

# CONSCIENTIOUS OBJECTION – AN ACT OF FAITHFULNESS TO ONESELF

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## *Abstract*

*The discourse about conscientious objection is becoming increasingly relevant today. Some dispute it, while others see it as the last defense of their beliefs against the onslaught of ethical relativism and an increasing number of permissive laws. The paper emphasizes that conscientious objection is an act of faithfulness to oneself, that is, to one's belief. The dignity of man, created in the image of God and called to discover the truth, dictates that he discovers the truth in his conscience and makes free decisions that are in accordance with the known truth, that is, his belief. In this context, the fundamental right of every person is self-determination and making decisions in accordance with our beliefs because our actions simultaneously determine our personality. Therefore, conscientious objection cannot be seen as a conflict between believers and non-believers because the requirement to live according to one's conscience, given that it stems from the very dignity of the person and their nature, binds every person regardless of their worldview. In the end, conscientious objection is not disobedience to the law or some anti-judicial position but an aspiration to express the correct spirit of the law that does not contradict the inalienable rights of the human person. In particular, conscientious objection is not a passive position where we jealously guard our safety and our space of personal freedom; that is a kind of escape from responsibility, refraining from taking action or transferring responsibility to another. Conscientious objection is a renunciation of one's own comfort and an expression of courage to oppose imposed laws. It is a form of civic responsibility and religious courage to actively stand up for Good and, at the same time, an authentic way of witnessing the value of personal freedom.*

*Keywords: man, the image of God, freedom, conscience, conscientious objection*

## INTRODUCTION

Some topics simply enter our lives, they are mentioned for a while, and then they suddenly disappear, so we often cannot even remember when and what was discussed. However, this is not the case with the discourse regarding conscience because it is impassable and timeless. It is the belief of all nations that man has a sense with which he can hear the voice of God.<sup>1</sup> In ancient cultures, there was no precise concept for conscience because abstract concepts were foreign to them, and they were deeply convinced that the good will be rewarded and evil punished. Very early on, primitive nations and cultures began to use the term 'heart' for what we call conscience.<sup>2</sup> Therefore, conscience is not exclusively a religious phenomenon but also a natural (anthropological) phenomenon because it is inscribed in our being and concerns every created human being, regardless of their religious attitudes, that is, whether that person believes in God or not. Our everyday experience tells us that every person feels some discomfort or anxiety when they become aware that they have not done something well or, on the other hand, they feel satisfaction when they have done something well.

Therefore, this enduring and unbroken topicality of 'human conscience' is undeniable, not only in theology but in the life of every human being. It seems unlikely or impossible to find a man who does not think about fundamental questions, about the beginning, goal, and value of his life, and the possibility of a new life after death. Some of these questions concern the adoption of a particular lifestyle, a manner of living freedom, and the adoption of criteria for making fundamental decisions that lead to definite individual actions.<sup>3</sup> The paper, therefore, clarifies the concept of conscience and what it means when someone appeals to conscience. In seeking these clarifications, it is first necessary to discuss the conscience itself and clarify that a person's free action in accordance with personal conscience is, in fact, an act of faithfulness to personal belief. In conscience, every person seeks the truth and in the light of their understanding they form their belief based on which

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<sup>1</sup> Cf. Bernhard Häring, *Kristov zakon*, sv. I., Kršćanska sadašnjost, Zagreb, 1973., 155.

<sup>2</sup> Cf. Marijan Valković, *Savjest u moralnoj teologiji*, *Bogoslovska smotra* 47 (1977.) 2-3, 182.

<sup>3</sup> Cf. Katarzyna Blakiewicz – Maksim Adam Kopiec, *Conscience in the light of the Truth and the light of the Good in the context of the necessary correlation of religious studies and natural sciences*, *Poznańskie Studia Teologiczne* 34 (2019.), 73.

they decide about whether or not they are allowed to do something. Thus, in conscience, we make a decision about the good or evil of the action we intend to do, showing at the same time our sensibility to the value system.<sup>4</sup> Only then can we talk about conscientious objection as faithfulness to the truth and being true to oneself, that is, one's own belief, and that the law should not be simply equated with moral values and morality.<sup>5</sup>

### 1. IN CONSCIENCE WE DISCOVER THE VOICE OF GOD CALLING US TO LIFE IN TRUTH

The phenomenon of conscience is so versatile that it is difficult to frame it in one conceptual scheme. With some, it can be clearer and more crystallized and, with others, less developed and cloudier; some can interpret the origin of conscience evolutionarily, and others sociologically.<sup>6</sup> Without going into the analysis of the origin and phenomenon of conscience, since it exceeds the possibilities of this work, it is enough to point out that every man is a conscience because it expresses our inner being in accordance with the adopted scale of values. This tells us that, in our conscience, we make free decisions that are in accordance with our beliefs, but also that conscience requires an attitude towards the objective and that man has an obligation to harmonize his belief in conscience with the truth that underpins values. It is worth recalling here the words of Emmanuel Levinas, who stressed that to feel unjust, man must measure himself against the infinite. "Man does not know if he is and, if he is, how unjust he is, unless he exposes himself to a standard outside himself... Here one must discern that philosophical thread that appeared with Socrates and has not disappeared from Western thought ever since. I know I don't know. If I don't know, I need to question myself. I don't know if I'm just. And if I don't know, it is necessary to investigate. However, to discover one's own injustice, Levinas says, a human measure is no longer enough. Another one is needed. The measure of the infinite."<sup>7</sup> Infinite is that which goes beyond our horizons, and one such way of

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<sup>4</sup> Cf. *Ibid.* 71-85

<sup>5</sup> Cf. Valentin Pozaić, *Zrela savjest, Obnovljeni život* 43 (1988.) 6, 503-515.

<sup>6</sup> Cf. Ivan Kozelj, *Savjest put prema Bogu*, Filozofsko-teološki institut Družbe Isusove, Zagreb, 1990., 24-25.

<sup>7</sup> Ante Vučković, *O savjesti, Crkva u svijetu* 46 (2011.) 2, 139-142.

the infinite is conscience. But despite that, when we mention it, we are once again facing an unknown.

In theological language, therefore, the term 'conscience' implies "a place in the human person – the subject who manages the decision-inspiring motives and who creates the intentions based on the adopted hierarchy of values."<sup>8</sup> In other words, conscience is, "in its fundamental appearance, a voice. Although its voice is silent, it speaks, nonetheless. It is silent, but I still hear it, recognize and understand it. It is mute, but it makes it known quite clearly. The voice of conscience is the only voice that, when it speaks, I understand perfectly."<sup>9</sup> Therefore, today we rightly stress that freedom is not only the choice of this or that individual action but, within that choice, it is also a decision regarding oneself and the conforming of one's life for or against the Good, for or against the Truth. Likewise, an act that reveals man's experience in a special way, especially the inner man, is always manifested through conscience, and a person should examine themselves in the act under the lens of conscience.<sup>10</sup>

In the light of what has been said, we can say that Christian anthropology offers a specific contribution because it observes man created in the image of the Most Holy Trinity. The God who is revealed in Jesus Christ is unity in the Trinity, unity in communion. God is triune. Father, Son and Holy Spirit are three different persons, each existing in the uniqueness of their divine reality. However, their existence is based on their co-existence. The identity of each Person consists precisely in its relationship to other Persons, and not a single divine Person exists, nor can it exist, without the relationship with two other persons. So, if man was created in the image of God, and God is the Trinity – then man was created in the image of the Trinity and ingrained with a trinitarian dialogue structure. The model of interpretation of the human person is God as a Trinity, as a community of persons.<sup>11</sup> John Paul II claims that this reflection on man as an image of the Trinity is the highest and most sublime thing that can be said about man and is the most profound aspect of the theological discourse on man.<sup>12</sup>

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<sup>8</sup> Katarzyna Blakiewicz – Maksim Adam Kopiec, *Conscience in the light of the Truth and the light of the Good in the context of the necessary correlation of religious studies and natural sciences*, 73

<sup>9</sup> Ante Vučković, *O savjesti*, 140.

<sup>10</sup> Cf. Karol Wojtyła, *Osoba i čin*, Verbum, Split, 2017., 46-47.

<sup>11</sup> Cf. Đuro Hranić, *Čovjek – slika Božja*. Teološka antropologija Ivana Pavla II, *Diacovensia* 1 (1993.), 35.

<sup>12</sup> Cf. *Ibid.*

Thus, in a person's interior, in conscience, we discover a dialogical structure, so when we reflect on a person, we should always have before our eyes the ethical requirement that manifests the face of the other. We always encounter the other as a face and agreeing with the other means recognizing in the other a self that I must respect because otherwise, I would disrespect myself. The face of the other also changes our consciousness. The more exposed and powerless a person is, the more they show their vulnerable face and demand more respect. An embryo or a disfigured and gravely ill patient has a face that demands respect. The faces of those who are powerless call for conditional respect: 'Respect me because you have before you an image of what you yourself were, or what you could become. By respecting me, you respect yourself.' This respect for the human being as such, especially when they are powerless, leads us to a broader approach to the person. The Church's Magisterium has always put a person at the center of society, as Pope John XXIII says: "Man, a person is the bearer of rights and duties, which altogether flow directly from his nature, endowed with intelligence and free will, ransomed by the blood of Christ, a child and friend of God and an heir to eternal glory."<sup>13</sup>

Speaking of the dignity of the human person, the Second Vatican Council affirms that "all things on earth should be related to man as their center and crown",<sup>14</sup> i.e., that "the beginning, the subject and the goal of all social institutions is and must be the human person."<sup>15</sup> To speak about a person does not mean to encompass them in some definition but to strive and make the starting point of our reflection an encounter with another, and to prepare ourselves to accept the biblical testimony about the image of God, because the most profound thing about the dignity of the human person is that it is an image of God. Therefore, we should not be surprised that from the very beginning of Christianity, the meaning and value of freedom is at the center of theological reflection. "For God has willed that man remain 'under the control of his own decisions,' (cf. Sirach 15:14) so that he can seek his Creator spontaneously, and come freely to utter and blissful perfection through loyalty to Him. Hence man's dignity demands that he act according to a knowing and free

<sup>13</sup> IVAN XXIII, *Pacem in terris* (1963.), br. 9-10, Marijan Valković (uredio), *Sto godina katoličkoga socijalnog nauka*, Kršćanska sadašnjost, Zagreb, 1991., 165.

<sup>14</sup> Cf. Drugi vatikanski koncil, Pastoralna konstitucija "Gaudium et spes" o Crkvi u suvremenom svijetu, Drugi vatikanski koncil, *Dokumenti*, Kršćanska sadašnjost, Zagreb, 2008., br. 12.

<sup>15</sup> Cf. *Ibid.* br. 25.

choice that is personally motivated and prompted from within, not under blind internal impulse or by mere external pressure.”<sup>16</sup>

Therefore, man has a right to value his freedom and seek it passionately. Freedom is God’s gift to man and it “not only enables a suitable change in the state of things outside of him but determines the growth of his ‘being a person’ through choices that are in accordance with the true good: in this way, man creates himself, he *fathers* his own being, building the social order.”<sup>17</sup> However, it is important to emphasize that man, that is, that man and woman are created in God’s image and likeness, and as created beings they are connected and ordered to their Creator. The Creator is the one who, in the Holy Scriptures, directs and watches over man’s heart, knowing him completely and helping man to know himself and his Creator.

## 2. THE DIGNITY OF CONSCIENCE REQUIRES THAT WE LIVE IN THE TRUTH

Human life is intertwined with many decisions since everyday situations put before us different choices to which we must respond. This tells us, on the one hand, that we are free beings endowed with reason, but, on the other hand, that decision-making is an inevitable reality in our lives. In this sense, a refusal to do something and failure to act is also a choice and a decision. Starting from the fundamental principle that man is a being endowed with reason and freedom, the ability of self-determination, and the awareness of responsibility in his conscience, ethics aims to search for the right decision and right action – the determination of the good: what people should/must (not) do in certain situations. This necessarily presupposes making a “value judgement” – an adopted worldview and scale of values – which stands in a kind of relation to our freedom and, at the same time, determines its meaning. In *Politics*, Aristotle points out that only man “has a characteristic of having any sense of good and evil, justice and injustice, and other similar senses”,<sup>18</sup> and it is precisely these characteristics that make man significantly different from and surpass other beings on earth.

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<sup>16</sup> Papinsko vijeće “Iustitia et pax”, *Kompendij socijalnog nauka Crkve*, Kršćanska sadašnjost, Zagreb, 2005., br. 135.

<sup>17</sup> *Ibid.* 17

<sup>18</sup> Aristotel, *Politika*, 1253a., Globus, Zagreb, 1988., 5.

In other words, when we speak about an act as a bearer of moral value, we refer to truly human actions that have their roots in the spiritual center of a person, in knowledge and freedom.<sup>19</sup> In an act, a person expresses the richness of their moral value or non-value. An act is not something separated from a person, but the person itself is in the act. It should not surprise us because, as we said, man was created in the image of Good, and every man intuitively tends to do good and avoid evil. We are called to do good with our deeds because this is in accordance with our created nature, and at the same time, through good deeds, we accomplish and build ourselves. Therefore, the morality of an act is determined by the relationship between human freedom and authentic good, and human acts are moral acts because they express and determine the goodness or evil of the person who performs these acts. Thus, moral acts do not only produce a change in the state of things outside of a person but, insofar as they are deliberate choices, they indicate the moral quality of the very person who performs them, “determining his *profound spiritual traits*. This was perceptively noted by Saint Gregory of Nyssa: ‘(...) But here birth does not come about by a foreign intervention, as is the case with bodily beings. (...) It is the result of a free choice. Thus, we are in a certain way *our own parents*, creating ourselves as we will, by our decisions.’”<sup>20</sup>

Therefore, the freedom of conscience manifests our dignity because by doing good we grow as persons, and in the spirit of the Christian message, we achieve holiness. The dignity of man, created in the image of Good and called to discover the truth, dictates that he discovers the truth in his conscience and makes free decisions that are in accordance with the known truth, that is, his belief. In this context, it is the fundamental right of every person to determine their life and make decisions in accordance with their belief because the deeds we do simultaneously determine our personality. The Second Vatican Council points out that conscience is “the most secret core and sanctuary of a man. There he is alone with God, Whose voice echoes in his depths. In a wonderful manner conscience reveals that law which is fulfilled by love of God and neighbor.”<sup>21</sup>

<sup>19</sup> Cf. Bernhard Häring, *Kristov zakon*, sv. I., 208.

<sup>20</sup> Ivan Pavao II., *Veritatis Splendor. Sjaj Istine. Enciklika o temeljnim pitanjima moralnog naučavanja Crkve*, Kršćanska sadašnjost, Zagreb, 1998., br. 71.

<sup>21</sup> Drugi vatikanski koncil, Pastoralna konstitucija “Gaudium et spes” o Crkvi u suvremenom svijetu, br. 16.

In conscience, there is a dialogue between God, who *calls* man to holiness, and man, who *answers* God's call in the concreteness of his life situation. This dialogue reveals the dignity of conscience, but sometimes also a disturbing conversation, depending on the (dis)harmony between truth and freedom. Conscience is a judge and witness and, in a certain way, the principle of responsibility behind our actions, because "in the depths of his conscience, man detects a law which he does not impose upon himself, but which holds him to obedience. Always summoning him to love good and avoid evil, the voice of conscience when necessary speaks to his heart: do this, shun that."<sup>22</sup> In this sense, conscience is called to 'be obedient' to the truth that guarantees the dignity of a person, because man "has in his heart a law written by God; to obey it is the very dignity of man; according to it he will be judged."<sup>23</sup>

In conscience, we discover a dialogical structure, understood as a relationship between the one who calls and addresses the word, and the one who receives it, and it determines a clear relationship in which the recipient of the word has a certain responsibility – to answer the call. Conscience is the place where a person finds the truth about one's being and decides to live their freedom according to the known truth. The more the right conscience prevails, as the Second Vatican Council points out, "the more persons and groups turn aside from blind choice and strive to be guided by the objective norms of morality."<sup>24</sup> However, it often happens that conscience "errs from invincible ignorance without losing its dignity. The same cannot be said for a man who cares but little for truth and goodness, or for a conscience which by degrees grows practically sightless as a result of habitual sin."<sup>25</sup>

Following this, we must promptly note that we must distinguish psychological conscience from moral conscience. Psychological conscience appears as a kind of spiritual messenger that testifies to each person about their actions, but not about the moral quality of the act itself, it is more a consciousness or self-awareness about oneself. Moral conscience, on the other hand, is a judgment or assessment about the moral value of each personal intended or performed act, and its judgment is manifested before, during, and after the act. It is important to emphasize that before the act, we

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<sup>22</sup> *Ibid.*

<sup>23</sup> *Ibid.*

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

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

judge the objective goodness of the act itself (whether the act is truly good in itself or not in accordance with our nature) which we intend to do or omit, and the personal intention with which we intend to do it. This judgment is influenced by the scale of values and worldviews that we have adopted during our lives, and there is a danger that sometimes we might misjudge an act. That is why it is important to form our conscience continually, and in case of any doubts, refer to the competent authority but in an advisory and not decision-making capacity.<sup>26</sup> Nevertheless, before we do an act, we must be sure of its goodness or evil. As long as we have any doubts, we must not act.<sup>27</sup>

In the second step, we voluntarily agree to that act or failure to act, and as such, we make it our act for which we bear responsibility. We accepted it knowingly and freely. What is particularly important to emphasize here is understanding the voice of conscience after the committed act, which praises or convicts us. If we have remained consistent with our beliefs and have done good, the voice of conscience praises us, as well as if we have ignorantly done something intrinsically evil while convinced that we have done good. On the other hand, if we have not stayed true to our beliefs or have done evil knowingly and freely, our conscience will convict us (guilty conscience).<sup>28</sup> All of this tells us that conscience is very sensitive because we could do something evil with the best of intentions and invincible ignorance without being convicted by our conscience. However, despite this, conscience is a gift from our Creator, which is not given to us to bury as a treasure under the ground and selfishly guard, but given to us in life to form it and act on it, that is, to achieve "man's self-realization in freedom and responsibility."<sup>29</sup>

We can therefore say that the dignity and inviolability of personal conscience includes two things specifically: *free formation of conscience* and *free life according to conscience*. However, this also presents us with certain obligations. Namely, conscience is not given to us complete, once and for all, and everyone has the obligation to form their conscience throughout their lives. Mature conscience is not a done deal because no one is born with a mature conscience, but we must acquire it through personal effort and dedication. It calls us with unmistakable certainty that knowledge and will ought

<sup>26</sup> Cf. Marin Srakić, *Moja je savjest čista*. Teološki radovi o moralnom životu i nasljeđovanju Krista, odgoju savjesti i božanskim krepostima, Sabrana djela, sv. II., Nadbiskupski ordinarijat, Đakovo, 2013., 201.-202.

<sup>27</sup> Cf. *Ibid.*, 223

<sup>28</sup> Cf. *Ibid.* 203.

<sup>29</sup> Cf. Marijan Valković, *Savjest u moralnoj teologiji*, 195.

to agree, that is, that will should follow the known values, accepting good ones and rejecting evil.<sup>30</sup> In other words, as we raise a human being, we also raise a conscience. In the beginning, conscience receives basic formation in the family, and later, throughout life, both individuals and religious and educational institutions influence the formation of conscience. We can say that the purpose of education is for an individual to reach a belief that conscience is “personally given to each individual. It is also the basis of each person’s responsibility to form their conscience, which is accomplished by acquiring the necessary moral knowledge and consistent practice of asceticism (= spiritual life, renunciation, self-mastery). Without this effort, what happens is that a person replaces the disorderly inclinations of their passions – which they are not trying to overcome – with a correct judgment about things.”<sup>31</sup> The life’s desire of every man is to become free from any coercion. It is his existential drive for self-determination in freedom. When an individual makes decisions based on personal insight into objective reality, from a grounded and critical attitude, acting without any coercion, he testifies to the maturity of his personality. It is the peak of maturity when conscience, as the inner compass of love, directs actions so that the external law is no longer needed.<sup>32</sup>

On the other hand, man achieves and lives his freedom in a community, so it is necessary to determine its boundaries so that the freedom of one does not become a source of injustice for another. Therefore, we can also point out some personal rights of conscience, among which everyone has the right not to be hindered by others from forming their conscience according to the truth. It means that someone commits an injustice if, by spreading untruths, he hinders an individual or a community from seeking the truth, leading them to form a bad conscience. In addition, everyone has the right for others to respect their conscience, and their life based on that conscience, even if it is invincibly erroneous.<sup>33</sup> Namely, as we have already stated, even an invincibly erroneous conscience does not lose its dignity.<sup>34</sup> However, such a person has no right to demand

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<sup>30</sup> Cf. Valentin Pozaić, *Zrela savjest*, 505.

<sup>31</sup> *Ibid.*, 505.

<sup>32</sup> Cf. *Ibid.* 508.

<sup>33</sup> Cf. Drugi vatikanski koncil, Deklaracija „*Dignitatis humane*“ o slobodi vjetrovanja, Drugi vatikanski koncil, *Dokumenti*, Kršćanska sadašnjost, Zagreb, 2008.<sup>7</sup>, br. 13.

<sup>34</sup> Cf. Drugi vatikanski koncil, Pastoralna konstitucija “*Gaudium et spes*“ o Crkvi u suvremenom svijetu, br. 16.

that others accept their falsehood as the truth and live by it. It is not about tolerance towards falsehood and delusion but towards the person. Ultimately, everyone has a personal right to follow the judgment of their conscience. As we have said, the dignity of conscience requires that man seeks the truth in conscience because he grows as a person only by doing true good. If he wants to be moral, man must act in accordance with his conscience, that is, be consistent with himself and his beliefs.

### 3. CONSCIENTIOUS OBJECTION IS AN ACT OF FAITHFULNESS TO THE TRUTH AND PERSONAL BELIEFS

Conscientious objection is of great importance because it is a delicate and topical concept and institution that reaches the very core of human rights and freedoms. Thus, it represents one of the key value elements of democracy, that is, prerequisites for the peaceful and wonderful coexistence of all citizens in today's plural society. Historically, the term *obiectores conscientiae* (conscientious objectors) was mostly used to refer to those who refused military service. Today, however, many others can also fall into that category, for example, those who, in the name of conscience, refuse to perform an abortion or other acts contrary to their conscience, then pharmacists, teachers, politicians (party discipline). The Second Vatican Council stated on these matters: "Moreover, it seems right that laws make humane provisions for the case of those who for reasons of conscience refuse to bear arms, provided however, that they agree to serve the human community in some other way."<sup>35</sup> However, it is the traditional teaching of the Church that no human authority has the right to demand, for example, from a doctor (gynecologist, surgeon) to do such an act that would be against the conviction of his conscience.<sup>36</sup>

"To refuse to take part in committing an injustice is not only a moral duty; it is also a basic human right. Were this not so, the human person would be forced to perform an action intrinsically incompatible with human dignity, and in this way human freedom itself, the authentic meaning and purpose of which are found in its orientation to the true and the good, would be radically compromised. What is at stake therefore is an essential

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<sup>35</sup> *Ibid.* br.79.

<sup>36</sup> Cf. Antonio Fiori, Ellio Sgreccia (ur.), *Obiezione di coscienza e aborto*, Vita e Pensiero, Milano, 1978.

right which, precisely as such, should be acknowledged and protected by civil law. In this sense, the opportunity to refuse to take part in the phases of consultation, preparation and execution of these acts against life should be guaranteed to physicians, health-care personnel, and directors of hospitals, clinics and convalescent facilities. Those who have recourse to conscientious objection must be protected not only from legal penalties but also from any negative effects on the legal, disciplinary, financial and professional plane.”<sup>37</sup>

Conscientious objection belongs to the group of fundamental human rights and freedoms, and it is closely related to the right and freedom of expression of thought, conscience, and religion which belong to the fundamental human rights guaranteed in numerous international documents. Here we mention the *Universal Declaration on Human Rights* (Art. 18),<sup>38</sup> the *European Convention for the Protection of Human Rights and Fundamental Freedoms* (Art. 9),<sup>39</sup> and the *Charter of Fundamental Rights of the European Union*, which in Art. 10. says:

- “1. Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance.
2. The right to conscientious objection is recognized, in accordance with the national laws governing the exercise of this right.”<sup>40</sup>

We should point out that in a modern democratic society, the right to conscientious objection is realized in the concrete and specific form of the human right of a person who peacefully and non-violently refuses to fulfill some external obligation imposed by positive law if that obligation goes against personal moral-ethical, religious, philosophical or some other fundamental belief. What

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<sup>37</sup> Ivan Pavao II., *Evangelium vitae. Evandjelje života. Enciklika o vrijednosti i nepovredivosti ljudskog života*, Kršćanska sadašnjost, Zagreb, 1995., br. 74.

<sup>38</sup> Cf. Ujedinjeni narodi, Opća deklaracija o pravima čovjeka (10. prosinca 1948.), čl. 18. i 19., Dobriša Skok (uredio), *Ljudska prava*. Osnovni međunarodni dokumenti, Školske novine, Zagreb, 1990., 33.

<sup>39</sup> Cf. Vijeće Europe, Konvencija za zaštitu ljudskih prava i temeljnih sloboda (Rim, 4. studenoga 1950.), čl. 9. i 10, *Narodne novine - Međunarodni ugovori* br. 18/97., 6/99. - proć. tekst, 8/99 - ispr., 14/02., 1/06. i 13/17.

<sup>40</sup> Europski parlament, Vijeće i Komisije, Povelja Europske unije o temeljnim pravima (Nica, 7. prosinca 2000.), čl. 10., *Službeni list Europske unije* (C 202/390), 7. 6. 2016., Preuzeto s internetske stranice Suda Europske unije: [www.curia.europa.eu](http://www.curia.europa.eu) (pristupljeno: 1. lipnja 2022.)

would then be a conscientious objection? In the light of what has been said about the dignity of conscience, we can say:

1. The fundamental right of a human person to self-determination and life in the light of personal belief. Namely, the right to the harmony of belief and life according to that belief for the purpose of promoting an authentic personality. In other words, it is an expression of individual freedom.
2. Conscientious objection cannot be presented as a conflict or an opposite position between believers and non-believers (secularists), because the demand to live according to conscience stems from the very dignity of the human person and their nature, and it binds every human being.
3. Conscientious objection is a defense against ethical relativism and permissive laws, as well as protection against the ideological imposition of one opinion and demand that someone acts against their beliefs and dignity. After all, the principles: do not kill, do not harm others, do not lie, respect the other as a person, etc., are universal demands and belong to fundamental principles, regardless of worldview and nationality, for the entire human race, and as such are guaranteed by the Universal Declaration of Human Rights.
4. Conscientious objection is not disobedience to the law (*ob-jac-tare*) or some anti-judicial position. It is intended to express the correct spirit of the law, which does not contradict the inalienable rights of the human person. It is more about not accepting permissive laws. In fact, here we are referring in conscience to those fundamental and inalienable rights and laws that are above human laws.

Ultimately, in matters of conscientious objection, we can take two completely different positions. One is a **passive position** that does not want to do anything more than what is asked of it. If a particular situation required one to deviate from the rules, the answer would be: **rather NOT**. It is a position that jealously guards one's safety and space of personal freedom and refrains from any action. This is the behavior of a bureaucrat who does not want to disturb his well-established status and does not want to do anything in the name of "objection". He is only defending his space of freedom. He does not want to offer something new, to testify to a different view on certain issues. It is also an example of a gynecologist who personally does not want to perform an abortion but writes a referral for a clinical hospital center. He remained "Catholic" and passed the problem on to others.

The second case is when someone finds himself in the gap between his beliefs, especially those expressed in his conscience, and what is required of him by an institution, law, or society. In this case, conscientious objection is not a refusal to do something. On the contrary, it requires **renouncing one's own freedom**. It involves seeking possible solutions and different answers to life's questions and promoting the culture of life rather than the culture of death. This conscience seeks a **positive answer** that puts the other at the center – the neighbor, and not the jealous preservation of personal privacy and freedom space. It is a conscience that cannot do evil. In this case, conscientious objection has a positive character because it does not simply want to preserve its own space but create new possibilities.

Conscientious objection should be understood in this context: **it is not simply saying NO to something**. True, conscientious objection always contains some form of resistance, but it is a positive resistance that offers an alternative, a constructive resistance, a testimony of different values. We can say that conscientious objection is a particular answer, calm and unwavering, which obliges us to act and says that it is not enough to say NO, but to also testify with our life to a different worldview. It is not enough to say NO. In fact, the one who appeals to conscientious objection seeks to testify in an authentic way to the value of personal freedom, to demonstrate protection from the application of the law as a matter of law, and at the same time to express the cultural and moral heritage of a community that wants to be called truly democratic.<sup>41</sup>

## CONCLUSION

The discourse about conscientious objection causes controversy in Croatian society even today. Some dispute it, while others, referring to international documents, see it as the last defense of their belief against the onslaught of ethical relativism and an

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<sup>41</sup> For an example of how Catholics should behave in parliament when a law on abortion is being passed, see: John Paul II, *Evangelium vitae. The Gospel of Life*. Encyclical on the value and inviolability of human life, no. 73. In a case “when it is not possible to overturn or completely abrogate a pro-abortion law, an elected official, whose absolute personal opposition to procured abortion was well known, could licitly support proposals aimed at limiting the harm done by such a law and at lessening its negative consequences at the level of general opinion and public morality. This does not in fact represent an illicit cooperation with an unjust law, but rather a legitimate and proper attempt to limit its evil aspects.” *Ibid.* 73.

increasing number of permissive laws. From the perspective of Christian anthropology, especially the biblical report that man is created in the image of God, the right to conscientious objection is an act of faithfulness to oneself, that is, to one's own belief. Namely, the dignity of man requires him to make decisions in his conscience that are in accordance with his belief. In addition, Christian anthropology points out that by our good deeds we simultaneously build ourselves up. The morality of an act is therefore determined by the relationship between human freedom and authentic good, and human acts are moral acts because they express and determine the goodness or evil of the person performing these acts. In other words, man is called in his conscience to seek the truth and live accordingly, so it is the fundamental right of every person to determine their life and make decisions in accordance with their beliefs because our actions determine our personality. However, the dignity of moral conscience carries an enduring obligation to educate the conscience to seek the truth. Furthermore, a person achieves and lives their freedom in a community, so it is necessary to set boundaries so that the freedom of one does not become a source of injustice for another.

In conscience, therefore, there is a dialogue between God, who *calls* man to do good, and man, who *answers* God's call in the concreteness of his life situation. Conscience is the place where man finds the truth about his being and decides to live his freedom according to the known truth. In this sense, it is important to emphasize that if we have remained true to our beliefs and we have done good, the voice of conscience will praise us, even if, out of ignorance, we have done something that was intrinsically evil while convinced that we were doing good. On the other hand, if we have not stayed true to our beliefs or have done evil knowingly and freely, our conscience will convict us, and consequently, we feel guilty conscience.

In the light of what has been said, conscientious objection cannot be viewed as a conflict between believers and unbelievers, because the demand to live according to conscience, given that it stems from the very dignity and nature of the human person, obliges everyone regardless of their worldview. In the end, conscientious objection is not disobedience to the law or some anti-judicial position but an aspiration to express the correct spirit of the law that does not contradict the inalienable rights of the human person. In particular, conscientious objection is not a passive position where we jealously guard our personal safety and freedom space by

refraining from taking any action or transferring responsibility to another, because that would be avoiding responsibility. Conscientious objection means renouncing personal comfort and expressing courage by opposing imposed laws. It is a form of civic responsibility and religious courage to actively stand up for the Good, and at the same time, it is an authentic way of testifying to the value of personal freedom. In conclusion, we can say that conscientious objection belongs to the area of personal freedom and self-determination, the application of the principle of subsidiarity as a form of civic responsibility, and in this sense it is a certain public expression of disagreement with ethical relativism. Therefore, we should not grow weary of speaking about conscience, nor should it be a burden to us, but we should persevere as authentic witnesses of Christ and listen to the voice of conscience, which, guided by the movement of love, becomes the immediate norm of the Christian life.