Conscience and Catholic Education

Theology, Administration, and Teaching

Kevin C. Baxter and
David E. DeCosse, Editors







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Introduction

Kevin C. Baxter and David E. DeCosse

How might recent developments in the theology of conscience in the Catholic tradition be better incorporated into the administration and teaching of K-12 Catholic schools and in Catholic colleges and universities? This question is the driving force behind *Conscience and Catholic Education: Theology, Administration, and Teaching*, the third book in a series from the Project on Conscience and Roman Catholic Thought at the Markkula Center for Applied Ethics at Santa Clara University, the Jesuit university in Silicon Valley.

The first two books in the series were called, respectively, Conscience and Catholicism: Rights, Responsibilities, and Institutional Responses (Orbis 2015) and Conscience and Catholic Health Care: From Clinical Contexts to Government Mandates (Orbis 2017). Both books followed the same model as Conscience and Catholic Education: a collection of essays by top theologians who draw on and deepen the Catholic moral tradition on conscience by paying special attention to social, cultural, and structural contexts. Thus, the first book in the series, Conscience and Catholicism, featured contributors from global Catholicism and essays that explored race and gender in the American context. Conscience and Catholic Health Care took on such topics as the "reciprocity of consciences" in a Catholic hospital and the interplay between conscience and the roles of employees in Catholic institutions whose leaders opposed the accommodation offered by the Obama Administration to facilitate the availability of contraception for women. With Conscience and Catholic Education, we continue the exploration of the social, cultural, and structural dimensions of the theology of conscience in the context of Catholic education. We also offer practical classroom tips for K-12 and college and university teachers. More than in the first two books in the series, Conscience and Catholic Education includes contributions from practitioners who are not professors of theology.

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Several crucial contexts shape the contributions in this volume. One is the recent, aforementioned development in the Catholic theological tradition of conscience. By "development," we mean the coherent deepening of implicit and explicit aspects of a concept; such a deepening often happens in response to new questions. With the theology of conscience, we have seen this development move in different directions. One movement has been back in time to recover more robustly what is called the "primacy" or "freedom of conscience," an idea powerfully articulated in the thirteenth century by St. Thomas Aquinas and part of the Christian tradition from its first decades.¹ According to this idea, one has a duty to form one's conscience and then, before God, to follow it. The Catholic Church has never formally rejected this moral doctrine, even if during the papacies of John Paul II and Benedict XVI the idea of such freedom was seen often as evidence of a problematic subjectivism.² By contrast, Pope Francis had in mind the positive significance of the freedom of conscience and the negative experience of Catholic authoritarianism when he said in Amoris Laetitia that it was the task of the church to "form consciences, not to replace them." Another key aspect of the recent development of the theology of conscience is captured by a paradox: conscience is both the utterly singular place where each person is "alone with God, whose voice echoes in his depths," in the words of Gaudium et Spes, 4 and conscience is also inalienably social and historical. Thus, to think with theological accuracy about conscience requires engagement with such aspects of human existence as embodiment, relationships, context, culture, history, and structure. Finally, the third major factor in the development of the tradition has been the teaching on conscience of Pope Francis himself. Beyond renewing the tradition of the primacy of conscience, he has created more space and responsibility for the exercise of conscience on the part of all Catholics as a manifestation of the sensus fidelium of the universal church.⁵

¹ See, for instance, Thomas Aquinas, *Summa Theologica*, Question 19, Article 5, "Whether the Will Is Evil When It Is at Variance with Erring Reason?" and Paul's *Letter to the Romans* 1:16–2:29 and 14.

² See, for instance, Joseph Ratzinger, "Conscience and Truth," in *Crisis of Conscience*, ed. John M. Haas (New York: Crossroad, 1996), 1–19.

³ Pope Francis, *Amoris Laetitia*—"On Love in the Family" (2016), no. 37, www. vatican.va.

⁴ Pope John XXIII, *Gaudium et Spes*—"Pastoral Constitution on the Church in the Modern World" (1965), no. 16, www.vatican.va.

⁵ See *Sensus Fidei in the Life of the Church*, International Theological Commission, 2014; https://www.vatican.va/.

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The remarkably challenging social and political events in the United States and around the world in the last years marks another crucial context for this volume. As of this writing, nearly 600,000 Americans have died in the COVID-19 pandemic. The total deaths worldwide stand at almost four million. The pandemic revealed vast structural inequalities that left millions of poor and vulnerable human beings exposed to the virus. The pandemic also revealed the deception at the heart of radically individualistic notions of conscience, common in the United States, invoked in order to refuse the use of proven measures of public health like wearing masks and getting vaccinated. In one way of putting it, COVID-19 was an empirical and ethical reality check. Like it or not, as an empirical matter, the virus showed that we are all connected to everyone else: getting infected in one part of your city could plausibly mean, via a chain of transmission, that you infect someone on the other side of the city whom you will never know. A notion of conscience was incoherent apart from taking such a context into account. Then, in the late spring of 2020, George Floyd was murdered by a Minneapolis police officer who, in order to restrain Mr. Floyd, kneeled for nine-and-a-half minutes on his neck to the point of asphyxiation while Mr. Floyd was already lying on the ground with his hands handcuffed behind his back. Looking at the murderous police restraint of Mr. Floyd in the videos that went around the world stirred the conscience of millions: how could such a casual, homicidal act of indifference happen at all, much less be perpetrated by a public authority charged with the duty of public safety? But looking at the scene of Mr. Floyd's death also raised in unprecedented fashion searing questions about White supremacy and racism and the malformation of conscience, not only of (now former) Minneapolis Police Officer Derek Chauvin but also of American society and societies around the world with long histories of racial oppression. What long-held cultural assumptions about the value of Whiteness and the value of Blackness have shaped and distorted our judgments of conscience about criminality, guilt, and innocence? What legal structures of restrictions and opportunities in every phase of life—from schools to housing to criminal justice to politics—have over centuries shaped the way we make judgments of conscience about who is equal, who is free, and who is responsible? The Catholic conscience in the United States has been painfully slow to engage White supremacy and racism. One last aspect of context for the book warrants mention: the democratic political crisis in the United States driven by the rise of an ethnic Christian and populist nationalism. Here concerns about conscience took a paradoxical twist. On the one hand, many

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Catholics rallied to the "Catholic conscience" to support a president who backed laws against abortion but who disdained telling the truth to American citizens, repeatedly denigrated persons of color and supported the separation of immigrant families, and whose shocking degree of moral indifference and policy ineptitude contributed to tens of thousands of COVID-19 deaths in the United States. Moreover, throughout the country in the weeks after the November 6, 2020, presidential election, many Democratic and Republican election officials took heroic stands of conscience in the face of pressure from President Trump to lie and cheat in service to keeping him in power.

Finally, for this book, we wish to note the context of Catholic education, especially in the United States. The pandemic blazed an economic fire through many Catholic educational institutions, resulting in closures or at least serious financial struggles at the primary, secondary, and university levels. But Catholic schools were already facing a myriad of challenges that have been decades in the making. In 1965, there were 5.5 million students in Catholic schools across the United States, and today that number is down to 1.6 million. Over the past two decades, over one million students have left Catholic education. The reasons for this decline are many, and they are often debated among those who work in the Catholic school sector. The decline of vocations to religious orders over the past thirty to forty years has resulted in the loss of the low-cost labor force that allowed Catholic schools to offer a high-quality product at a very low cost. The priest abuse scandal has damaged the reputation of Catholic schools in the minds of young parents. New models of public education, like charter schools, have directly competed with many of the aspects of Catholic schools that are appealing to parents, like strong discipline and uniforms. Finally, parents are having fewer children today than they did even a generation ago, so the potential population for all schools is down.

It should be noted that the decline in Catholic school enrollment is mirrored in the decline in participation in the church overall. It is not that there is a Catholic school "problem" in a thriving church, but rather that Catholic school decline is a microcosm of engagement with the broader faith.

⁶ See Alex Welsh, "Catholics Schools Are Losing Students at Record Rates, and Hundreds Are Closing," *Wall Street Journal*, May 10, 2021; https://www.wsj.com; and Jesse Remedios, "Catholic Colleges Strapped for Cash during Pandemic, Struggle with Re-opening Plans," *National Catholic Reporter*, May 4, 2020; https://www.ncronline.org.

⁷ For background and data on Catholic schools, see "Catholic School Data," *National Catholic Education Association*; https://www.ncea.org.

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Much has been written about the rise of the "nones," and the fact is that the disengagement and disaffiliation experienced by (mostly young) Catholics also has a consequent impact on Catholic school enrollment. The disaffiliation of young people also should be viewed through the lens of conscience, which can be seen in how certain decisions are made by church hierarchy that in turn impact how Catholic schools are viewed in the wider society.

Finally, it is important to note background tensions between hierarchical directives and the judgments of the community that constitutes a Catholic school or university. Or, in other words, the collective conscience of a Catholic school community is often not considered when major decisions are made. The principle of subsidiarity dictates that those who are most immediate to a problem are best situated to solve it. This principle allows for both individual and collective conscience to be considered when decisions are made that potentially impact the community in a significant way. Those who are closest to a particular situation are more likely to make judgments that include a variety of views within the community. If those decisions are made by those who are detached from that community, the message that is often communicated is detached from the interests of those closest to the situation.

Having set the context for Conscience and Catholic Education, it is now time to introduce its rich array of contributors and their essays. In the first essay, moral theologians Michael Lawler and Todd Salzman lay out a theological roadmap for this book. Lawler and Salzman have written widely on the theology of conscience, and here they show how Popes John Paul II and Benedict XVI affirmed in principle the freedom of conscience but also were constantly concerned to limit the legitimate grounds for an appeal to such a concept, especially with regard to moral laws and norms affirmed by the hierarchical teaching office of the church. In doing so, Lawler and Salzman argue, John Paul II and Benedict XVI risked turning back to a mode of thinking common in the decades before the Second Vatican Council in which the conscience of a Catholic was free to do little more than obey such hierarchical edicts. By contrast, Lawler and Salzman note, Pope Francis has recovered the ancient and more spacious theological tradition of conscience oriented to moral truth found both in and beyond the explicit moral teachings of Catholicism. Here misunderstandings abound. Critics of this ancient view of conscience dismiss it as the fruit of liberalism, or as warmed-over subjectivism, or as the leading edge of ethical relativism. But to affirm the doctrine of the freedom of conscience within Catholicism is to affirm, among other things, an inalienable moral responsibility belonging to each person

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who in any case is to be formed by the teachings, stories, symbols, and sacraments of the Catholic tradition. Is Catholic education meant, in the words of Pope Francis, to "form" or to "replace" the conscience of its students? By making clear the theological tradition of conscience, Lawler and Salzman also make clear the theological grounds for the task of formation—not replacement!—faced by every Catholic educator.

Jesuit moral theologian James Keenan has done crucial recent work on the recovery and renewal of the Catholic theological tradition of conscience—a process he calls "redeeming conscience." In his essay in this book, he builds on this work by turning to the challenge facing every Catholic educator dedicated to the formation of conscience of their students: what is the best way to do this so that behavior actually changes? Keenan, himself a Catholic educator of many decades, argues that it's not enough simply to approach this as an intellectual problem. Instead, he draws on such thinkers as Thomas Aquinas and Judith Butler to argue that we need to think of the formation of conscience in three key steps: first, to start from the awareness of a shared vulnerability with others; second, to move from such a shared awareness to a recognition of a shared humanity; and, third, to turn to conscience for the moral and prudential resources to respond. For Keenan, the story of the Good Samaritan provides a model for conscience formation. The Samaritan allowed himself to be touched by the plight of the robbed man by the side of the road and to see in such a plundered victim a person precisely like himself. "Only after being vulnerably disposed to the other, and then subsequently recognizing the other, do we in conscience act," Keenan notes.

One aspect of Keenan's call for redeeming conscience is his insistence that we think of conscience as both personal and social: indeed, the social dimension emerges from the relationality at the heart of personhood. In her essay for this book, moral theologian Darlene Fozard Weaver builds on these personal and social dimensions of conscience to argue for imagining the contemporary Catholic university as a "community of accountability." Weaver, now associate provost at Duquesne University, takes on the specific theme of conscience and academic freedom at Catholic universities. She reviews the recent history on this matter that pulls in different directions: the autonomy for Catholic universities favored by the Land of Lakes statement from 1967; the clearer Catholic identity called for by John Paul II in

⁸ James F. Keenan, "Redeeming Conscience," *Theological Studies*, 76, no. 1 (2015): 129–47.

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his 1990 document *Ex Corde Ecclesiae*; the social media-driven censoriousness of the present day; and American university faculty's expansive claims to academic freedom, which are not always consistent with key texts in the tradition of American thought on academic freedom. In response to these approaches, the notion of conscience understood in terms of a community of accountability provides a way for a Catholic university to affirm its Catholicity and its freedom in light of a vivid sense of communal obligations.

The work of conscience formation in Catholic schools always proceeds, for good or ill, on the basis of some scientific understanding about how persons feel and think and choose. The field of neuroscience has provided a great deal of new data about such mental processes. In her essay, moral theologian Elizabeth Sweeny Block reviews recent advances in neuroscience in light of Catholic moral theology and applies her reflections to the task of conscience formation in Catholic schools. In particular, Block explores what is called "embodied cognition" as a way to understand better how conscience formation should proceed, especially in the face of the social and cultural dimensions of the chronic injustices of racism and poverty. Conscience formation understood as imparting the intellectual content of moral teaching may cast a light on such realities but finally doesn't touch their sinful center. Conscience formation that incorporates a wide range of embodied practices, rituals, and physical solidarity with the dispossessed holds significantly more promise of transformation.

The essays opening the book by Lawler and Salzman, Keenan, Weaver, and Block lay down some theological markers: the Catholic moral tradition of conscience is in a period of renewal, and their essays articulate that renewal in light of the challenges of conscience formation in Catholic education. The next essay in the book moves the conversation in a more decisively applied direction. Sister Mary Angela Shaughnessy has for years been widely consulted on matters of state, federal, and constitutional law by Catholic schools around the country. A lawyer and accomplished educator, in her essay Shaughnessy offers a magisterial overview of the key concerns regarding conscience and law that any Catholic school administrator ought to know. What about the constitutional rights of the Catholic school as an institution compared to the constitutional rights of employees at a Catholic school? Or the contractual security of employment of gay, lesbian, or trans persons working in a Catholic school? Or the expanded inclusion of all employees—from teachers

⁹ Pope John Paul II, *Ex Corde Ecclesiae*—"Apostolic Constitution on Catholic Universities" (1990).

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to janitors—under the designation of the "ministerial exception" affirmed in the last decade by the U.S. Supreme Court? Shaughnessy's essay provides a crucial blueprint to Catholic school administrators for understanding the legal dimensions of such ongoing, vexing matters of conscience.

In 2019, one such vexing issue of conscience was splashed across the national news: Archbishop Charles Thompson of Indianapolis ordered two Catholic high schools in the diocese not to renew the contract of a gay male employee at each school because these men were married to each other contrary to Catholic teaching against gay marriage. Faced with canonical penalties including the possible loss of their designation as a Catholic institution, Cathedral High School complied with the archbishop's directive. But Brebeuf Jesuit Preparatory School did not. In her essay for this book, legal scholar and moral theologian Cathleen Kaveny engages the Brebeuf case as an occasion to reimagine the way we think about such conflicts of conscience. Often, she says, such conflicts are reduced to the case of a heroic holdout refusing to comply with oppressive force. To be sure, there are such cases. But there is also a way in which the assumption of such a bipolar conflict is imposed on situations that in fact have a greater degree of moral and relational complexity. So, in the Brebeuf case, Kaveny reconsiders it as a case of conscience involving the ethical obligations and prudential judgments pertinent to the roles and spheres occupied by the key players in the conflict. Kaveny's reimagination of this noted case offers a way for Catholic educators to reimagine their own approaches to similar conflicts.

As the Superintendent of Schools for the Catholic Archdiocese of Los Angeles, Dr. Kevin Baxter engaged issues of conscience that ranged from high-level policy to the hopes and dreams of the students in the largest Catholic school system in the United States. In his essay, Baxter, a Catholic layman, offers a window into challenges faced by administrators in Catholic school systems across the country: the struggles of lay leadership with clericalism; battles within the church over the Common Core standards; and the realities of LGBTQ persons working in the school system, even as rumors in the chancery about their sexual orientation risk costing them their jobs. For Baxter, the insistence by many in the church on making conscience simply a function of Catholic hierarchical teaching has led to significant missed opportunities. He grapples with how to get the best out of employees in the school system if each person is inculturated not to trust their conscience unless it is in strict conformity with hierarchical directives. He also reflects on how to reach the vast number of students with consciences sincerely

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searching for truth, even if these "nones" may decline for now a more complete embrace of the Catholic tradition.

Dr. Brandi Odom Lucas is the Principal of Verbum Dei High School in the Watts neighborhood of Los Angeles. A Black American woman born and raised in LA, Lucas in her essay speaks from her experience and from her theoretical expertise to offer a model of conscience formation on racism for Catholic schools. For Lucas, her experience growing up in the Macedonia Baptist Church in LA deeply informs her current antiracist work. At that Black church, each member was made to feel respected, free, and beloved by God. Racism was called out—and opposed. Solidarity, honesty, and courage were practiced and made real. And all this took place within the larger reality of the Christian story of hope. In her essay, Lucas draws on the practices and spirit of her treasured church to advance a process of conscience formation to foster equity around race in Catholic schools. Overarching the whole process is the story of the Road to Emmaus: Lucas creatively interprets that famous passage in the Gospel of Luke in which disciples on the road from Jerusalem to Emmaus come slowly to recognize the Risen Christ. She recasts conscience formation around race in terms of three key movements in the story: courageous companionship, the vulnerability of truth telling, and a commitment to restoration.

If racism presents one significant challenge to conscience formation in Catholic schools, diversity presents another. In his essay for the book, former Catholic high school teacher Paul Kuczynski reflects on a powerful empirical fact: students at Catholic schools are more diverse than ever. How at a Catholic school does a singular tradition—Catholicism—engage in conscience formation with students from many different traditions? Drawing on his own experience in the classroom and on the work of educational theorists like Robert Kegan and Luigi Giussani, Kuczynski argues for reimagining Catholic schools not so much as vessels for imparting a single vision of the good but as places that foster a Pope Francis-inspired "culture of encounter" that facilitates fruitful engagement across traditions. There's no simple solution to conscience formation amid such diversity, he says. The work is challenging and can go wrong: The apparent dissonance of diversity can drive adolescents more deeply into silos. But there's also no way to hide from this challenge. And there is great promise in this work, too. The critical engagement of a student with her own tradition that occurs in a culture of encounter can be a decisive step in the development of a responsible freedom about one's own tradition and about the common good. "The question," Kuczynski says, "is xx Introduction

whether or not we provide any intentional support as students engage these challenges and develop the capacities capable of handling this complexity."

As a matter of conscience, how should administrators at a Catholic school respond to a trans student? Moral theologian Lisa Fullam uses her essay to assist trans students, their families, and administrators who may face such a situation. She proceeds in three steps: an analysis of "Male and Female He Created Them,"10 the 2019 document from the Vatican on "gender theory," a review of relevant scientific literature on the biological bases of trans persons, and a reflection on tools from the Catholic moral tradition that can assist everyone involved in these matters. On the one hand, these vexing cases are shaped by the Vatican's strong claims for gender essentialism (that is, one's assigned sex at birth determines one's gender identity) and gender complementarity. On the other hand, Fullam notes, the normative approval of a broader continuum of sex and gender is increasingly common among many; moreover, the testimony of trans persons who don't "choose" their gender so much as "consent" to who and what they already are tells a very different story from the demands of gender essentialism. One tool from the Catholic moral tradition that could be of use in such cases is called "probabilism." This piece of moral theology holds that a "probable," if not "certain," judgment of conscience may be held; probabilism is well suited for complex situations when, for instance, the findings of science may be pointing to new realities contrary to long-held Catholic assumptions about what is "natural."

Patrick O'Kernick's essay for the book takes on the challenge of conscience formation of students at a Catholic college or university. As with other writers in this book, O'Kernick, a doctoral student in Catholic theology, rejects an approach that relies exclusively on the recitation of Catholic moral doctrine. The problem isn't the moral doctrine; it's the exclusive approach that sidesteps the complex worlds of emerging adulthood and the pluralism of students at many Catholic universities. Instead, O'Kernick argues on behalf of what he calls conscience formation understood as the "cultivation of conscience." By this, he means a process of formation that begins with an acknowledgment of the complexity of emerging adulthood, that considers conscience a reality relevant to all aspects of life and not only isolated decisions, that the bedrock of conscience formation first involves engagement with basic values of truth and goodness common to general human experience, and that the experi-

¹⁰ Congregation for Catholic Education, "'Male and Female He Created Them': Towards a Path of Dialogue on the Question of Gender Theory in Education" (Vatican City, 2019).

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ence of conscience has an inescapably sacred dimension even when it may not be explicitly religious. In turn, O'Kernick provides here an entire teaching module keyed to a sixteen-week semester and ready for use by college, university, and even high school teachers.

For centuries, Catholicism has affirmed the doctrine of the freedom of conscience. But how might the liberating possibilities of such a doctrine be received by persons who have long endured oppression? In her essay for the book, Catholic theologian Pearl Maria Barros takes on this question as it pertains to Latinx and marginalized college and university students. Drawing on the work of thinkers like mujerista theologian Ada María Isasi-Díaz and philosopher Eduardo Mendieta, Barros argues that "appeals to inner authority [like conscience] that do not take account of systemic injustice ring false to most people who belong to marginalized communities." In place of such an ahistorical appeal, Barros advances a concept she calls conscience understood as "critical consciousness." By this, she means that the affirmation of the freedom of conscience of the marginalized should occur alongside the critical project of unmasking oppression and the liberationist effort of exploring reimagined communities of justice. Barros, who teaches university-level Latinx and other students, also shares crucial pedagogical tips for teachers who undertake this essential task: be aware of one's own privilege and positionality with regard to oppression; be willing to make mistakes and reject perfectionism; and be unafraid to cultivate hope.

Daniel Castillo is a Catholic moral theologian who specializes in environmental matters. In his essay for the book, Castillo argues that, in response to the challenge of climate change, Catholic schools and universities should engage in a comprehensive process of conscience formation in order to become communities of "integral ecology" (the concept of integral ecology, taken from Pope Francis's 2015 encyclical *Laudato Si*', ¹¹ requires a community to be organized in response to the cries of the earth and of the poor). Importantly, Castillo connects this process of conscience formation with the Christian imagination. How can Catholic schools and universities not only teach moral thought about the environment but also foster the affectivity of Christian care for the things of creation? Castillo notes that we first have to understand how our pervasive habit of instrumentalizing the natural world does not properly find its justification in Catholic thought, even if some

¹¹ Pope Francis, *Laudato Si*'—"On Care for Our Common Home" (2015), www. vatican.va.

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people claim it does.¹² By contrast, Catholic educators need to engage the ancient Catholic theological tradition that articulates the sacramentality of the world (a tradition renewed in *Laudato Si'*). And Catholic schools and universities must also place imaginative engagement with Christian symbols and stories at the center of this process of conscience formation. For centuries, Catholics assumed that the command in Genesis 1:28 to have "dominion" over the world meant they could dominate creation. But what if we drew instead on Genesis to teach that each student is to be a "gardener" responsible to "till and keep" a world now teetering on the edge of disaster?

Julie Hanlon Rubio is a Catholic feminist and professor of social ethics; she has taught at Catholic universities for the last twenty-five years. In her essay for this book, she turns to the theology of conscience as a resource for Catholic feminists in education (and beyond) as they reflect on being in a church with a patriarchal structure resistant to change. To be sure, other Catholic feminists like Anne Patrick and Linda Hogan have written on the theology of conscience. But, Rubio argues, there has to date not been a sustained Catholic feminist reflection on conscience per se as a means by which to engage the challenge of being Catholic and feminist. Thus, Rubio puts key categories in the theology of conscience—conscience as an "inner sanctuary," conscience as "formed and malformed," conscience as "creative fidelity," and more—into conversation with feminist thought. For instance, conscience understood in sacred terms as an inner sanctuary where the divine call can be heard indistinctly is likened to Virginia Woolf's noted "room of one's own" where a woman can find the space and solace to engage her creative power. The appeal to conscience doesn't make all dissonance of being Catholic and feminist and working in Catholic education go away. "Purity is not possible in this space," Rubio says. But it clarifies what is at stake, both the challenge and the beauty.

These are the essays of Conscience and Catholic Education. This is a book to be read, studied, and applied. We offer this book in service, with immense gratitude, and with great respect to all those in Catholic education—students, parents, administrators, teachers, professors, and staff.

¹² For a prominent early example, see the infamous essay by Lynn White Jr., "The Historical Roots of Our Ecologic Crisis," *Science* 155 (1967): 1203–1207.