



Protection of Conscience Project

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Notes toward an understanding of freedom of conscience

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Introduction

Commentators wrestling with conflicts between claims of conscience made by health care workers and demands for morally controversial services have offered a variety of responses. Their arguments have been based on the legality of procedures,¹ upon the nature of state-delivered health care² or fiduciary duty,³ or on notions of patient abandonment.⁴ They have drawn imaginary lines between private and public conduct,⁵ dwelt upon “the ethics of the profession”⁶ and social contract theory,⁷ suggested a ‘balance’ between access to services and freedom of conscience,⁸ and sought “compromise” in the form of mandatory referral.⁹ Appeals have been made to principles of equality and non-discrimination,¹⁰ to concepts of professionalism,¹¹ and to international and human rights law.¹²

Despite these efforts, controversy about freedom of conscience in health care continues. It subsides from time to time, only to erupt again with renewed force when tectonic political and social forces collide. Discussion has not gone deep enough to address underlying disagreements about the nature of the human person that shape disputes about freedom of conscience.

The centrality of the human person

Our reflections must begin with and continually return to the human person, because different beliefs about the nature of the human person yield different approaches to moral, ethical, legal and political issues.¹³ For present purposes one need not deal exhaustively with the subject, but it is necessary to consider what is foundational to freedom of conscience.

The integrity of the human person

The human person who makes claims of conscience is a unique *someone* who identifies himself as “I” and “me,”¹⁴ who has a single identity, served by a single conscience that governs his conduct in private and professional life. This moral unity of the human person is identified as integrity, a virtue highly prized by Martin Luther King. He described it as essential for “a complete life.”¹⁵

[W]e must remember that it's possible to affirm the existence of God with your lips and deny his existence with your life. . . . We say with our mouths that we believe in him, but we live with our lives like he never existed . . . That's a dangerous type of atheism.¹⁶

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The integrity or wholeness of the human person was also a key element in the thought of French philosopher Jacques Maritain. He emphasized that the human person is a “whole, an open and generous whole,” that to be a human person “involves totality.”¹⁷

The notion of personality thus involves that of totality and independence; no matter how poor and crushed a person may be, as such he is a whole, and as a person subsists in an independent manner. To say that a man is a person is to say that in the depth of his being he is more a whole than a part and more independent than servile.¹⁸

“Man,” he wrote, “is an individual who holds himself in hand by his intelligence and his will.”

He exists not merely physically; there is in him a richer and nobler existence; he has spiritual superexistence through knowledge and through love.¹⁹

Maritain thus acknowledged that the integral unity of the person comprehends not only conscience, but intellect and will. It is the will that gives effect to the judgements of conscience by choosing to pursue a particular good or avoid a particular evil.

An end, not a means

Maritain also insisted that the human person is an end in himself, not a means to an end,²⁰ and should never be exploited by someone else “as a tool to serve the latter’s own particular good.”²¹ British philosopher Cyril Joad applied this to the philosophy of democratic government:

To the right of the individual to be treated as an end, which entails his right to the full development and expression of his personality, all other rights and claims must, the democrat holds, be subordinated. I do not know how this principle is to be defended any more than I can frame a defence for the principles of democracy and liberty.²²

In company with Jacques Maritain, Professor Joad insisted that it is an essential tenet of democratic government that the state is made for man, but man is not made for the state.²³ To reduce human persons to the status of tools or things to be used for ends chosen by others is reprehensible: “very wicked,” wrote C.S. Lewis.²⁴ Likewise, Martin Luther King condemned segregation as “morally wrong and awful” precisely because it relegated persons “to the status of things.”²⁵

Similarly, Polish philosopher Karol Wojtyla (later Pope John Paul II):

. . . we must never treat a person as a means to an end. This principle has a universal validity. Nobody can use a person as a means towards an end, no human being, nor yet God the Creator.²⁶

In the landmark 1988 case *R v. Morgentaler*, Madame Justice Bertha Wilson of the Supreme Court of Canada, quoting Joad, agreed that a human person must never be treated as a means to an end - especially an end chosen by someone else, or by the state. Wilson rejected the idea that, in questions of morality, the state should endorse and enforce “one conscientiously-held view at the expense of another,” for that is “to deny freedom of conscience to some, to treat them as means to an end, to deprive them . . . of their ‘essential humanity’.”²⁷

Tzvetan Todorov, studying accounts of the victims and perpetrators of atrocities in the Nazi death

camps, not only reached the same conclusion, but explicitly connected the deprivation of humanity to the deprivation of will:

The goal of the system was to transform everyone into a cog in a vast machine and thus to deprive them of their will. The guards attest to this transformation in claiming that they were only following orders, that it was their duty to obey. They fail to realize that submission of this sort implies their own depersonalization: they have ceased to see themselves as an end and have agreed to be merely a means.²⁸

Maritain, Joad, Lewis, King, Wojtyla, Madame Justice Wilson and Tzvetan Todorov reaffirmed in the twentieth century what Immanuel Kant had written in the eighteenth: “Act so that you treat humanity, whether in your own person or in that of another, always as an end and never as a means only.”²⁹

The vocation of the human person

Freedom of conscience is not synonymous with freedom of thought or freedom of intellectual inquiry. It means the freedom to live in accordance with one’s convictions about good and evil, which, necessarily, involves external acts. It would be meaningless to postulate a freedom of conscience that is not manifested or expressed in word and deed.

Through the integral operations of intellect, conscience and will, manifested in external acts, the human person pursues a unique vocation, described by Cyril Joad as “the full development and expression of his personality.”³⁰ Others, while not disagreeing with this statement, further specify that the full development and expression of the human person is a moral enterprise involving the pursuit of the good. Hence, it inescapably involves decision-making with an eye to some standard of goodness or morality.

Different religions, philosophies and political theories have approached this in different ways. Some propose that the perfection of the human person - the full actualization of his humanity - is found in an increased capacity for participation in absolute good. Others deny the existence of an absolute good, but posit a plurality of moral goods that are autonomously defined and pursued by each person. On this view, the perfection of the person is not found in conformity to absolute standards, but in maximization of personal autonomy or self-realization, as understood by the individual.

The necessity of freedom

Nonetheless, it is generally agreed that moral decision-making requires freedom, and that moral decision-making may be compromised and can even be subverted by constraints on freedom. Someone who is forced to do good cannot truly be credited with a good deed, while someone who is forced to do something wrong is generally not held responsible for the extorted act. Underlying this is the notion that a human person acts by means of his will, and to the extent that his will is constrained he cannot be properly said to have acted at all.

Conscience

Conscience is a faculty or capacity associated to moral decision making. Explanations and theories

of conscience differ because they are intimately connected with different understandings of the human person and transcendence. For present purposes, it is sufficient to acknowledge that judgements of conscience are integral to the vocation of the human person, but may result in acts or omissions that others find unacceptable. This is the basis of conflicts arising from the exercise of freedom of conscience.

Freedom of conscience

Freedom of conscience can be exercised in two different but complementary ways; one may pursue an apparent good, or one may avoid an apparent evil. Some decisions may involve both kinds of choice.

A traditional view holds that one who freely chooses a moral good perfects himself to the extent that what is chosen is truly good and not just apparently so. A moral pluralist might say that the free choice of a desired good actualizes personal autonomy and thus contributes to an ultimate end described as self-fulfilment. The decision to pursue an apparent good in either case can be called the exercise of *perfective* freedom of conscience because it is potentially perfective of the human person.

On the other hand, one who refuses to commit theft, for example, preserves his own integrity and strengthens his character, but, from a traditional perspective, does not achieve the kind of personal growth that might be possible through acts of generosity or charity. A moral pluralist reflecting on this might hold that such a refusal preserves rather than develops personal autonomy. Thus, a decision to avoid an apparent evil can be described as an exercise of *preservative* freedom of conscience.

Limiting freedom of conscience

Assertions that freedom of conscience must be limited or suppressed in certain cases are based either on grounds of utility (because its exercise impedes or frustrates the plans or desires of others) or morality (because its exercise is wrong and harmful).

It is generally agreed that the state may limit the exercise of freedom of conscience if it is objectively harmful. The law may prevent someone from stealing even if it is based on a sincere conviction that there is no right to private property.

Quite apart from the problem of preventing specific harm, freedom of conscience may be limited by the state in the interests of the common good. For example: rules of eligibility for state financial assistance are developed to provide the greatest number of people the assistance they need, while minimizing problems that may be associated with providing it. Thus, a social worker may find that a client is truly in need of financial assistance, but may be prevented from approving it because the client is legally ineligible.

That freedom of conscience is impeded in one way does not prevent it from being exercised in another. If the social worker, as a matter of conscience, recognizes an obligation to provide financial assistance to an ineligible client, it may be possible to arrange for it through other channels. Even if no alternative exists, however, the social worker does not participate in the ensuing injustice. It occurs against the worker's will, without any positive action on his part, as a result of the decisions and actions of others.

Notice that, in these cases the limitation is typically imposed on *perfective* freedom of conscience; someone is prevented from doing some good that he believes ought to be done. Such limitations on freedom of conscience may interfere with some of the aspirations of citizens or their pursuit of moral perfection. They are not necessarily inconsistent with democratic freedom or human dignity. Certainly, restrictions may go too far; they might fail to demonstrate sufficient understanding and respect for human freedom and dignity, even if they do not subvert them entirely. But no polity could long exist without restrictions of some sort on human acts, so some limitation of perfective freedom of conscience is not unexpected.

Since the state can legitimately limit perfective freedom of conscience by preventing people from doing what they believe to be good, there is a temptation to assert that it is equally free to suppress preservative freedom of conscience by forcing them to do what they believe to be wrong.

The key distinction

That temptation must be resisted because there is a significant difference between preventing someone from doing the good that he wishes to do and forcing him to do the evil that he abhors.

In the first place, preservative freedom of conscience is more fundamental than perfective freedom of conscience because the latter depends upon the preservation of moral character ensured by the former. This is reflected in the ethical maxim, “First, do no harm,” and in St. Augustine’s advice that the beginning of freedom is to be free of crime.³¹

But the difference goes much deeper than this.

The issue of culpability

It is generally thought that someone who is forced to do evil against his will is not culpable; he cannot be blamed for the act. However, while some kinds of coercion have that effect, not all of them do; a threat to one’s life differs significantly from a threat to one’s livelihood or reputation. Further: the gravity of the evil enters into the calculation. Broadly speaking, culpability for more serious wrongdoing can be diminished or extinguished only by more oppressive forms of coercion. There are two further considerations.

First: it may be held that some things are so gravely wrong that even the worst forms of coercion cannot extinguish personal culpability, though it may be significantly diminished. For example: Canadian law does not accept a defence of coercion for a number of offences, including sexual assault and arson - even coercion involving direct threats to life.³² Other jurisdictions may have similar laws, and analogous reasoning can be applied in purely moral questions.

The issue of moral responsibility

Second: no act is possible unless a person chooses to act, and that involves, even if coerced, an act of the will. It remains possible for him *not* to act if he is willing to suffer the consequences of refusal.³³ In that limited sense the act is voluntary, and thus engages the person to some degree.³⁴ If the coercion is sufficient to extinguish personal culpability, it cannot completely eradicate personal responsibility, nor can it eliminate personal moral awareness.³⁵

This is not an argument for rigid moralism, inhuman perfectionism, or the kind of tyrannous legalism that subjected forcibly baptised Muslims and Jews to the jurisdiction of the Spanish Inquisition.³⁶

But it does explain why a sense of guilt or shame often haunts people who have been forced to participate in wrongdoing, and why they may reproach themselves - sometimes severely - even if others do not.³⁷

Speaking of the shame of concentration camp survivors, Tzvetan Todorov writes:

In the camps, the individual prisoner is deprived of his will. He is made to perform acts that he not only disapproves of but also finds abject, that he does either because he is ordered to or because he has to do so to survive. Améry compares this feeling to that of a victim of rape; logically, it is the rapist who ought to feel shame, but in reality it is the victim who does, for she cannot forget that she was reduced to powerlessness, to a total dissociation from her will.³⁸

Todorov accepts Améry's hypothesis that such shame is a product of the *dissociation* of the person from the will. While it would be rash to completely discount this possibility,³⁹ it is at least as plausible to account for such shame or self-reproach as a consequence of the *inseparability* of the person and the will - and, thus, an inability to completely separate oneself from acts and omissions even if they have been coerced. This is consistent with other observations made by Todorov: the hostility directed at rescuers of Jews by their countrymen after the Holocaust, who see them "as a living reproach, proof that they themselves could have behaved differently,"⁴⁰ and his comment that "it is unbearable to recall the time when one did not do all one could to defend one's dignity, to care for others, or to keep one's mind alive."⁴¹

There is something about complicity in wrongdoing that triggers an almost instinctive reaction in people, something about it that touches some peculiar, deep and almost universal sense of abhorrence. One says "almost" because, of course, there have always been exceptions: Eichmanns, Pol Pots, Rwandan machete men. And the degree of sensitivity varies from person to person, from subject to subject, and from one culture to another. Nonetheless, complicity in wrongdoing is felt to have some real and profound significance.

Consistent with the sense of shame or guilt felt by many concentration camp survivors, the nature of that significance is suggested by a number of expressions: "poisoned" fruit doctrine, "tainted" evidence, money that has to be "laundered," and "dirty" hands.⁴² The expressions convey an uncomfortable sense that something is felt to be soiled by complicity in wrongdoing. What is that something? And what is the nature of that cloying grime?

Conscience and the person

The answer suggested by the Project is that the "something" is not a "thing" at all, but the human person: that the sense of uncleanness, taint or shame associated with complicity in wrongdoing - even if it is coerced - is the natural response of the human person to something fundamentally opposed to his nature and dignity.

Moral choice is always in favour of an apparent good of some sort. Should one choose something harmful to himself - even death - it is chosen because it is perceived to provide some proportionately greater good. Someone seeking euthanasia, for example, may believe that death is a good superior to life burdened by suffering. Someone who chooses to commit a crime against another does so because of some good that he wants for himself even at the expense of someone else. One may argue that the perceptions of "the good" in such cases is mistaken, but even an objectively evil

choice is motivated by a desire for some apparent good. It would be perverse to choose an evil absent such motivation. Coerced participation in wrongdoing imposes precisely this kind of perversion upon the victim. By nature disposed to choose an apparent good, he is made to choose an apparent evil.

It may be argued that, in such a case, the person does not really choose: that the state, or someone else - the patient, for example - is the one who chooses, and thus bears the moral responsibility for the act. But this ignores the essential unity of the human person who experiences moral culpability, responsibility and awareness. Equally important, when the state or some other entity substitutes its will for that of the objector, it deprives him of his will. Recall here the reflections of Tzvetan Todorov, who notes that both concentration camp guards and concentration camp survivors were, in different ways, deprived of their wills.

The consequences of forced complicity

Vasily Grossman, commenting upon the excesses of Soviet totalitarianism, asserts that the regime “did not require holy apostles, fanatic, inspired builders, faithful, devout disciples. [It] did not even require servants - just clerks.”⁴³

Tzvetan Todorov quotes Grossman to emphasize that those who operated the Soviet and Nazi concentration camps were not fanatical ideologues. “The predominant sort was a different type altogether,” he observes, “a conformist willing to serve whoever wielded power and more concerned with his own welfare than with the triumph of doctrine.”⁴⁴ They were, in Hannah Arendt’s words, like Adolph Eichmann; “neither perverted nor sadistic” but just “terribly and terrifyingly normal.”⁴⁵

In explaining how normal men could commit the atrocities characteristic of the Nazi and Soviet camps, Robert Jay Lifton and Tzvetan Todorov both identify a phenomenon that is especially relevant here. Lifton calls it “doubling;”⁴⁶ Todorov, citing Lifton with approval, describes it as “compartmentalization,” an aspect of “the fragmentation of behaviour, or the disconnection of conduct from conscience.”⁴⁷

(Lifton) . . . Doubling may well be an important psychological mechanism for individuals living within any criminal subculture: the Mafia or “death squad” chief who coldly orders (or himself carries out) the murder of a rival while remaining a loving husband, father, and churchgoer.⁴⁸

(Todorov) The Nazi doctors were not alone in manifesting this kind of behaviour; one finds it among all professionals who fail to apply the same ethical standards in their work as they do at other times, and who, as specialists, accept the unacceptable by reassuring themselves that in their ‘other’ life, they behave with dignity and honour.⁴⁹

Both Lifton and Todorov emphasize that “doubling” or “compartmentalization” are often found in ordinary life and may serve useful purposes.⁵⁰ Lifton, however, identifies a destructive form of it that he calls “victimizer’s doubling.”

While victimizer’s doubling can occur in virtually any group, perhaps professionals of various kinds - physicians, psychologists, physicists, biologists, clergy, generals, statesmen, writers, artists - have a special capacity for doubling. In them a prior, human self can be joined by a “professional self” willing to ally itself with a

destructive project, with harming or even killing others.⁵¹

Lifton and Todorov make clear that doubling/compartmentalization made it possible for guards and others operating the camps to persist in atrocities because it effectively protected them from feelings of guilt.⁵² Todorov remarks that, “as a rule, the legally guilty feel they are innocent while those who a truly innocent live in guilt.”

As Martin Walser, who attended the trial of the Auschwitz guards in 1963, observes, memories of the camps are far more devastating to the victims than to their tormentors.⁵³

The juxtaposition of the consequences of doubling/compartmentalization on victimizers and victims suggests a lesson that can be drawn from the work of Lifton and Todorov. When preservative freedom of conscience is surrendered voluntarily, the product is victimizer’s doubling: the compartmentalization or division of self that enables evil-doing⁵⁴ and transforms people into submissive conformists and docile clerks who easily become the tools of repressive regimes.⁵⁵ When it is suppressed by coercion, the result is the kind of spiritual rape suffered by the victims of the camps.

Hence, the reactions of shame, guilt, and a sense of taint that occur in those forced to be complicit in what they believe is evil cannot be dismissed as the product of irrational hypersensitivity or minimized as an ephemeral emotional response. They are symptoms of real harm caused by a violation of personal integrity that deprives people of their essential humanity.⁵⁶

Revisiting the question of limits

The foregoing discussion does not answer all of the questions that arise in these circumstances. However, it does indicate that any proposals to limit freedom of conscience must first take into account the distinction between its perfective and preservative forms.

By its nature, perfective freedom of conscience demands much more of society than preservative freedom of conscience. Limiting perfective freedom of conscience prevents people from doing the good that they wish to do, and may (if no alternatives are available) prevent them from perfecting themselves, fulfilling their personal aspirations or achieving some social goals. This may do them some wrong; that is why democratic regimes have been increasingly inclined to err on the side of freedom, demanding that restrictions on freedom of conscience must be demonstrably necessary, narrowly framed and strictly construed.⁵⁷ But if it does them some wrong, it does not necessarily do them an injury.

In contrast, to force people to do something they believe to be wrong is always an assault on their personal dignity and essential humanity, even if they are objectively in error; it is always harmful to the individual, and it always has negative implications for society. It is a policy fundamentally opposed to civic friendship, which grounds and sustains political community and provides the strongest motive for justice.⁵⁸ It is inconsistent with the best traditions and aspirations of liberal democracy, since it instills attitudes more suited to totalitarian regimes than to the demands of responsible freedom. By demanding the submission of intellect, will and conscience it reduces the person to a form of servitude that cannot be reconciled with principles of equality.

This does not mean that no limit can ever be placed on preservative freedom of conscience. It does

mean, however, that even the strict approach taken to limiting other fundamental rights and freedoms is not sufficiently refined to be safely applied to limit freedom of conscience in its preservative form. The stakes are far too high. Like the use of potentially deadly force, if the restriction of preservative freedom of conscience can be justified at all, it will only be as a last resort, and only in the most exceptional circumstances.

Notes

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(<http://life.nationalpost.com/2010/07/18/religious-conscience-should-not-outweigh-professional-obligations-to-patients/>) Accessed 2012-03-07.
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28. Todorov, Tzvetan, *Facing the Extreme: Moral Life in the Concentration Camps*. London: Phoenix Books, 2000, p. 165. Discussing the early Nazi euthanasia programme, Lifton states, “Each participant could feel like no more than a small cog in a vast, officially sanctioned, medical machine. . . The institutional doctor. . . cultivated - the sense that, as an agent of the state, he was powerless. . .” Lifton, Robert Jay, *The Nazi Doctors: Medical Killing and the Psychology of Genocide*. New York, Basic Books, 1986, p. 55.
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Internet Encyclopedia of Philosophy, “Immanuel Kant (1724-1804) Metaphysics” (<http://www.iep.utm.edu/k/kantmeta.htm>) Accessed 2008-09-10. Todorov quotes this passage from Kant. Todorov, Tzvetan, *Facing the Extreme: Moral Life in the Concentration Camps*. London: Phoenix Books, 2000, p. 158

30. Joad, C.E.M., *Guide to the Philosophy of Morals and Politics*. London: Gollancz Ltd., (1938), p. 803. Quoted in *R. v. Morgentaler* (1988)1 S.C.R 30 at p. 178 (<http://scc.lexum.umontreal.ca/en/1988/1988rcs1-30/1988rcs1-30.html>) Accessed 2008-09-10

31. St. Augustine of Hippo, *In Iohannis Evangelium Tractatus*, 41, 10: CCL 36, 363, quoted in John Paul II, *Encyclical Evangelium Vitae* (25 March, 1995) 75,

32. *Criminal Code of Canada*, Section 17: Compulsion by threats. (<http://laws.justice.gc.ca/eng/C-46/page-2.html>) Accessed 2010-11-03

33. “. . . it is always possible that man, as the result of coercion or other circumstances, can be hindered from doing certain good actions; but he can never be hindered from not doing certain actions, especially if he is prepared to die rather than to do evil.” John Paul II, *Encyclical Veritatis Splendor* (1993), 52.

34. As noted previously, Canadian law holds that in some cases this can rise to criminal responsibility.

35. “Human beings are never *entirely* unable to choose. However great the pressures, the individual remains responsible for his actions; otherwise, he renounces his humanity.” Todorov, Tzvetan, *Facing the Extreme: Moral Life in the Concentration Camps*. London: Phoenix Books, 2000, p. 232

36. Thousands of Jews and Muslims were forcibly converted in Spain during the 15th and 16th centuries. The Spanish Inquisition enforced its jurisdiction over the “converts” by claiming that the baptisms were valid: that they had ‘freely chosen’ baptism, since they could also have chosen death or expulsion from Spain. Kamen, Henry, *The Spanish Inquisition*. London: The Folio Society, 1998, p. 73, 213-214.

37. “Whoever has succumbed to torture cannot feel at home in the world. The shame of destruction cannot be erased.” Améry, Jean, *At the Mind’s Limits*. Trans. Sidney Rosenfeld and Stella P. Rosenfeld. New York: Schocken, 1966. Quoted in Todorov, Tzvetan, *Facing the Extreme: Moral Life in the Concentration Camps*. London: Phoenix Books, 2000, p. 264. Améry had been tortured in Gestapo prisons.

38. Todorov, Tzvetan, *Facing the Extreme: Moral Life in the Concentration Camps*. London: Phoenix Books, 2000, p. 263

39. “. . . there may exist a threshold of suffering beyond which an individual’s actions teach us nothing more about the individual but only about the reactions that unbearable suffering elicits

- from the human mechanism.” Todorov, Tzvetan, *Facing the Extreme: Moral Life in the Concentration Camps*. London: Phoenix Books, 2000, p. 38-39
40. Todorov, Tzvetan, *Facing the Extreme: Moral Life in the Concentration Camps*. London: Phoenix Books, 2000, p. 227
41. Todorov, Tzvetan, *Facing the Extreme: Moral Life in the Concentration Camps*. London: Phoenix Books, 2000, p. 264
42. A senior Iraqi surgeon, commenting on the complicity of physicians in torture under Saddam Hussein, said that “the state wanted them to have ‘dirty hands’.” Elahi, Maryam and Kushner, Adam “Doctors With 'Dirty Hands.’” Physicians for Human Rights Library (<http://physiciansforhumanrights.org/library/article-2003-06-08.html>) Accessed 2008-09-09. Originally published in the *Washington Post*, 8 June, 2003
43. Grossman, Vasily, *Forever Flowing*. Trans. Thomas P. Whitney. New York: Harper & Row, 1972, p 193. Quoted in Todorov, Tzvetan, *Facing the Extreme: Moral Life in the Concentration Camps*. London: Phoenix Books, 2000, p. 124
44. Todorov, Tzvetan, *Facing the Extreme: Moral Life in the Concentration Camps*. London: Phoenix Books, 2000, 123-124
45. Arendt, Hannah, *Eichmann in Jerusalem: A Report on the Banality of Evil*. Harmondsworth: Penguin, 1979, p, 276. Quoted in Todorov, Tzvetan, *Facing the Extreme: Moral Life in the Concentration Camps*. London: Phoenix Books, 2000, p. 124
46. Lifton, Robert Jay, *The Nazi Doctors: Medical Killing and the Psychology of Genocide*. New York, Basic Books, 1986, Chapter 19.
47. Todorov, Tzvetan, *Facing the Extreme: Moral Life in the Concentration Camps*. London: Phoenix Books, 2000, p. 139-140, 141-157.
48. Lifton, Robert Jay, *The Nazi Doctors: Medical Killing and the Psychology of Genocide*. New York, Basic Books, 1986, p. 423
49. Todorov, Tzvetan, *Facing the Extreme: Moral Life in the Concentration Camps*. London: Phoenix Books, 2000, p. 155-156
50. Todorov, Tzvetan, *Facing the Extreme: Moral Life in the Concentration Camps*. London: Phoenix Books, 2000, p. 156. Lifton, Robert Jay, *The Nazi Doctors: Medical Killing and the Psychology of Genocide*. New York, Basic Books, 1986, p. 420, 426-427
51. Lifton, Robert Jay, *The Nazi Doctors: Medical Killing and the Psychology of Genocide*. New York, Basic Books, 1986, p. 464

52. “The way in which doubling allowed Nazi doctors to avoid guilt was not by the elimination of conscience but by what can be called the *transfer* of conscience. The requirements of conscience were transferred to the Auschwitz self, which placed it within its own criteria for good (duty, loyalty to the group, ‘improving’ Auschwitz conditions, etc.), thereby freeing the original self from responsibility for actions there.” Lifton, Robert Jay, *The Nazi Doctors: Medical Killing and the Psychology of Genocide*. New York, Basic Books, 1986, p. 421. “Compartmentalization and the bureaucratic specialization to which it gives rise are at the root of this absence of feelings for responsibility one finds in those who carried out the ‘final solution’ . . .” Todorov, Tzvetan, *Facing the Extreme: Moral Life in the Concentration Camps*. London: Phoenix Books, 2000, p. 153
53. Langbein, Hermann, *Hommes et femmes à Auschwitz*. Paris: Fayard, 1975, p.488. Cited in Todorov, Tzvetan, *Facing the Extreme: Moral Life in the Concentration Camps*. London: Phoenix Books, 2000, p. 263
54. “. . .for most Nazi doctors, the doubling manoeuvre seemed to fend off that sense of guilt prior to its developing, or to its reaching conscious dimensions.” Lifton, Robert Jay, *The Nazi Doctors: Medical Killing and the Psychology of Genocide*. New York, Basic Books, 1986, p. 421
55. Todorov, Tzvetan, *Facing the Extreme: Moral Life in the Concentration Camps*. London: Phoenix Books, 2000, p. 129
56. This explanation is consistent with the phenomenon of *moral injury* that some researchers believe they have identified among soldiers. It is distinct from Post Traumatic Stress Disorder (PTSD) suffered by some soldiers who have been in combat. Whereas PTSD is the result of harm or life-threatening conditions inflicted by others, a soldier suffers moral injury as a result of his *own* acts.

Moral injury requires an act of transgression that severely and abruptly contradicts an individual’s personal or shared expectation about the rules or code of conduct, either during the event or at some point afterwards.

Moral injury is described as a form of long-lasting “personally devastating and disorienting” impairment that presents as “severe peri- or post-event emotional distress (e.g., shame and guilt).” There is little research on the subject, so the concept must be handled with caution. However, it has support among health and religious professionals who have extensive experience working with soldiers and veterans, and the U.S. Department of Veterans Affairs takes it seriously.

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- Drescher, K., Foy, D., Kelly, C., Leshner, A., Schutz, A., & Litz, B.T. (2011). An exploration of the viability and usefulness of the construct of moral injury in war

veterans. *Traumatology*, 17, 8-13.

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(http://www.ptsd.va.gov/professional/pages/moral_injury_at_war.asp) Accessed 2012-03-06

57. Note, however, that authorities usually fail to distinguish between the perfective and preservative modes of freedom of conscience.

58. Aristotle, *Politics*, III.9.9-14. Jacques Maritain states, “Justice is a primary condition for the existence of the body politic, but Friendship is its very life-giving form.” Maritain, Jacques, *Man and the State*. Chicago: Phoenix Books, 1951, p. 10. Dr. Leah Bradshaw developed this theme in “How Friendship Renews Citizenship.” Centre for Cultural Renewal, *Centrepoints*, Fall, 2009.