

# THE NATIONAL CATHOLIC BIOETHICS CENTER



## CONSCIENTIOUS OBJECTION IN HEALTH CARE

PREPARED BY THE ETHICISTS OF THE NCBC  
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“Abortion and euthanasia are . . . crimes which no human law can claim to legitimize. There is no obligation in conscience to obey such laws; instead there is a grave and clear obligation to oppose them by conscientious objection.”—John Paul II, *Evangelium vitae*, n. 73.

“Catholic health care organizations are not permitted to engage in immediate material cooperation in actions that are intrinsically immoral, such as abortion, euthanasia, assisted suicide and direct sterilization.”—USCCB, *Ethical and Religious Directives for Catholic Health Care Services*, 5th ed. (2009), n. 70.

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### ❖ SUMMARY ❖

- *Conscientious objection* is the refusal to submit to a legal norm that is considered unjust, i.e., a legal norm that is opposed to a precept of the natural moral law and is so perceived by the moral conscience.

#### Characteristics of Conscientious Objection

- Conscientious objection implies an act of omission, of not doing something that the individual is legally bound to do.
- It is not a response to a permissive law; it is a response to an obliging law that is in general coercive, to which the objector claims an exemption. To object to a law that allows the health care worker to either perform or refrain from performing an action would be neither necessary nor rational.
- Conscientious objection is grounded on religious, ethical, or axiological motivations, not political ones. This means that the conscientious objector does not intend, by the act of objecting, to change a law or a social system, only to be exempted from a legal duty. This is the main difference between conscientious objection and civil disobedience.
- Conscientious objection is a consequence of the fundamental right to freedom of conscience, which is granted by the constitutions of most democratic nations.
- Conscientious objection is not unlimited: the objector has to admit that he cannot object to everything, and he has to acknowledge the right of the authority to balance his objection with other goods that are at stake.
- Conscientious objection requires that the objector not be subject to discrimination or punishment for objecting.

#### Kinds and Extension of Conscientious Objections in Health Care

- There are two types of participation in an evil act that should be avoided: (1) *Direct participation* includes such acts as directly performing abortions or assisting with them, directly killing embryos, directly engaging in euthanasia, and directly participating in acts of sterilization. (2) *Indirect participation* includes administering anesthesia or performing laboratory tests required for an abortion; prescribing or dispensing abortifacients, contraceptives, or euthanasia drugs; performing related nursing activities; conducting research that makes use of human biological material of illicit origin; and supervising or fulfilling administrative duties for personnel who perform such acts.
- *Extension* refers to the concrete activities to which conscientious objection can be applied, and it should be as broad as possible, including not only direct participation but also indirect and even remote participation.

❖ FAQ ❖

**Question 1.** Is conscientious objection an outrage against democracy?

*Reply:* No, it is a consequence of democracy. There are different types of resistance to a norm, and some of them can become threats to democracy—for example, active or passive resistance or even, in some cases, civil disobedience. Conscientious objection, when it is correctly applied, never opposes the foundation of a constitutional democracy.

**Question 2.** Is conscientious objection a merely subjective claim?

*Reply:* No, conscience is a subjective or individual act of practical reason, but its judgment is based in natural moral law. Most precepts of the natural moral law are known to all, and all of them can be shared by all. Practical reason—the use of reason to decide how to act—also utilizes many other types of knowledge, such as professional (legal and scientific) knowledge.

**Question 3.** Can I object to anything?

*Reply:* No, conscientious objection has some “natural limits,” defined specifically by

- The common good
- The fundamental goods and rights of other citizens

**Question 4.** What happens if my conscientious objection is not respected by the positive law?

*Reply:* It often happens that a certain case of conscientious objection is not granted by a concrete positive law. This does not mean that the conscientious objection is not legitimate: in principle, conscientious objection is directly protected by the constitutions of those nations that respect fundamental human rights, which include freedom of conscience, religion, and ideology.

**Question 5.** Who can carry out conscientious objection?

*Reply:* This is a problem of the extent of conscientious objection. All health care workers are called on not to engage in or cooperate with evil. The obligation to object is proportional to the proximity to the action that is judged as evil. For instance, the physician who is expected to directly perform an abortion is absolutely compelled to conscientious objection, but so is the nurse who is expected to assist him and the pharmacist who is required to dispense abortifacient drugs.

❖ RESOURCES ❖

P. Agulles, “Cabe la objeción de conciencia en una sociedad moderna?” *Vida y ética* 13.1 (June 2012): 117–136. Reproduced by permission.

G. M. Tomás y Garrido, “Conciencia y objeción de conciencia,” *Persona y bioética* 16.1 (January–June 2012): 32–42. Reproduced by permission.