

OUR CONSCIENCES, OUR SELVES

Albert Duggan, O.P.

Many have come to regard freedom of conscience as a threat to individual rights. This has played itself out most recently in the debate over the implementation of federal health-care reform legislation that would require most private health-insurance plans to cover artificial contraception and sterilization procedures, since federal guidelines classify them as essential “preventive services” for women. What is most worrisome is that there is little allowance made for insurers and health-care institutions to refuse to offer such services on moral or religious grounds.

This case calls forth the broader question of conscience and the extent to which individuals and organizations should be allowed to refuse to offer services that violate their consciences. These days, this question seems to be debated most vigorously in the area of health care, but it is relevant to many other professions as well. Those opposed to protections for conscientious objection argue that when health-care providers refuse to offer a service or procedure on moral grounds (e.g., a physician who refuses to refer a patient for an elective hysterectomy, or a pharmacist who refuses to fill a prescription for emergency contraception), they deny women their “right” to such services.

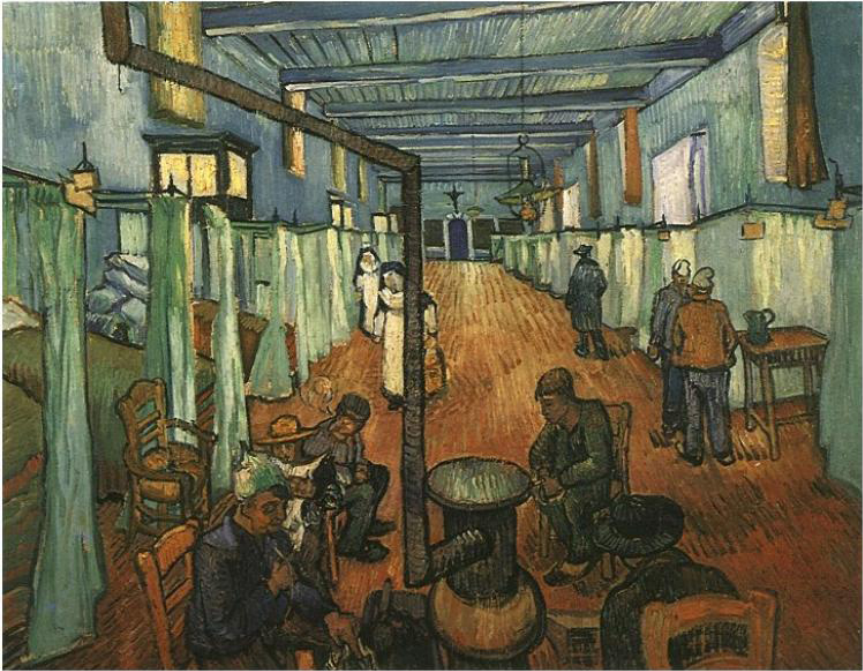
It is true that a health-care worker’s moral objection can pose a barrier to a patient accessing these services. But why is it suggested that one person’s conscience must give way in deference to another’s rights? Part of the answer may rest with a mistaken understanding of what conscience is and why it cannot simply be “set aside” when it poses an inconvenience. So let us step back from the particulars of the current debate and take a good, hard look at what conscience is, and why it should be regarded as inviolable.

A certain amount of suspicion surrounding conscience is understandable. Ever since the 1940 debut of Disney's animated movie *Pinocchio*, the caricature of conscience as a nagging, moralistic voice, coming from the outside and constraining individual freedom, is nearly impossible to shake. Although most would grant that someone's conscience generally makes him "do the right thing," there remains a deep-seated worry that it does so only by imposing moral laws on him from the outside. Put another way, conscience expresses someone else's will (God's? the Church's?), not one's own.

In a culture where this conception of conscience predominates, it is no wonder that people become suspicious when an appeal to conscience is made. An individual's conscience is seen as little more than a covert agent for the Church's moral teaching, and so honoring a person's conscientious refusal to provide a certain service to someone else unjustly extends the Church's grasp to those who might not care for her influence. A Catholic physician's refusal to prescribe birth-control pills, for example, is seen as the Church's intrusion into the physician-patient relationship—an apparently troubling prospect, especially when the patient is not Catholic.

It is unfortunate that the opponents of conscientious objection would portray it this way. Such an account of conscience is alien to the thought of St. Thomas. His account of the Christian moral life does not give precedence to moral laws and commandments, though these have an important place. Rather, he begins with the *interior* principles of action, most notably the human faculties of intellect and will, which show us to be made after the image and likeness of God. In fact, nowhere does St. Thomas have a treatise on something called "conscience," although its existence is implied in his discussion of what goes into making a free, human act, and it also plays a supporting role in his treatise on prudence, the virtue that governs our practical reason.

If we called upon St. Thomas to explain why conscience must be respected, he would probably not appeal immediately to the importance of following the moral law, but would first consider the special dignity and integrity of a *human act*. A human act is a product of intellect and will, an exercise of our special God-given powers of



VINCENT VAN GOGH - WARD IN THE HOSPITAL IN ARLES

knowing and loving. As such, our actions reflect who we are on a deep level.

A moral action, on St. Thomas' account, is not simply a matter of conforming to a moral law. This is necessary, but not sufficient. A moral action entails doing something good, for the right reasons, under the right circumstances. On his account, a person's conscience is what alerts him to the fact that something about a proposed course of action doesn't measure up: either the action is wrong in and of itself, or it is being done for the wrong reasons, or the circumstances are inappropriate.

Given all of this, we can begin to see why conscience must be treated as inviolable. The opposing argument goes something like this: "The law says I have a right to do such-and-such. You don't approve of my doing this, so you're appealing to *your* conscience to tell *me* what I can and can't do." But this is a mistaken description of what conscience does. One person's conscience cannot impose itself

directly on the will of another. Its proper role is to evaluate one's *own* actions.

In the case where a health-care worker refuses to provide a controversial service (e.g., sterilization), his conscience is making a judgment about his own participation in the action. A doctor who refuses to perform this procedure (or even to refer a patient to another doctor who would perform it) is in essence saying that *his own* action would be immoral, because it would contribute to something he knows to be wrong.

Even if someone else would be ultimately responsible for the action, he himself cannot cooperate with it, because it would imply approval of (or at least indifference toward) something that he considers to be seriously wrong. While he recognizes that his refusal might not necessarily prevent the action from going forward, he himself refuses to cooperate, because only then can he rest assured that what he has done (or *not* done, as the case may be) accords with God's law and is at the same time rooted in his own deepest self.

Consequently, upholding the primacy of conscience is no small matter. A society that forces its citizens to set aside their consciences for the convenience of others is, not to put too fine a point on it, tending toward a subtle form of dehumanization. Under the guise of protecting the supposed rights of some, it is effacing the dignity of others, preventing them from acting in accord with their true selves.

Albert Duggan entered the Order of Preachers in 2007. God willing, he will be ordained to the diaconate in March 2012.