The question of what to do when your conscience conflicts with moral teaching is very complex especially for Catholics who by our creed of beliefs affirm our belief in one holy apostolic church in matters of faith and morals each time we attend mass. In considering issues like the sanctity of life (abortion, capital punishment, euthanasia; affordable healthcare, etc.); the environment; promoting "good wealth"; marriage; and women's role in the church (among others) there sometimes is a distinct difference between the teaching of the Catholic Church and our personal beliefs. The following articles provide information on the various aspects of this issue to include the USCCB guidance on <u>Conscience Formation</u> as well as thoughts on the issues we face when our personal conscience conflicts with moral teaching.



What is Conscience?

In *Forming Consciences for Faithful Citizenship* (no. 17), the Catholic Bishops of the United States Conscience remind us:

"The Church equips its members to address political and social questions by helping them to develop a wellformed conscience. ...Conscience is not something that allows us to justify doing whatever we want, nor is it a mere "feeling" about what we should or should not do. Rather, conscience is the voice of God resounding in the human heart, revealing the truth to us and calling us to do what is good while shunning what is evil." Conscience is a judgment of practical reason that helps us to recognize and seek what is good and to reject what is evil (*Catechism of the Catholic Church*, no. 1778, 1796).

The Second Vatican Council wrote:

"Always summoning [one] to love good and avoid evil, the voice of conscience can when necessary speak to [one's] heart more specifically: do this, shun that" (*Gaudium et Spes* 16).

Conscience does not simply "come to us"! Throughout our lives, we have to spend time *forming our consciences* so that we can make well-reasoned judgments about particular situations. How Do I Form My Conscience?

As the bishops note in *Forming Consciences for Faithful Citizenship,* we need to form our consciences in an *ongoing manner*. How do we do this?

1) When examining any issue or situation, we must begin by being open to the truth and what is right.

- 2) We must study Sacred Scripture and the teaching of the Church.
- 3) We must examine the facts and background information about various choices.
- 4) We must prayerfully reflect to discern the will of God (Forming Consciences for Faithful Citizenship, no. 18).

The United States Catholic Catechism for Adults adds:

5) The prudent advice and good example of others support and enlighten our conscience.

- 6) The authoritative teaching of the Church is an essential element.
- 7) he gifts of the Holy Spirit help us develop our conscience.
- 8) Regular examination of conscience

From the Catechism of the Catholic Church:

1777 Moral conscience, 1 present at the heart of the person, enjoins him at the appropriate moment to do good and to avoid evil. It also judges particular choices, approving those that are good and denouncing those that are evil.2 It bears witness to the authority of truth in reference to the supreme Good to which the human person is drawn, and it welcomes the commandments. When he listens to his conscience, the prudent man can hear God speaking.

1778 Conscience is a judgment of reason whereby the human person recognizes the moral quality of a concrete act that he is going to perform, is in the process of performing, or has already completed. In all he says and does, man is obliged to follow faithfully what he knows to be just and right. It is by the judgment of his conscience that man perceives and recognizes the prescriptions of the divine law. 1Cf. *Rom* 2:14-16. 2Cf. *Rom* 1:32.

Reflections on Conscience Formation

From the Catechism of the Catholic Church

1784 The education of the conscience is a lifelong task. From the earliest years, it awakens the child to the knowledge and practice of the interior law recognized by conscience. Prudent education teaches virtue; it prevents or cures fear, selfishness and pride, resentment arising from guilt, and feelings of complacency, born of human weakness and faults. The education of the conscience guarantees freedom and engenders peace of heart.

1785 In the formation of conscience the Word of God is the light for our path, 3 we must assimilate it in faith and prayer and put it into practice. We must also examine our conscience before the Lord's Cross. We are assisted by the gifts of the Holy Spirit, aided by the witness or advice of others and guided by the authoritative teaching of the Church.

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Catholic Teaching on Conscience and Dissent

Fr Anthony Fisher OP (EWTN.com Library)

Catholics recognize that there is profound disagreement in the community about many moral issues, including the abortion issue. This does not however reduce the issues to ones of personal choice. The morality of slavery or apartheid have been the source of considerable disagreement: but this does not mean that these hard issues should be left to the 'personal' decision of those involved. This brief paper will look at conscience in the context of abortion, but the principles of concerning conscience are applicable for other moral issues.

Some have suggested that the issues of abortion and the respect due to unborn human life are best left to the personal consciences of the women concerned. The Catholic Church has always held to the primacy of conscience and taught that individuals must follow their consciences even when they are wrong.

None the less it is important to understand the difference between conscience and personal preference or arbitrary private intuition. Deep within their conscience human persons discover a law which they have not laid upon themselves but which they must obey. Its voice, ever calling them to love and to do what is good and avoid evil, tells them inwardly at the right moment: do this, shun that. For human persons have in their hearts a law inscribed by God... the more a correct conscience prevails, the more do persons and groups turn aside from blind choice and try to be guided by the objective standards of moral conduct. Yet it often happens that conscience goes astray through ignorance which it is unable to avoid, without thereby losing its dignity. This cannot be said of the person who takes little trouble to find out what is true and good, or when conscience is by degrees almost blinded through the habit of committing sin.

How then do we form a right conscience?

Catholics seek to inform their consciences according to reason and revelation as guided by Church teachings. They believe that by "their faith aroused and sustained by the Spirit of truth, the People of God, guided by the sacred teaching authority (magisterium), and obeying it, receives not the mere word of human beings, but truly the word of God." It is to the pope and the bishops that this teaching authority is entrusted. As the Second Vatican Council put it: "in matters of faith and morals, the bishops speak in the name of Christ and the faithful, for their part, are obliged to accept their bishops' teaching with a ready and respectful allegiance of mind". *Thus for a Catholic to disagree with what the Church teaches on abortion, he or she would need to have very clear reasons and convictions. These could only follow a genuine search for meaning through docility to church teaching, reading, prayer, taking counsel, developing the virtue of prudence, and so on. Any conflict would then be within the person's conscience, rather than between conscience and some alien magisterial authority.*

In forming their consciences the faithful must pay careful attention to the sacred and certain teaching of the Church. For the Catholic Church is by the will of Christ the teacher of truth. It is her duty to proclaim and teach with authority the truth which is Christ and, at the same time, to declare and confirm by her authority the principles of the moral order which spring from human nature itself. It is sometimes rightly pointed out that no pope has proclaimed the Church's teaching on abortion in a specific ex cathedra statement declaring it as an essential matter of faith and infallibly true, and that there are degrees of authority in magisterial pronouncements. But Catholics believe that even when he does not speak ex cathedra the pope's authoritative teachings

must be accepted with respect and sincere assent, and that the consistent teaching of the Church must be adhered to "with the loyal and obedient assent of faith".

The Church's teaching on abortion has been unfailingly proposed throughout the centuries by popes, bishops and theologians, and restated in the clearest possible terms by the Second Vatican Council of all the bishops, as well as by all the popes of modern times and the bishops' conferences of many countries (including almost annual statements by our bishops). The gravity with which the Church views this matter is demonstrated by the fact that the procurement of abortion is one of the few offences which still incurs an automatic excommunication under the new Code of Canon Law.

Sometimes it is said that a person might publicly dissent from Church teaching on a matter like abortion and still remain a bona fide Catholic. But those who do are, of course, dissenting from a grave teaching of the Church. Scholars and teachers may withhold assent provisionally from noninfallibly proposed teaching under certain stringently defined conditions; they may still debate such issues as 'ensoulment'; and they may wish to clarify and re-present Church teaching in this area in contemporary terms. But they do not serve the Church as authentic teachers if they publish views contrary to the Church's unambiguous, explicit and highly authoritative teaching. The vocation of other Catholics, such as politicians, lawyers and judges, is a fortiori to take the initiative in civilizing and making more humane and moral the affairs of human society.

Teaching or Commanding? - When bishops instruct the faithful By Nicholas Lash 12/13/10

When the Second Vatican Council ended, several of the bishops who took part told me that the most important lesson they had learned through the conciliar process had been a renewed recognition that the church exists to be, for all its members, a lifelong school of holiness and wisdom, a lifelong school of friendship (a better rendering of *caritas* than "charity" would be). It follows that the most fundamental truth about the structure of Christian teaching cannot lie in distinctions between teachers and pupils—although such distinctions are not unimportant—but in the recognition that all Christians are called to lifelong learning in the Spirit, and all of us are called to embody, communicate and protect what we have learned. Much of what is said about the office of "teachership" or magisterium seems dangerously forgetful of this fact.

Aspects of Instruction

The concept of instruction is ambiguous. If I am "instructing" someone, I may be teaching or I may be issuing a command. Someone who is "under instruction" is being educated, but "I instructed him to stop" reports a command. "Instructions for use," however, provide information and hence would seem to be educational. There may be cases in which it is not easy to decide the sense. It is, however, important not to confuse the two senses and even more important not to subordinate instruction as education to instruction as command.

I have long maintained that the heart of the crisis of contemporary Catholicism lies in just such subordination of education to governance, the effect of which has too often been to substitute for teaching proclamation construed as command. As Yves Congar said, it is impossible to make the function of teaching an integral element of jurisdiction because it is one thing to accept a teaching, quite another to obey an order: "Autre chose est agréer une doctrine, autre chose obéir à un ordre."

Dissent and Disagreement

I have said that Catholic Christianity is a lifelong school of friendship, holiness and wisdom. Yet the tasks of those exercising the pastoral teaching office seem not, in fact, primarily to be teaching, at least as this activity is understood in most schools.

In 1975 a plenary session of the International Theological Commission issued a series of theses on the relationship between the magisterium and theology. In 1966 Paul VI had addressed an international congress on "The Theology of Vatican II" on the same topic, and the commission introduced its theses with two brief quotations from that address. The commission defined ecclesiastical magisterium as "the office of teaching which, by Christ's institution, is proper to the college of bishops or to individual bishops joined in hierarchical communion with the Supreme Pontiff."

What terminology might be appropriate to describe what someone is doing when, for whatever reason, he or she seeks to take issue with some particular instance of magisterial teaching? "Disagreeing" is the term that comes to mind. But because teaching is, in current ecclesiastical usage, usually construed as governance, as command, such taking issue is described in the recent literature not as disagreement but as "dissent."

Here is a very simple model: The teacher looks for understanding, the commander for obedience. Where teaching in most ordinary senses of the term is concerned, if a pupil's response to a piece of teaching is yes, the student is saying something like "I see" or "I understand." If the response is no, the pupil is saying "I don't see" or "I don't understand." When subordinates say yes to a command, they obey; when they say no, they disobey. Dissent is disobedience. The entire discussion about the circumstances in which it may be permissible or appropriate to dissent from magisterial utterances makes clear that what is at issue is when and in what circumstances it may be virtuous, and not sinful, to disobey. There could, in my opinion, be no clearer evidence that what we call "official teaching" in the church is, for the most part, not teaching but governance.

I am not in the least denying that governance, the issuing of instructions and commands, has its place in the life of the church, as of any other society. That is not what is at issue. The point at issue is that commands direct; they do not educate. It is one thing to accept a doctrine, quite another to obey an order.

When civil law conflict with divine commands?

John W. Martens - September 09, 2015

Kim Davis's (Clerk of the Court in Louisville KY–who refused to issue marriage licenses to two men) convictions, like so much of religious thought in the United States, is a mish-mash of American civil religion, the Bible, the Constitution and the invocation of freedom. One of the quotations which looms large biblically in the claim of religious freedom for Christians is found in Acts 5. Peter and John have been arrested and imprisoned on the Temple mount for preaching in Jesus' name.

Miraculously freed from prison, they continue to teach in Jesus' name. When they are rearrested they appear once again before the council: Then the captain went with the temple police and brought them, but without violence, for they were afraid of being stoned by the people. When they had brought them, they had them stand before the council. The high priest questioned them, saying, "We gave you strict orders not to teach in this name, yet here you have filled Jerusalem with your teaching and you are determined to bring this man's blood on us." But Peter and the apostles answered, "We must obey God rather than any human authority" (Acts 5:26-29).

This has been, since the origins of Christianity, a significant issue: what to do when the demands of civil law conflict with what are understood as divine commands or prerogatives? The depth of Kim Davis's convictions can only be ultimately judged by God and her, but her willingness to flout the civil law in order to maintain her religious convictions has a long and noble history in Christianity. All of us would recognize, for instance, that laws entrenching slavery were wrong and those who fought against these laws were on the side of the angels, even when those laws had the strength and support of government and civil law.

The big difference between Kim Davis and many predecessors in these battles, including the early Christians and including Peter and John in Acts 5, is that they were not tasked with upholding governmental laws. Kim Davis is an elected member of the government and it is her responsibility to follow the law. It is clear that if she does not wish to follow the law, and cannot with a clear conscience or with a religious exemption she can maintain, she should resign her position.

It is not just the earliest Christians, martyrs such as Felicity and Perpetua, Polycarp and Ignatius, who were willing to stand up to laws which they could not follow, and so die for their convictions, but even Christians today find themselves in these positions, even if martyrdom is not usually the result in the United States. One of the reasons you will not find an Old Order Mennonite or member of the Amish community wrestling with their conscience as to whether to issue a license for a same-sex marriage as a county clerk is that they long ago made the decision to opt out of the governmental and electoral process to preserve their Christian integrity, just as the earliest Christians did in the first three centuries. Believing that there was to be a strict separation between state and church, they found the simplest way to maintain that integral separation by choosing not to participate in the political process or to seek elective office. While maintaining the authority of the state, for instance to bear the sword (Romans 13:1-7), Mennonites and the Amish see the focus of their community life to be the locus of moral authority, punishment and reconciliation. As Paul writes in 1 Corinthians 5,

I wrote to you in my letter not to associate with sexually immoral persons—not at all meaning the immoral of this world, or the greedy and robbers, or idolaters, since you would then need to go out of the world. But now I am writing to you not to associate with anyone who bears the name of brother or sister who is sexually immoral or greedy, or is an idolater, reviler, drunkard, or robber. Do not even eat with such a one. For what have I to do with judging those outside? Is it not those who are inside that you are to judge? God will judge those outside. "Drive out the wicked person from among you" (1 Cor 5:9-13).

Two key verses come at the end with the focus on judging those "inside" the church, but not judging those "outside" the church. The church's judgment and authority, therefore, is an internal and not external matter.

Although it seems a radical position today, it was the position of the early church prior to Constantine. Most of us, however, certainly most Catholics, fit more into an Augustinian, or post-Constantinian, position in which we participate in both the city of God and the city of man in more formal ways, such as voting and seeking elective office. Then, of course, the laws of the world impact us in different ways and call upon us to engage in them in different ways. If Kim Davis has found a law which she cannot enact, and cannot do so even with a religious exemption, then she must heed her conscience and remove herself from that role. She must serve God and not human beings. But she cannot stand in the way of these laws either as an elected official. Religious integrity calls on her to heed her own conscience, but not dictate the conscience of others. They too have the right of their consciences.

Many commentators have taken this position, including the biblical scholar Candida Moss, and I do believe it is the Christian position, because Kim Davis, free of the burdens of her office could then argue against the legislation if she chooses or silently reject it. Her conscience is her own and she must honor it. Two others, however, have claimed that there are ways around her resigning her position. Monsignor Pope, writing in the National Catholic Register, believes that the law regarding same-sex marriage is not just an "unjust law," but "despotic and shameful abuse" and so worthy of civil disobedience by Kim Davis in her position as county clerk (he cites *CCC*, 1902-1903 in reaching this conclusion). Elsewhere in his article he cites *CCC*, 2242, which I quote directly from his article:

"When citizens are under the oppression of a public authority which oversteps its competence, they should still not refuse to give or to do what is objectively demanded of them by the common good; but it is legitimate for them to defend their own rights and those of their fellow citizens against the abuse of this authority within the limits of the natural law and the law of the gospel. (2242)

Times as well when Civil Disobedience is required – (Per the Catechism)- *The citizen is obliged in conscience not to follow the directives of civil authorities when they are contrary to the demands of the moral order, to the fundamental rights of persons or the teachings of the Gospel. Refusing obedience to civil authorities, when their demands are contrary to those of an upright conscience, finds its justification in the distinction between serving God and serving the political community. "Render therefore to Caesar the things that are Caesar's, and to God the things that are God's." "We must obey God rather than men": (2242)*

There are two issues with his position, however, which I think still demand that the result be that Kim Davis resign her position if a satisfactory religious exemption cannot be found. First, the *Catechism* says that, *The citizen is obliged in conscience not to follow the directives of civil authorities when they are contrary to the demands of the moral order*, but no one is obliged to marry a same-sex partner. I need not follow that directive of the civil authorities in any way if I choose not to do so. Peter and John chose not to follow the directives of the Sanhedrin. If, however, I am a member of that civil authority and am bound by my job or position to follow a directive contrary to the moral order or natural law, the path of resignation offers itself as the best case scenario. It does not rule out civil disobedience; resignation is a form of civil disobedience.

Second, there is a question, it seems to me, as to whether the civil authorities have overstepped their competence here, but if they have, when citizens are under the oppression of a public authority which oversteps its competence, they should still not refuse to give or to do what is objectively demanded of them by the common good. What is the common good in this case for Kim Davis or the citizens of

Rowan County? Is it to hold back marriage licenses from the citizens or to perform the duty for which she was elected?

Eugene Volokh, writing in the Washington Post, takes on the particularly American legal and constitutional aspects of Kim Davis' case, apart from the Christian theological aspects. He notes that "sincere religious objections can indeed legally excuse you from doing part of your job — if the employer can exempt you without undue cost to itself, its other employees, or its clients (recognizing that *some* cost is inevitable with any exemption request)." He then applies this legal reality to what he calls "the Kim Davis controversy."

The first point he makes is that "Title VII," which allows for religious exemptions, "expressly excludes elected officials." That indicates a different sort of reality for governmental officials. He goes on to add, though, that "Kentucky, like about 20 other states, has a state Religious Freedom Restoration Act (RFRA) statute that requires government agencies to exempt religious objectors from generally applicable laws, unless denying the exemption is the least restrictive means of serving a compelling government interest." This is certainly beyond my competence or knowledge as a biblical scholar, but Volokh mentions that such an exemption is what Kim Davis is seeking. He has updates about these exemptions which have allowed Kim Davis to be released from jail as long as her office, in some form or another, continues to issue marriage licenses for all who seek them under the applicable civil laws, which means both heterosexual and same-sex couples. "However," Volokh writes, "whatever Davis thinks of the federal judge's order, she has to comply with it or risk being jailed again (as of this update, she has just been released from jail), though she is of course free to continue appealing the order."

So, perhaps, American civil law will allow her a way out of her religious predicament after all, but if it does not, her next act if she desires to "obey God rather than any human authority" (Acts 5:29) will be to follow the example of Peter and John – in general, obviously, not in particulars – who were flogged and then ordered "not to speak in the name of Jesus" (Acts 5:40). Nevertheless, "the apostles left the Sanhedrin, rejoicing because they had been counted worthy of suffering disgrace for the Name. Day after day, in the temple courts and from house to house, they never stopped teaching and proclaiming the good news that Jesus is the Christ" (Acts 5:41-42). They did not, that is, join the Sanhedrin – not that they could have done so – or attempt to change the order of the Sanhedrin, but focused on their religious vocation. As both the Gospels of Matthew and Luke say, "No one can serve two masters; for a slave will either hate the one and love the other, or be devoted to the one and despise the other. You cannot serve God and wealth" (Matt 6:24; cf. Lk 16:13). Sometimes conscience requires that if you cannot do your job you leave your job, regardless of the cost.

A Controversial Catholic Conscience

The key to understanding Francis' words in The Joy of Love—and indeed, his entire pontificate—is his views on mercy.

By Father Paul Keller, C.M.F. May 9, 2016

What role does conscience play in moral decision-making? The answer to this question may explain much of the controversy surrounding Pope Francis' recently released Apostolic Exhortation, *Amoris Laetitia* (The Joy of Love). Pope Francis writes that the church has "been called to form consciences, not to replace them"; this understanding of the church's role in conscience, ethics, and moral decisions says much about the pope's pastoral approach and challenges many Catholics. The issue of whether some divorced and remarried Catholics might be allowed to receive communion is an

example of how Francis' understanding of conscience, mercy, and the Gospel is expressed throughout the exhortation.

The internet is full of reactions to The Joy of Love, some of which are very negative. There are personal attacks on the pope and his character, claims that the pope should stick to pastoral theology, assertions that only canon law can adequately address questions of family and morals, even questions about whether the pope is really Catholic.

On top of all these virulent detractors, there are many more commentators who claim that Pope Francis has said nothing new. But they could not be more wrong.

It's true that there are no changes to doctrine in The Joy of Love. The church's teaching on the indissolubility of marriage, same-sex unions, and artificial contraception remain the same. Pope Francis doesn't even say anything new when it comes to Catholics' conscience. What is startling is that Pope Francis is applying church teaching on conscience to people in "irregular" situations (the pope's term for couples who are cohabiting, not married in the church, or divorced and remarried) in a way that has not been seen before.

Pope Francis recognizes that "many people feel that the church's message on marriage and the family does not clearly reflect the preaching and attitude of Jesus." It is clear in The Joy of Love that Pope Francis is dismayed that "most people in difficult or critical situations do not seek pastoral assistance, since they do not find it sympathetic, realistic or concerned for individual cases." Instead, they too frequently encounter a pastor who feels that it is "enough to apply moral laws to those living in 'irregular' situations as if they were stones to throw at people's lives."

Pope Francis explains that while rules governing moral behavior are absolutely necessary, they cannot adequately provide for every circumstance. People's lives are complex. The decisions they have to make are difficult. The wounds they have experienced and the situations in which they find themselves do not always align with the objective ideals of church teaching. And the pope does not want to add to this "a new set of general rules, canonical in nature and applicable to all cases."

Instead, Pope Francis is calling for a true, prayerful discernment from couples in these "irregular" situations and from those priests who provide them with pastoral care. And this pastoral care must take into account a person's properly formed conscience.

The Holy Father notes that the church often "find[s] it hard to make room for the conscience of the faithful, who very often respond as best they can to the Gospel amid their limitations, and are capable of carrying out their own discernment in complex situations" (emphasis added). He then adds, "We have been called to form consciences, not to replace them."

This definitely represents a shift in the way the church has applied teachings on conscience.

In The Joy of Love, he references two sections of the *Catechism of the Catholic Church*, both of which describe the difference between a sinful act and the guilt of a person committing that act. There are situations where someone who is committing an act that is objectively wrong can be understood as less guilty. Pope Francis makes it clear that these conditions also certainly apply to couples in "irregular" situations as well. Therefore, he writes, "it can no longer simply be said that all those in any 'irregular' situations are living in a state of mortal sin and are deprived of sanctifying grace."

So a divorced and remarried couple is not necessarily deprived of sanctifying grace. And, on top of that, their consciences may lead them to conclude that their relationship, while perhaps not the ideal, is nevertheless "what God is asking [of them] amid the concrete complexity of one's limits."

Faithful Catholics may be divorced and remarried. In the honesty and sincerity of their informed consciences, they may both believe that this is the relationship God wants for them. And they may not believe that they can abstain from sexual intimacy for their rest of their lives without "faithfulness [being] endangered and the good of the children suffering." Might, then, these Catholics receive absolution in confession and make their communion with God in the Eucharist?

Perhaps. They must have true "humility, discretion and love for the Church and her teaching, in a sincere search for God's will and a desire to make a more perfect response to it."

This is determined in an internal forum where a priest helps them discern their guilt and their relationship. The priest—and the couple—must come to believe that a fuller participation in the life of the church would help them to grow in grace and charity while not causing scandal.

When this couple comes forward for communion, the priest respects that this couple is "capable of carrying out their own discernment in complex situations." He realizes, again, that he has been called to help form consciences, not to replace or dictate them.

Pope Francis knows full well that his focus on pastoral accompany will not please many. However, the conscience of the Holy Father has lead him to guide the church in this way. He believes that "Jesus wants a Church more attentive to the goodness which the Holy Spirit sows in the midst of human weakness, a Mother who, while clearly expressing her objective teaching, 'always does what good she can, even if in the process, her shoes get soiled by the mud of the street.""

The key to understanding Francis' words in The Joy of Love—and indeed, his entire pontificate—is his views on mercy. According to Francis, mercy is what distinguishes a true Christian. "Mercy is the foundation of the Church's life," he writes in the Joy of Love. Everything the church does must be characterized by mercy. In clear rebuke to those who argue that the rigor of the church requires absolute obedience to all its teachings, Pope Francis writes, "we [the Church] put so many conditions on mercy that we empty it of its concrete meaning and real significance. That is the worst way of watering down the Gospel."

Mercy, then, is what is unique about The Joy of Love. There is no change in doctrine here, only a fearless and Christ-like application of the church's teachings on conscience. And an embodiment of Gospel mercy that has not been watered down one drop.