

Conscience Clauses

Conscience is something that religion bangs on about to get special privileges and unfair benefits under the law.

Conscience to the religious person is the voice of God. The idea is that God programs a moral sense into you but if you think without regard to him or let yourself be misled or make a mistake then this voice is distorted and dulled.

Conscience to the non-religious is about being part of society and thus a nice thoughtful person. It is the voice of human nature as in society not the voice of God.

A secular state can only respect and care about the latter kind of conscience. For the religionist, it is hard to have any regard for such a conscience for it is about assuming God does not matter. The religionist fears what it may lead to for there is no God to refer to or help from him to fix it.

Sure enough it is virtually only the religious conscience that looks for exemptions in the name of conscience.

An example is if the Queen of England refused to sign abortion into law on the basis that it contravened her Christian conscience. Elizabeth II signed in Britain's liberal abortion legislation despite claiming to be a devout Christian. It is true that the Queen can only delay laws she disagrees with but she cannot stop them but a real Christian would resign first. She got no conscience clause so why should anybody else?

The Roman Catholic Church says that doctors must never perform an abortion. They cannot even delegate other doctors who have no conscientious objections to abortion to do it for them. That is a sin too. This an alarming interference by the Church in the medical profession and shows how it is willing to force pregnancy on women.

Courts that argue that the Catholic Church funds its own hospitals and so should not be forced to provide abortion or birth control insist that this can only be allowed if the hospital can send anybody who needs those services elsewhere. But even that is a violation of the Catholic conscience. The Church herself violates the conscience of those who have no problem with abortion or birth-control and see them as virtuous at least under certain circumstances. It may be that the Catholics running the hospital have a shift in opinion and do not deeply oppose abortion or birth-control or at least keep changing their minds and feelings about them. You cannot make laws based on conscience when you cannot prove that what a person says is their conscience really is their conscience.

Religion argues for freedom of conscience in order to force the law not to force it to say let gay orgies be organised in the Church hall or force it to perform gay marriage. The difficulty in that is, we all have to do things we consider bad. If you are an employee, you may consider it wrong that you have to part with your much needed money for a pension fund. We all have to compromise.

In the USA, employers may get a conscience clause that allows them to refuse to fund birth control for their employees if it offends their religious principles. But clearly this suggests that you must consider the boss's feelings in something that is none of her or his business.

The problem with conscience clauses that they set off an insidious and slow process to sidestep laws that seek to confer equality. An example is how in the name of freedom of speech, a religion can promote bloodthirsty scriptures as God's truth while anybody else publishing hate and violence like that in the name of God will be arrested. Another example is how you can be arrested for neglecting somebody but it is okay for a health professional to neglect to help a woman who needs the morning after pill after being raped. The professional's profession of religion is put before her well-being and her conscience.

Here are examples of people who demand conscience clauses from the law.

Hotels that oppose same sex relationships.

Bakers who will not make cakes for same sex couples who are marrying.

Counsellors who will not tell AIDS patients about using clean needles and condoms. They are more worried about their own conscience rights than the conscience of the society they belong to and the organisation than employs them.

Foster care agencies who refuse to place children with same-sex couples.

In America, some Catholic universities demand exemption from regulation under the Wager Act.

Giving conscience rights to religions and corporations will lead to the consciences of the individual members being sacrificed.

Conscience clauses award more respect to some consciences than others. Many religious people want special treatment. Mormons were never allowed to discriminate against blacks though their religion endorsed discrimination. So why should there be conscience clauses so that Catholic nurses can refuse the morning after pill to a desperate 12 year old girl who has been raped?

It is a strange kind of conscience clause that discriminates against one religion and not another? Why is discrimination not a matter for conscience then?

A Mormon believes that if he does wrong he will not go to Hell forever. The Catholic believes that if she commits certain sins - such as missing Mass on Sunday or facilitating contraception - she will go to Hell for it. Since you can't please everybody, are we to start putting the Catholic's conscience before the Mormon's? After all hers is more severe. She doesn't worry only about the "wrong" of missing Mass or facilitating contraception but also the infinite wrong of choosing everlasting hate for God and everybody else in Hell. Clearly if there should be clauses for consciences and you cannot please everybody then she is the one that should be given the conscience clause more than the Mormon in principle. If the Mormon health professional and the Catholic health professional both oppose contraception, then clearly if a conscience clause is set up so that they don't have to facilitate contraception then it is set up more for the Catholic's sake than the Mormon's. The conscience clause makes a slippery slope essential.

And some people get a buzz from getting special treatment. Are some of them using conscience as an excuse for getting their own way? Maybe the Catholic who won't pay for his employees to get contraception under healthcare laws is only pretending that he thinks contraception is wrong. Maybe he just hates women!

Doctors may be allowed to refrain from giving a desperate woman the morning after pill but they are not allowed to tell her lies to make her believe it is sinful and wrong to use the pill. They are not allowed to give her Bible texts or papal letters to convince her that taking the morning after pill is gravely sinful. The conscience clause then has limits. The Christian conscience that decrees that God's truth must be presented to all is trampled upon. The conscience clause is fundamentally incoherent.

Conscience clauses do not respect the conscience of the client or patient and others. For example, a doctor who rejects the morality of abortion will claim the right not to refer a patient to a doctor who will consider abortion as an option. She or he will claim that right even if the patient may die if the pregnancy continues.

Conscience clauses should not be created unless checks are made to make sure the persons claiming rights for their conscience verify that they have researched carefully in the process of forming their conscience. It would be a problem if the law considered the rights of a conscience that might not be there at all. You cannot risk a woman being refused the morning after pill by a professional who claims to be following their conscience when their true motive is just religious bigotry.

Conscience clauses are not the great respecter of religious freedom that they pretend to be.

Those who avail of them get away with it by claiming they are sorry they have to obey their conscience. If abortion is murder, how could a doctor really be sorry if he will not refer his patient to an abortion clinic? If sex between males is an abomination, how could the relationship counsellor tell a gay couple she is sorry he cannot accept them as clients? If you are doing the right then you cannot regret it and you cannot say you wished your conscience would let you do differently. The compassion and the sorries are just sheer manipulation and hypocrisy. If you are sorry for following your conscience then you should not get any conscience clauses. Conscience by definition is the feeling that some deed is morally wrong and intolerable.

The faithful believer has no problem approving and supporting a hypocritical religious and political system that tells lawyers who know they are defending evil monsters and trying to get them off the hook to condone the evil and tell themselves that the monsters are good people. After all, a good lawyer has to believe his or her own lies to be convincing and to convince others. Christianity does not really believe in freedom of conscience and virtue except when it suits its prejudices. A good lawyer aims to have witnesses under oath trip up so that it looks like they lied under oath. He does not care if they really did but just cares that it looks like they did. Also, he will take on the case when he feels that the accused has a reasonable chance of talking her or his way out of trouble.

Conscience clauses imply that choices come first. But what about the choices of others? If choice comes first then goodness or what is best for the person does not.

It is a pity that people won't leave their religions and stop having tax-payers' money and politicians' time taken up over the problems they cause by being part of a religion. It costs money and lives. The process of giving doctors the right to refuse to help a raped 12 year old who needs the morning after pill and giving them the right to refuse to refer her to a doctor who will help is costly and that money would be better in a hospital fund.

Let us think about conscientious objections on religious grounds.

The Christian Church in its Catholic and Protestant forms has ensured that in wartime, if you are an atheist, your conscientious objection does not matter and you will be conscripted. This poisonous and murderous decree is replicated in most countries of a Christian background. In the United States, the following definition of conscientious objection applied: "A firm, fixed, and sincere objection to participation in war in any form or the bearing of arms, by reason of religious training and/or belief." It is up up to the state to decide if a person is really sincere in their faith. And how do you prove a person really is firmly anti-war unless they have got chance after chance to fight but refused? So it is biased in favour of religious doctrine in that way. And there is no concern if your objection is ethical and not religious. It discriminates even against religious people if they do not base their objection on religious grounds but on ethical or humanitarian ones. The implication of the definition is that unless you go to Church regularly your objection to war means nothing and you must be compelled to fight. In fact ethical objections to fighting should be what matter in a secular state not religious ones. And it would mean that anybody could form a religion of one or two people to get out of fighting for a worthy cause.

Conscientious objections on religious grounds must not be encouraged but they must be merely tolerated - in serious matters. For example, doctors should not be forced to perform abortions unless they are very early abortions. Pharmacists must not be permitted to conscientiously object to dispensing abortion pills or the contraceptive pill. Registrars must not be allowed to opt out of performing gay marriages. Gay marriage is not a serious enough matter even if it is wrong.

We have to avoid having to tolerate conscience clauses which raises questions about what do you do when you are recruiting people to public services in the first place. You cannot see if anybody really is motivated by faith in God though they may say they are. The problem is that they violate God a thousand times a day so why do they demand certain legal exemptions in the name of God?