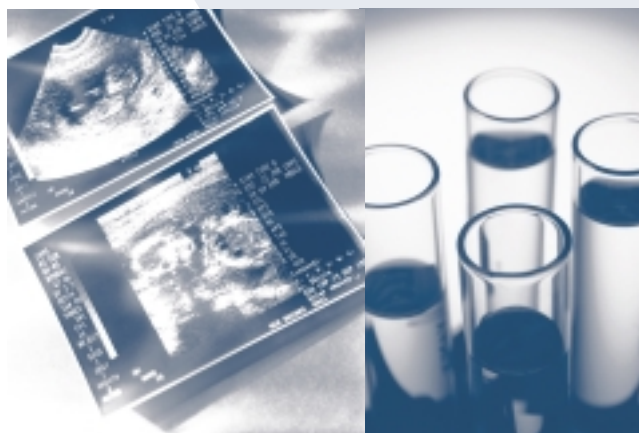


# Just Cause for Conscience Laws



## Do Practitioners require Protection from Scientific Advancements?

by John Patrick

*Application of medical research outcomes cannot be left to secular legislators.*

“Fashion an art of living in times of catastrophe, in order to be born a second time to fight openly against the instinct of death at work in our history.” Camus 1957

No one pretends that bioethicists have not changed our society and that the world of their ideas, as one of them says, “...is full of slippery slopes.” (Funk) What is not so clearly understood is that the authority that has been acquired is rationally superior. Leon Kass put it clearly,

“While bioethics is not formally a religion, it is absolutely faith-based, and is equally un-demonstrable. They purport to grapple with First Principles. Yet, they step into the public square with no greater claim to wisdom than does someone who

believes in the Resurrection, or in the revelation of the Law of Sinai.”

The battle is between a tacitly atheistic, utilitarian philosophy and one that is Judeo-Christian based on a covenant. Part of the resolution of this discussion must involve looking at the logical outcomes of the two views. Kass is right. There is no naked public square, no ultimate separation of belief and politics because politics is about what we ought to do and that depends on what we believe about the nature of man. CS Lewis has devastating clarity:

“For the wise men of old, the cardinal problem of human life was how to conform the soul to objective reality and the solution was wisdom, self-discipline and virtue. For the modern mind the cardinal problem is how to subdue reality to the wishes of Men and the solution is a technique. The pursuit of happiness in the modern sense is therefore self-indulgent. Man's conquest of nature must always be some men's conquest of other men, using Nature as the means. But these powerful people no longer think of God and God's laws as objective reality so they are controlled, not by God's

supernatural ideals, but by the natural forces of their own heredity and environment.

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**Thus, Man's conquest of Nature turns out to be Nature's conquest of Man.”**

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### Division of minds

Unfortunately this rational divide has long been denied by the ruling elite and this must change because, if it doesn't, then traditionalists will be eliminated from the practice of medicine. The usual way *progressive* people put down traditional views is by ad hominem attacks and exaggerated rhetoric. What is needed is to address the question respectfully by asking, what does one need to believe to have a coherent ethical practice of medicine? Both sides are rational. The disagreement is about the premises. Those who hold to the traditional view, that there is a God and He will hold us responsible for our choices,

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necessarily hold that life is sacred and that many modern practices are unethical. Those who hold the view that there is no God who will hold us responsible, but rather that we are wholly free to decide for ourselves what we will do, necessarily look to their own desires as the ultimate authority. Thus, the proponents of the “naked public square” would say that outcomes of their choices are deemed good or bad based on desired outcomes. Ends justify means and abortion is a typical example.

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**If life is a gift from  
God, then abortion is  
wrong but, if  
we decide that we  
make the rules, then  
we can destroy life.**

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John Harris, professor of bioethics at the University of Manchester writes:

“Persons are capable of valuing their own existence. To kill, or to fail to sustain the life of a person, is to deprive that individual of something they value... Non-persons and potential persons cannot be wronged in this way because death would not deprive them of anything they can value. If they cannot wish to live, they cannot have that wish frustrated by being killed.”

Such views legitimize abortion but also logically extend to infanticide, killing patients with Alzheimer's disease and the use of embryos. Once functional definitions of human life are accepted, everything is possible.

Deep at the heart of the modern bioethics' philosophy is a scorn for much of humanity, and a hubris in the validity of their rationality. Wendell Berry writes eloquently in *Life is a Miracle*:

“By almost any standard, it seems to me, the reclassification of the world from creature to machine must involve at least a perilous reduction of moral complexity. So must the shift in our attitude toward the creation from reverence to understanding. So must the shift in our perceived relationship to nature from that of steward to that of absolute owner, manager, and engineer. Life can only be known by being experienced. To experience it is not to figure it out or even to understand it, but to suffer it and rejoice in it as it is; we know that we do not and cannot understand it completely... [Neither do we] wish to have it appropriated by somebody's claim to have understood it.”

I have no doubt that most patients know intuitively that Wendell Berry is describing the world as it ought to be and Professor Harris is describing the nightmare of *Brave New World*. Two things can be done immediately.

First, we must argue that patient-centred medicine must include ethics, and secondly, we must learn to convincingly argue the case that secular ethics are taking us straight to a *Brave new World*. Patient-centred ethics must take the demographics of belief seriously. Bioethicists obsess over autonomy and consent but patients are more

concerned about making sense of suffering and death, and the apparent injustice of life. Secular bioethicists do not discuss existential pain because their philosophy has little to say about it but, if we can recover a deeper understanding of the Judeo-Christian story, we have many things to say which have comforted and strengthened people of faith throughout the centuries. Unfortunately we, in the Christian community, have uncritically accepted the secularist position on most ethical issues because we have failed to cultivate a Christian mind.

## **If this, then that... God's consequential world**

We have now had over 50 years of denigration of the Christian tradition and the consequences are becoming clear. Following the initial success of making undefined autonomy the key virtue, (total autonomy would, of course, be anarchy), it was necessary to find an iconic example of the benefits of autonomy. Fixing on the right to abortion was the cataclysmic event. The key questions were never asked and the most cogent arguments were suppressed as choice trumped all arguments. Yet, what the right to abortion involves is still an important question because, ultimately, we are logical, albeit slowly. No ordinary person can escape the quandary that abortion does gratuitous harm to an innocent individual, and that this is wrong.

Sophisticated atheistic arguments have been put forward in response to this quandary: to do abortions it becomes necessary to distinguish between a human being and a human person. The definition of person becomes functional. A person must be self-valuing, capable of relationship and capable of independent existence.



It is immediately clear that this definition not only allows “ethical” abortion but it also extends to “ethical” infanticide and involuntary euthanasia for Alzheimer's patients.

Moreover, it follows from a functional definition that the right to life has to be earned. What was intrinsically a right now becomes extrinsic and the result is that societal anxiety increases. We may at any moment lose our status as person and are therefore vulnerable to involuntary death (see Dr. Harding's article). In an effort to avert this disaster, an industry concerned with how to improve our self-image has been born, as has the animal rights' movement.

More importantly, as Lewis predicted, justice has changed. When those who judge do so without reference to transcendent ideals, it is not long before they become, in journalist George Will's memorable phrase, “our robed masters” and we experience the judicial usurping of democracy. For a full description of this process, presciently foreseen in 1979, read Arthur Leff, *Unspeakable Ethics, Unnatural Law* in the December issue of the *Duke Law Journal*.

Once justice had become the exercise of power, many marginal groups realized they could advance their particular grievances through the courts more easily than being required to deal with the democratic process through parliament. That has clearly happened. And in health care,

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how long will it be  
before couples are  
required to pay more  
in order to pursue a  
defiant birth?

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## Student politics

Unfortunately, students are often the target in the exercise of power and the denial of conscience which used to provide the impetus for a moral consensus. Freudians say there is no conscience, only superego, behaviourists say only inhibitions, anthropologists only mores, sociologists only socialization, and now post-modernists say there's no conscience only narratives. Such things are not written on our hearts and can never give us a common ethical standard. See *Handling Issues of Conscience* by J. Budziszewski 1999 Beatty Memorial Lecture, McGill University.

## World without miracles

Finally, within the secular story, the idea of a redemptive aspect to suffering is lost. What would today's world do if they were asked to judge between an in utero Adolph Hitler (no known defects) and an in utero Helen Keller (who could have been blind and deaf for genetic reasons)? This is the tyranny of the measurable. It deprives the world of miracles like the one Helen Keller describes,

“We walked down the path towards the well-house, attracted by the fragrance of the honeysuckle with which it was covered. Someone was drawing water and my teacher placed my hand under the spout. As the cool stream gushed over one hand, she spelled into the other the word water, first slowly then rapidly. I stood still, my whole attention fixed on the motion of her fingers. Suddenly I felt a misty consciousness as of something forgotten—a thrill of returning thought; and somehow the mystery of language was revealed to me. I knew then that w-a-t-e-r meant the wonderful something that was flowing over my hand. That living

word awakened my soul, gave it light, hope, joy, set it free! I left the well-house that day eager to learn.”

We must appreciate that, if we do not succeed in establishing the legitimacy of traditional understandings, then the world of Professor Harris will impose their view. The current attack on rights of conscience is the beginning of the next phase. Constantly we are being told that it is intolerant not to accept the fundamental societal changes about the nature of good and evil. We are urged to legitimize the use of embryonic stem cells, eugenic abortion, as well as the re-engineered nature of parental and familial relationships. Yet it is in fact wrong to impose new ideas without proper democratic discussion in Canada; intolerant, and even bigoted, to refuse to acknowledge traditional as well as so-called progressive views of the nature of rationality. The Hippocratic registry of physicians is a first step towards preparing us for the conflict ahead.

The formation of the CMDS Freedom of Conscience Committee (FCC) is another positive step. Conscience laws are now needed to protect the physician's moral integrity, and allow him to practise good medicine.

Freedom of conscience is guaranteed to all Canadians in our Charter and, contrary to public opinion,

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## What Would You Do?

### *What Would You Do?*

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#### **I opted for option "2"**

As for symptoms, his main discomfort was thirst, which in turn was caused by odynophagia. I did not know if there were treatments that had not yet been tried for this condition, but for his thirst we could have given him parenteral fluids.

Since he did not want further treatments one could say that we were dealing with what has been called "existential distress".

I told him that I wanted to help him but I would not sedate him. I treated his odynophagia which enabled him to take more fluids. In the following days we discussed sedation several times. Some days he seemed to be quite content and others he just wanted to "get it over with." His ambivalence made me feel comfortable with my decision of not granting his request.


He gradually deteriorated further and died three to four weeks after admission. 

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there is no constitutional right to abortion in this country. Western medicine is, after all, based on the Hippocratic principle of doing no harm. The CMA's Code of Ethics requires physicians to inform patients "when personal values

would influence the recommendation or practice of any medical procedure that the patient needs or wants," but does not require them to make referrals for such procedures. Only Canada in the western world permits termination at any stage of pregnancy, even though numerous polls have shown that a majority of Canadians would like to see some protection for the foetus. Abortion is

available: hospital abortions (56,000 in 2003) are paid for by taxpayers and most abortions performed in private clinics (47,000 in 2003) are at least partly publicly funded. Taxpayers are obligated to pay for all abortions in British Columbia, Alberta, Manitoba, Ontario and Newfoundland. We are indeed seeing the death instinct at work in Canada. 

## **Tax-Smart**

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A personal and confidential discussion about Planned Giving prospects may be arranged with Dr. Wayne Elford, Director of Planned Giving, [welford@shaw.ca](mailto:welford@shaw.ca)