



Protection of Conscience Project

www.consciencelaws.org

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Protection of Conscience Initiatives - What You Can Do

Sean Murphy, Administrator
Protection of Conscience Project

Introduction

The Protection of Conscience Project is concerned with international developments, but is limited to serving people who communicate in English. We encourage you to undertake protection of conscience initiatives in your own institution, region or country because you are better placed to respond to local developments, especially in languages other than English.

Respecting the principle of subsidiarity, the Project does not direct such initiatives; they are left entirely in your hands. What follows are suggestions and other information that you may find helpful.

General Comments

Many people who are interested in protection of conscience issues identify themselves as 'pro-life'. Protection of conscience advocacy, while not necessarily inconsistent with what are commonly identified as 'pro-life' views, has a much narrower focus. In asserting that a conscientious objector should not be forced to participate in procedure X, one is primarily concerned to critique the justification for coercion, and to exploring alternatives that will accommodate conscientious objectors. Some of these alternatives are likely to be unacceptable to a 'pro-life' advocate, as they may be thought to imply the moral acceptability of the procedure in question. This is illustrated in the Project pamphlet on the 'morning after pill', which suggests that someone who wants the pill might avoid conflict with a conscientious objector by making alternate arrangements in advance with another source of the drug.

It is likely that this approach would compromise the mission of a group that identifies itself as 'pro-life'. In addition, opponents are likely to dismiss protection of conscience initiatives from such a group as 'camouflage' for a 'hidden agenda'. To avoid these problems, it is recommended that 'pro-life' and protection of conscience advocacy not be attempted simultaneously or by the same group.

Handling of money solicited from or donated by others requires absolute transparency. It is necessary to avoid any perception that a project is motivated by the prospect of personal financial gain. Care should be taken to avoid the appearance that a project is "in the pocket" of a particular interest group, institution or political party.

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Scope

You should decide not only what linguistic group(s) and geographic region(s) you will serve, but what activities you can effectively undertake and sustain.

Description of Your Initiative

The time demanded by the administration of an organization increases with its complexity and size, and that time will be subtracted from what is available for the main work you want to do. This is particularly true if your plans involve building a membership.

An alternative arrangement is that adopted by the Protection of Conscience Project, which is an initiative rather than an organization. It has a minimal structure that supports the initiative, but no membership. Yet another organizational strategy is exemplified by Matercare International, which has developed a lean international structure that might be emulated or adapted to local needs.

Depending upon local laws, you may find it advantageous or disadvantageous to legally incorporate a society. Legal incorporation usually brings with it statutory requirements for officers, meetings, annual meetings, financial statements, reports, etc.

Structural Points

Freedom of conscience advocacy in health care requires knowledge of philosophy, religion, ethics, law, politics, science and the practice of medicine; the list is not exhaustive. Neither professional authorities, politicians nor the media will respond seriously to an initiative that is not supported by this kind of expertise. Hence, it is important to form an advisory board consisting of people who have appropriate academic and professional qualifications. Participants or administrators responsible for routine operations need not have these qualifications if they can rely on qualified advisors or consultants.

Advisors put their professional reputations at stake by formally associating themselves with your work. While the working relationship between advisors and others will vary from group to group, great care should always be taken to ensure that their reputations are not adversely affected by your activities or statements. They should always be consulted when formal submissions are prepared or a statement is to be made on a subject that is likely to be controversial.

Supporters

The support of health care workers is essential. The absence of such support will suggest that freedom of conscience in health care is not a significant issue; a project should not be formally undertaken without it.

However, conscientious objectors will always form a minority, so one should not expect to find large numbers of supporters within the various health care professions. For this reason, opinion surveys, petitions, or other forms of lobbying or communication that might be used with some success on other matters may be actually be counterproductive. Networking and individual encounters and conversations are likely to be more fruitful.

The collaboration of religious believers of different faiths will likely be found to be an essential aspect of this work. For historical and political reasons, collaboration among different faiths in some regions may be particularly challenging. However, one is likely to find enough common ground with

respect to freedom of conscience in health care to overcome such difficulties, especially in the face of the common threat of anti-religious secularism. Be aware that all of those who are officially "religion X" do not necessarily subscribe to the beliefs of "religion X".

Language

Avoid 'rights language' (physician rights vs. patients rights) and 'values language' (my values vs. your values). Rather than referring to rights (or to 'autonomy' - the usual root of rights language), try to keep discussion focused on the responsible exercise of freedom.

Be cautious about your choice of words and phrases. For example, there is a considerable difference between the terms 'emergency contraception' and 'post-coital interception', even though they refer to the same thing; the former term communicates, as given, two points that are actually in issue: (a) that there is an emergency, and (b) that the only mechanism of action is the prevention of conception. On the other hand, adopt your opponents' language whenever it is safe to do so, and use it to advantage. The Project website includes a glossary that reviews contentious terminology.

Media

Flash-in-the-pan marketing or media strategies are as likely to attract fire from the opposition as attention from possible supporters. This is counterproductive, since opponents of freedom of conscience in health care often have more power, influence and money than objectors.

If you contemplate advertising or using the media, set clear and limited goals and keep the focus on as few points as possible. Letters to editors can be effective responses to published commentaries or articles, if they are brief and to the point. Use news releases sparingly, and direct them to local media outlets. If events are not "newsworthy" where they are happening, it is very unlikely they will generate any interest in regional or national media. On the other hand, regional or national media may pick up a story that is making local headlines.

Headlines, however, are not a measure of success or progress. Quiet, steady growth and good service are more desirable and fruitful in the long run. Be content with incremental gains.

The Internet can be a valuable resource and tool, especially if it is used to facilitate communication and encourage activity by others (See Clone a website below).

Key Issues

Your attention is likely to be drawn first to controversial procedures, drugs or incidents. However, the nature or objective morality of these will not be the focus of your work. You must be familiar with both the scientific facts and moral or ethical issues involved, but only for the purpose of being able to explain why a conscientious objector might decline to participate.

The fundamental issue in protection of conscience work may be phrased as a question: "Upon what universally accepted principle should individuals be forced to give up their own convictions and made to act upon the contrary moral beliefs of an employer, union, professional association or state?"

Opponents of freedom of conscience must be confronted with this question, and this should remain the focus of serious and respectful discussion. However, there are a number of other key issues that must be kept to the fore as well. Among them:

Correct science provides an indispensable basis for moral or ethical decision making;

Science may determine what it is possible to do, but cannot establish what ought to be done or what ought not to be done;

The decision that something ought to be done reflects a moral or ethical belief, exactly the same kind of belief as a decision that it ought not to be done;

One cannot exclude belief from moral or ethical decision making because all who exercise moral or ethical judgment are acting upon a belief of some sort;

Belief may be religious (man is the image of God) or non-religious (man is a rational being);

To claim that only non-religious belief is valid in moral or ethical decision making reflects anti-religious prejudice, not sound reasoning.

The Project site includes a number of articles that deal directly or indirectly with these issues:

- General Ethics
- Is Bioethics Ethical?
- Establishment Bioethics
- When We Were Philosopher Kings
- Which Medical Ethics for the 21st Century?
- Referral: A False Compromise
- Handling Issues of Conscience
- Science, the Formation of Conscience and Moral Decision Making
- There Are No Secular Unbelievers
- Freedom of Conscience and the Needs of the Patient
- Public Policy and Politics
- Making Room for All in the Public Square
- Pluralism, Religion and Public Policy

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subpoenaed for legal proceedings.

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