

**“The Protection of Conscience for Catholic Health Care:
A Principle that Benefits Everyone”
Keynote Speech to Health Care Workers, Diocese of Phoenix
October 15, 2016**

Introduction

For the last several years our United States Conference of Catholic Bishops has been raising awareness on the importance of protecting our religious liberties. We are concerned by what we see as encroachments on our right to serve in the public square according to our moral principles, serving people of all faiths and of no faith. I think, though, that there has been confusion around these issues for a very long time in our country. This is most clearly seen in the long-standing debate around the abortion controversy.

The State of the Debate

It is on this issue most of all is where we see the chasm between personal belief and self-perceived public duty, with the common refrain being, “I’m personally opposed to abortion but I cannot impose my religious beliefs on others, and so I publically support a woman’s ‘right to choose.’” There are, of course, a whole myriad of problems with this attempted justification, and I cannot go into depth in all of them here, but I will touch on the more obvious ones, and then extrapolate on one of them as one of the key factors that is causing so much difficulty today for those of us who wish to serve the public good in a way that puts our faith into action.

First of all, there is the problem of inconsistency. The idea is that a public official cannot let his or her personal beliefs affect their public duty. This is a complex question in which many distinctions would have to be made, and which, again, I don’t have time to get into here. But I will point out one observation: what about those elected officials whose sworn duty was to defend the law of their states, but refused to do so because they were personally opposed to preserving the traditional definition of marriage in the law?

Why did they allow their personal beliefs to affect their public duty, indeed, to the point of refusing to do their sworn public duty? Notice, they did not simply recuse themselves so someone else would do their duty for them, but instead left the law of the state undefended.

Next, there is the idea of “imposing religious beliefs on others.” I’m not sure where this idea comes from, but I would imagine that “thou shalt not kill” being one of the Ten Commandments has a lot to do with it. Well, if that’s the case, what about the Commandment, “Thou shalt not steal”? Wouldn’t it be equally logical for a public official to say, “I’m personally opposed to stealing, but it’s not right for me to impose my religious beliefs on others, so the law of the land must respect the individual’s right to choose to steal if the belief that stealing is wrong is not a part of their own religious beliefs.”

Finally, we do know from science that abortion is killing. We are speaking here, then, of state-sanctioned killing of innocent human life. It seems to me that no one thinks of this question, but it is dangling right there in front of us: why does this so-called “right” stop at birth? Wherever you draw the line – birth, first trimester, second trimester, wherever – why there, and not later? What is the difference between that point, and where the life was in its development the day before? While different rationalizations can be given for drawing the line at different points, in the last analysis, it is always an arbitrary decision, because life begins at conception.

Now, as an important aside, I hasten to point out here that there are some public servants who speak of policies that would have the effect of reducing abortions and providing support and alternatives to women in crisis pregnancy situations but still favor keeping abortion as a legal option – policies such as informed consent, parental consent (or at least notification) for a minor daughter’s abortion, promoting adoption, and so forth. One would hope that people on all sides of this debate would see the reasonableness of such

measures and support them. If they did, it would certainly help to heal the wounds of division this decades-old debate has caused in our country.

The real problem, though, is that this sort of reasoning is flawed from the start. The example I pointed out about stealing shows the confusion between religious doctrine in the sense of revealed truth, and what we call the natural moral law, that is, self-evident right and wrong which we can apprehend with reason alone. Unlike natural truths, revealed truth can only be known with faith. Perhaps people get confused about the Ten Commandment because they include both: the first three – worshipping God alone, keeping God’s name holy, and observing the Sabbath – are revealed truths that pertain to our relationship to God, while the other seven have to do with our relationships to one another and are at the level of the natural moral law. This is why in Catholic art the Ten Commandments are typically depicted not balanced with five on each of the two tablets, but rather the first three on the first tablet and the other seven on the second.

So, to tease this out a bit: we are not asking Congress, for example, to pass a law requiring people to attend weekly religious services, or to cross themselves every time they pass in front of a Catholic church out of respect for the Real Presence. We are, however, asking the government to respect our God-given right to serve in accordance with our values just like everyone else.

It is very much a part of the Christian ethos – not a defined doctrine of Christianity and therefore not unique to it, but an ethos that imbues especially the Christian spirit – to give special care and attention to the most vulnerable in society. In the case of abortion this very often includes the mother, in addition to the child she is carrying. But this special regard for the poor and respect for human life informs all we do in all other situations as well, in whatever form poverty might take or in whatever way the dignity of human life might be vulnerable: the terminally ill, the working poor, immigrants, the homeless, and so forth.

Another very significant flaw in this thinking of “personally opposed but publically support” in the example that I’ve given – and one that, I believe, has a lot to do with why we face so much opposition in trying to serve the public in accordance with our moral convictions – is a crisis in conscience. What I mean by this is a crisis in understanding what conscience is and what its role should be in guiding one’s decisions and actions, and therefore why it is important that it be protected in law and public policy.

The Role of Conscience

The Catechism of the Catholic Church defines conscience as “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” (1778). It goes on to cite Cardinal Newman, who calls conscience “the aboriginal Vicar of Christ.” Notice, then, that conscience presupposes knowledge – that is, knowledge of what is right and wrong – and is not a subjective determination of such for oneself. This, unfortunately, is the common misunderstanding today, that is, that conscience means that I decide for myself what is right and wrong. This is classic relativism, is it not? “I have my beliefs in right and wrong, and you have yours.” But what if I believe it is wrong for me to respect your beliefs about right and wrong, and so I either must force you to comply with my idea of right and wrong or somehow silence you? This is the logical consequence of the Nietzschean doctrine of will to power, according to which there is no objective or intrinsic meaning to existence, so each one must assert one’s own meaning for himself. It is the widespread acceptance of this way of thinking in contemporary culture that has, at least in part, led to the splintering of our society, for it should be obvious by now that this course of action makes social cohesion impossible. That is why we are having these debates in our society today.

A corollary of this principle is the denial of any objective basis to conscience. However, as St. Thomas Aquinas points out, “conscience, according to the very nature of the word, implies the relation of knowledge to something: ... i.e., knowledge applied to an

individual case” (Prima Pars, q. 79, art. 13). “According to the very nature of the word.” What is that? It is explained well by Dr. John Hardt, Associate Professor at the Neiswanger Institute for Bioethics. In an article entitled, “Some Thoughts on Conscience in the Delivery of Catholic Health Care,” he says:

In contrast to a perception of conscience as wholly individual and private, Catholic thinking on conscience might begin with the recognition that the origin of the word ‘conscience’ is communal in character. Its Latin roots – *con-scientia* – lead us to an idea that translates as ‘knowing together’ or ‘joint-knowledge.’ A Catholic conception of conscience, then, is already at some distance from the perception of conscience as wholly private and individual.

Clearly, then, recognition of the right to exercise one’s conscience in the public realm presupposes there are some commonly held principles regarding what is right and wrong at least at a fundamental level. But it is precisely because of the disagreement and conflict at this fundamental level that we are facing these challenges today.

Protecting Conscience

As you all well know, there are powerful forces in society today trying to confine conscience to the private realm, at least when the exercise of conscience would lead one to act in accordance with an inconvenient truth. Of course, there are many examples one could cite, but I will begin with an article someone recently pointed out to me that appeared last month in Canada’s *National Post* (Tom Blackwell, September 22, 2016). It begins with the following disturbing assertion: “Authorities should bar doctors from refusing to provide such services as abortion and assisted death on moral grounds, and screen out potential medical students who might impose their values on patients, leading Canadian and British bioethicists argue in a provocative new commentary.” Who, though, is imposing their values on whom? The social acceptance of will to power results in might makes right. Recalling again the Christian ethos of care for the most vulnerable in society, we can see how truly anti-Christian this philosophy is.

The bioethicists in question, Udo Schuklenk and Julian Savulescu, claim that allowing conscientious objection to affect patient care is “clearly unprofessional.” The article then cites an even more disturbing assertion they make in an article they wrote for the journal *Bioethics*: “Doctors must put patients’ interests ahead of their own integrity.”

Compromising one’s integrity? It is precisely because a physician believes that a procedure is not in the patient’s best interest that he or she will not perform it. Must a physician always respect a patient’s request, even when that will bring harm to the patient, or to another? What about the patient who suffers from Body Integrity Identity Disorder, in which an otherwise sane and rational individual expresses a strong and specific desire for the amputation of a healthy limb? Is the physician obliged to perform the amputation, or may the physician refuse in conscience because it will bring harm to the patient? I doubt very many would deny the physician’s right in this case. Notice, though, that this does not involve one of those inconvenient truths.

There are really two fronts on which, as a Church, we are fighting this battle: the religious freedom of our institutions, and the freedom of individuals to act in accordance with their conscience. In neither case are we “imposing” our religion on others. Yes, we derive our values from our religious beliefs, although not exclusively from there. But everyone derives their values from somewhere; values do not all of a sudden appear in a vacuum. To cite again the clear case of abortion, we are not opposed to it on the basis of some Catholic definition of revealed truth, but because of our commitment to the dignity of the human person. And so we must not allow the conversation to be reduced to “religious freedom” as if we are imposing some kind of Catholic practice on the patient.

Given the significant role that Catholic institutions, religious orders, and individuals play in providing health care, it is vitally important that religious freedom be safeguarded everywhere. That is to say, we are hardly marginal when it comes to providing health

care, here and throughout the world, and so we must remain vigilant in protecting the right of Catholic individuals and institutions to deliver health care in accordance with our moral principles – that, after all, is what got us involved in this aspect of life to begin with, from the very origins of our religion, and consistently throughout.

I would call our attention to those first generations of Christians in the city of Rome, who were so often scapegoated by the powerful pagan Roman government. But when a plague would strike the city and the well-to-do fled to the hills for safety until the plague subsided, it was the Christians who stayed behind to care for the sick, and at great risk to their own health and very lives. And not just the Christian sick: *all* the sick, regardless of religion, of how they lived their lives, or even what they thought of the Christians themselves. The historian Eusebius noted about the Christians of his time, “All day long some of them tended to the dying and to their burial, countless numbers with no one to care for them. Others gathered together from all parts of the city a multitude of those withered from famine and distributed bread to them all.” Likewise, the Emperor Julian complained to one of his pagan priests, “[They] support not only their poor, but ours as well.” And let us not forget that the very concept of the hospital in the modern sense came from the Catholic Church.

It is this kind of love and compassion in the service of truth, especially the truth of the inherent dignity of the human person, that has marked the life of our Church from the beginning: hospitals, orphanages, schools, outreach to the poor and destitute – giving without concern for getting anything in return, seeing in each human being, especially in the poor and destitute, a priceless child beloved by God, whom God calls to turn away from sin and toward Him, so that they might be saved. In 1839 Jeanne Jugan met one such priceless child of God, a blind old crippled woman for whom nobody cared. That night, Jeanne carried the woman home to her apartment, and put her to sleep in her own bed. From this profound encounter was born the Little Sisters of the Poor, who even today are loving, caring for and providing homes for thousands of elderly who deserve

dignity as well as care. How ironic that these are the very nuns who now face the possibility of being shut out of spreading the love of Jesus to the needy because of their refusal to comply with a healthcare mandate that violates their moral convictions.

The Catholic Approach to Health Care

This is just one practical application of the basic moral conviction that is the basis of all Catholic health care, and is to be the guiding principle for all Catholics involved in this profession. It is stated clearly in directive number 23 of the *USCCB Ethical and Religious Directives for Catholic Health Care Services* (5th edition, part three): “The inherent dignity of the human person must be respected and protected regardless of the nature of the person’s health problem or social status. The respect for human dignity extends to all persons who are served by Catholic health care.”

Immediately before this, the ERD’s make a succinct but powerful affirmation of what Catholic health care is all about:

When the health care professional and the patient use institutional Catholic health care, they also accept its public commitment to the Church’s understanding of and witness to the dignity of the human person. The Church’s moral teaching on health care nurtures a truly interpersonal professional-patient relationship. This professional-patient relationship is never separated, then, from the Catholic identity of the health care institution. The faith that inspires Catholic health care guides medical decisions in ways that fully respect the dignity of the person and the relationship with the health care professional.

The Catholic approach always looks to the personal encounter, something of which Pope Francis is constantly reminding us. Pope Benedict XVI, too, made an incisive observation about this in his first Encyclical, *God Is Love*, in speaking of the Catholic dimension of charity work in general. He tells us:

The Protection of Conscience for Catholic Health Care

Practical activity will always be insufficient, unless it visibly expresses a love for man, a love nourished by an encounter with Christ. My deep personal sharing in the needs and sufferings of others becomes a sharing of my very self with them: if my gift is not to prove a source of humiliation, I must give to others not only something that is my own, but my very self; I must be personally present in my gift [*DCE*, 34].

This is what sets us apart, a care for the whole person, finding Christ hidden in the one in need we are attending to, recognizing that we, too, are in need of his love and healing. Such a truly human inter-personal encounter becomes something of a sacrament, an encounter with Christ, in which both give and both receive. This, too, defines our Catholic health care, and the spirit of all Catholics involved in the health care profession.

What is true of institutions is true of individual Catholics: we want to protect the human dignity of every person, especially the most vulnerable, because they most of all reveal the hidden Christ. So, for example, as I mentioned a little while ago in the case of abortion, this means not only the unborn child but also the mother, who often is pressured into terminating her child, or feels deprived of what is needed for her to raise a child.

The preservation of the Catholic conscience in health care is a benefit to everyone. And certainly, the protection of a health care worker's conscience is a benefit to everyone, and a basic freedom that law and public policy must respect and defend. For truly, the patient's best interests are best served when their doctors can act with integrity.

I'm sure this is something that your peers in the medical field will readily agree with. I believe that there is some solid common ground here for Catholics in the field to partner with others. No health care professional will want to be forced to act against what they sincerely believe to be in their patient's best interest. And even if you disagree with the judgment of one of your peers in a particular case, if you don't defend your peer's right to act according to their best judgment in a particular case today, then there is nothing to

stop you from being deprived of your right to do the same in a particular case tomorrow. It's the classic boomerang effect.

This is where Catholic physicians should seek to develop common cause with health care providers of other religious traditions and none at all: safeguarding the right of a physician to follow the dictates of his or her conscience when treating patients.

Conclusion

As Catholics, we have much to be proud of in our 2,000-year history of providing Christ-like, patient-centered health care to the suffering, the neediest, and the abandoned. As Catholic health care professionals, you have much to be proud of, and grateful to God for, in the care you provide for the people you serve. Thank you for doing so in a way that witnesses to the integrity of your faith and of your profession. Let us pray and work so that, for the good of our nation, you may be accorded your rightful freedom to continue to do so.

As I cited Pope Benedict XVI in his Encyclical *God Is Love*, allow me to conclude with the prayer with which he concluded that letter, invoking the intercession of our Blessed Mother to mirror the love of Christ to those whom we serve:

Holy Mary, Mother of God,
you have given the world its true light,
Jesus, your Son – the Son of God.
You abandoned yourself completely
to God's call and thus became a wellspring
of the goodness which flows forth from him.
Show us Jesus. Lead us to him.
Teach us to know and love him,
so that we too can become
capable of true love
and be fountains of living water
in the midst of a thirsting world. Amen.