examine the Church's teaching on sin and conscience in terms of the fate of the person, it becomes more than an interesting paradox to be pondered. Anybody at all familiar with traditional Catholic moral teaching knows that unrepented mortal sin leads to the sinner being consigned to Hell. The *Catechism of the Catholic Church* states that 'mortal sin is a radical possibility of human freedom, as is love itself. ... If it is not redeemed by repentance and God's forgiveness, it causes exclusion from Christ's kingdom and the eternal death of hell, for our freedom has the power to make choices forever, with no turning back.'³ The question I shall address here is this: Was voting Yes a mortal sin?

The Church's teaching on direct abortion is clear: 'A person who procures a completed abortion incurs a *latae sententiae* (automatic) excommunication.'⁴ With regard to voting Yes, this could be considered formal cooperation in future abortions, and formal cooperation in evil, according to the *Catechism*, 'constitutes a grave offence.'⁵ So, there is no doubt that we are dealing here with a serious transgression of the moral law, whether one directly obtains an abortion or supports someone to do so. So, *inadvertently*, and I cannot stress the word enough, I had implied that the souls of some of my students may be in danger because of the way they had voted in the referendum. It was never my intention to suggest such a thing. It was only when I began to reflect on what I had taught that I realised its full significance. I concluded that while most Catholic theologians would not openly suggest such a thing, and many indeed would not even support this view, the idea that Yes voters are guilty of mortal sin could be inferred from official Church doctrine.

But are we necessarily dealing here with mortal sin? In Catholic moral theology, the criteria for sin to be considered mortal are serious matter, full knowledge, and deliberate consent.⁶

2 These students were, in fact, third year students so most of them would have been old enough to vote in the referendum. This, however, was their first year studying theology.

3 *Catechism of the Catholic Church*, 1861

4 *The Code of Canon Law*, 1398.

5 *Catechism*, 2272.

6 *Ibid.*, 1857.

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Now certainly in the case of voting on abortion, it could hardly be argued that this is not a serious matter. The question whether certain people made this choice with full knowledge, we shall presently consider.⁷

FULL KNOWLEDGE

Let us first consider what is meant by full knowledge. Is this full knowledge that a particular action is wrong, or is it full knowledge that an action is *considered* wrong? The distinction is one that I believe to be critical in terms of examining the degree of sinfulness of an action. According to the *Catechism*, full knowledge ‘presupposes *knowledge of the sinful character of the act*.’⁸ In terms of the referendum, the Church’s position on abortion was clear: abortion and voting for abortion was wrong. So, we can safely say that everyone that voted Yes, did so knowing that this was *considered* wrong by the Catholic Church. This means that they were aware of the Church’s view on this issue, that the act of voting Yes to this proposal would be condemned by the Church. However – and this is important – they disagreed. They did not share these views. They did not think that what they were doing was sinful. On the contrary, they believed that what they were doing was right. Nobody set out on May 25th, 2018 to do the wrong thing. The truth is that most Irish voters got it wrong, in the sense that they voted for something that is objectively harmful to society. However, they did not see it this way. My question, then, is this: How can it be suggested that Yes voters had ‘knowledge of the sinful character of the act’ (of voting Yes), if they did not see the act as sinful or immoral? The only possible way to argue that such a vote was cast with knowledge of this kind is to suggest that people knew that what they were doing was wrong but did it anyway. I cannot see this. While people did indeed know that the Church considers abortion wrong, they voted Yes because they disagreed, or they believed there was something greater at stake, namely, a woman’s right to choose to have an abortion in sometimes extremely difficult circumstances. This was a justice issue for both No and Yes voters. For the latter, the situation in Ireland in relation to abortion was wrong. Changing this situation was regarded as a moral issue and voting Yes was considered the right thing to do.

7 The question whether a sin is committed with deliberate consent is directly related to the question of full knowledge. Where it is demonstrated that a person acts without full knowledge, the question of deliberate consent becomes a somewhat moot point.

8 *Catechism*, 1859, emphasis added.

It might be suggested that people who voted Yes in fact knew that what they were doing was wrong, because ‘no one is deemed to be ignorant of the principles of the moral law, which are written in the conscience of every man.’⁹ The *Catechism* states that feigned ignorance or hardness of heart do not diminish but in fact increase a person’s culpability. The notion of feigned ignorance would seem to suggest that people may sometimes pretend to be ignorant of the sinfulness of an action. If this is true, it would make sense to say that their culpability is increased. This would be sin upon sin, deceit added to the already sinful action. However, I cannot see how this might apply to Yes voters. It could be argued that people pretend or rationalise when it comes to sinful acts so that they may enjoy whatever pleasure they derive from the particular sin. In the case of voting for repeal, however, this does not make sense, as those who voted for repeal had nothing to gain personally. This is not to say that Yes voters did not enjoy some pleasure in their victory in this referendum, but this was the same kind of pleasure that No voters would have enjoyed had we won. It was a pleasure derived from a feeling (misguided as it was) that justice had been done, not the selfish pleasure of the sinner. Of course, Yes voters may also have derived a somewhat less innocent pleasure from their victory, namely, that of intentionally flouting the laws of the Church, which many regard as oppressive and backward. However, I do not think that anyone deliberately disobeyed the dictates of conscience in such a serious matter, simply to undermine the Church. Such an action would be malicious, and I do not believe Yes voters to be guilty of such malice. While it could perhaps be argued that some people, due to their contempt for the Church, may have convinced themselves that what they really knew to be wrong was in fact right, such rationalisation is never fully conscious,¹⁰ and so there would be a real problem with applying both the criterion of full knowledge, and that of deliberate consent.

Again, one may wish to argue that the hearts of Yes voters were hardened to the harm that would be done to unborn babies, as well as to society in general, if they were victorious in this referendum. Of course, they would probably respond by suggesting that it is our hearts that are hardened to the plight of pregnant women in difficult situations. The question that concerns us here, however, is: Does a Yes vote necessarily imply a hard heart? If one truly

9 *Ibid.*, 1860.

10 The moment that one becomes aware that one is rationalising is the moment when such rationalisation loses its power. If a person begins to become aware that he or she is rationalising, one of two things may happen: Either the person decides against the action, realising that he or she is rationalising and therefore truly believes that the action is wrong, or the person decides to go ahead with the action, reasoning that his or her reflections are not in fact rationalisations, but the truth. Rationalisation can only operate in darkness.

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believes that we are dealing here, not with an unborn person, but with a 'cluster of cells,' then a Yes vote does not suggest hardness of heart. It simply suggests that not all of us see things in the same way. People have very different horizons from which they view the world. Many think more in terms of science than religion, but this does not mean that they are 'hard of heart'? And even if a Yes voter believes that the human embryo is more than a mere cluster of cells, but voted Yes because he or she also believed that it was important for women to be able to make this judgement for themselves, this does not necessarily imply hardness of heart.

The attitude of those who wish to undermine the Church could be described as hardness of heart. However, I would have some difficulty believing that there would be a direct correlation between this attitude and a deliberate decision to knowingly do what one genuinely believed to be wrong. There are those who hate the Church. While such enmity is based on a misunderstanding of what the Church is, it is also, ironically, based on a sense of morality. Those who hate the Church may not fully understand, but they have also witnessed the great harm that the Church in this country has done to so many of its citizens. The result is moral indignation, which stems, not from a hardened heart, but from a sense of justice.

CHURCH AND SOCIETY

Even if you are convinced by my argument, the question remains: Should one be held morally accountable for going against the teaching of the Church, for going against what he or she knows the Church *considers* wrong? As we have seen, if this is a legitimate, informed judgement of conscience, then a person is obliged to follow it, as 'a human being must always obey the certain judgement of his conscience.'¹¹ A person may then be vindicated for doing something wrong if, after informing and struggling with his or her conscience, he or she decides that the action is the right thing to do. This makes sense if you think of the alternative: a person truly believes that an action would be the right thing to do but fails to do it because he or she knows that the Church considers it wrong. In such a case a person may end up doing what is objectively the right thing to do, while believing that it is the wrong thing to do. One would have to question the moral character of such a person, even while he or she is doing the right thing. Yes voters, then, if they genuinely struggled with their conscience, even if they came up with the wrong answer, can be vindicated because they truly believed that what they did was right.

¹¹ *Catechism*, 1800.

But what of those who did not struggle with their conscience, those who took little or no time to listen to both sides of the argument so that they might make an informed judgement? Are such people to be held morally accountable for their lack of critical reflection on this issue? Thinking about this question in relation to my students, I realized that the idea that one should inform one's conscience before making a major moral decision, while quite reasonable, was one that they had probably never encountered before I suggested it. Most young people in Ireland today do not read theology books, or the Bible, or even attend Mass. Yet, despite this lack of commitment to the Church, many of them still believe in God, and they still have a strong sense of right and wrong. Should these people be held accountable for their lack of knowledge and information, and for their inability to reflect critically on such important issues in a society in which, for understandable reasons, faith has declined and confidence in the Church has waned? Perhaps, instead of condemning people for their lack of faith and commitment to the Church, we might try to understand why the situation is as it is, and take appropriate action to change it.

While Bishop Doran suggested that Catholics who voted Yes might consider going to confession,¹² it is of course not only Catholics who are capable of sin. Many of those who voted Yes have rejected the Catholic Church and any other form of what is popularly called 'organised religion.' This may be closely related to their decision to vote Yes. The idea that abortion is wrong is unfortunately so connected with the Catholic Church that the rejection of the former would seem to follow naturally from a rejection of the latter. Yet, abortion is wrong because the life taken is that of one endowed with personhood from the moment of conception. While I believe this, I must admit that it is a somewhat religious view. Even if this view is not directly connected to Catholicism, it is a religious view, nonetheless. There is a sense of something greater than biology at play when life is created, something transcending the purely natural. However, this is a religious mentality, and many people have lost this capacity to think in terms of the transcendent. But we should not judge those who are not religious. Our attitude should be one of hope, not condemnation. We can hope and work towards a day when people will return to God. This will only happen through repentance for our own sins, through personal healing, through making the body of Christ stronger by making its individual members stronger. Only then will people return to the Church, and the sense of the transcendent be restored.

12 *Today with Sean O'Rourke*, R.T.É. Radio 1, May 28th, 2018.

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CONCLUDING REMARKS

It occurs to me that this article may seem to be a vindication of those who voted Yes in the abortion referendum. I have indeed suggested as much. However, while I do believe that those who voted Yes may, unless they acted maliciously, be vindicated, I also believe that abortion is evil. I can hardly think of anything more appalling than the deliberate destruction of a human life at its most vulnerable. It is, therefore, my firm view that the people of Ireland made a grave mistake when they voted to repeal the Eight Amendment. However, while I strongly believe that abortion is seriously wrong, I do *not* consider those who voted Yes to be evil people. I certainly do *not* suppose that they deserve eternal damnation.

It also occurs to me that there are wider implications to my argument that a judgement of mortal sin should not be applied to those who voted Yes. This article could also seem to be an attempt to undermine the whole notion of mortal sin. One might ask: If Yes voters did not commit mortal sin because they did not believe that what they were doing was wrong, does anybody commit mortal sin? Anybody can give reasons for doing what they do. People can rationalise to subdue an uneasy conscience. We might conclude then that no one ever commits sin in *full* knowledge, that there is always something obscuring this knowledge, making it incomplete or distorted. It is not my intention to dismiss or deny the doctrine of mortal sin. I believe that people can so ‘miss the mark’ of virtue that their relationship with God can be damaged to a degree that one could call spiritual death or Hell. So, I do not deny mortal sin. The idea of ‘sin unto death’ (1 John 5:16-17) is biblical and part of our Catholic heritage. I do, however, challenge the notion that a person’s relationship with God can be reduced to a simple equation, where one meets a set of criteria to qualify as a mortal sinner. Life and people are more complicated than this. I believe this view is reflected in the *Catechism*, when its authors state that ‘*although we can judge that an act is in itself a grave offence, we must entrust judgement of persons to the justice and mercy of God.*’