

Re: Conscientious Professionalism Gone Awry - Restoring Selfless Professionalism in Medicine

Julie D. Cantor, N Eng J. Med 360; 15, 9 April, 2009

Judging from the title of her article, Professor Julie D. Cantor believes that “selfless professionalism” in medicine is being destroyed by health care workers who will not do what they believe to be wrong.

She also implies that Americans have access to health care only because health careworkers are compelled to provide services that they find morally repugnant. At least, that is the inference to be drawn from her warning that health care “could grind to a halt” if a federal protection of conscience regulation were “[t]aken to its logical extreme.”

Such anxiety is inconsistent with the fact that religious believers and organizations have been providing health care in the United States for generations. If anything, this demonstrates that health care is provided to many Americans - and many of the poorest Americans - *because* of the commitment of health care workers to their moral convictions, not *in spite* of them.

Professor Cantor’s article suggests that she is worried that protection of conscience regulations will limit patient access to health care. If so, she offers a peculiar solution.

“Qualms about abortion, sterilization, and birth control?” she asks. “Do not practice women’s health.” (As if someone taking her advice could possibly enter general practice.)

In other words, people unwilling to do what they believe to be wrong should not become

physicians or health care workers because they lack “selfless professionalism.”

Cantor’s “solution” to the problem of patient access to health care could drive as many as 90% of religious believers out of the field.¹ How all of this will improve access to health care she does not explain.

Were Cantor and like-minded activists content to live and let others live according to different moral standards there would be no need for protection of conscience legislation. However, activists have been moving from persuasion to a policy of coercion. They seek enforcement of a purported “right” to “reproductive health services” against governments and against “third parties” - objecting health care workers,² using instruments like a proposed federal *Freedom of Choice Act* (FOCA).³

But if health care workers can be compelled to provide or facilitate abortion and sterilization, they can be forced to participate in other controversial procedures: artificial reproduction, assisted suicide, euthanasia, sex reassignment surgery, eugenic screening, and even adult female circumcision. Cantor can hardly deny this; in 2006 she implied that surgeons have a duty to perform adult female circumcision, construing refusal as patient abandonment and (possibly) actionable discrimination.⁴

Objecting health care workers are acutely aware of this. They see current efforts to suppress their freedom of conscience as the first steps on a slippery slope that will prove inimical to their careers and their fundamental freedoms. Support for protection of conscience legislation is simply a response to increasingly

coercive ethical aggression.

Professor Cantor, too, is worried about a slippery slope - what she calls “conscience creep” - arguing that allowing freedom of conscience is the first step to anarchy in health care. She has good reason to be worried, but not because of what conscientious objectors might refuse to do.

The shadow of anarchy Cantor sees lying on the future of health care is cast by her own beliefs and her own views about the nature of conscience, not by those of objecting health care workers. Unlike Professor Cantor, most conscientious objectors are not moral relativists. Most subscribe to moral standards drawn from great religious or philosophical traditions. The real history of health care in the United States has been made by such people: hundreds of thousands of professionals with only *one* identity, served by a single conscience that governs conduct in private and professional life.

This moral unity of the human person is identified as integrity, a virtue described by Martin Luther King described as essential for “a complete life.”⁵ Selflessness or self sacrifice, in the tradition of King, might mean going to jail or losing one’s life, but has never been understood to include the sacrifice of one’s integrity.

From this perspective, to abandon one’s moral or ethical convictions in order to serve others is not “selfless professionalism,” but prostitution.

This is a précis of a paper available on the Protection of Conscience Project website at <http://www.consciencelaws.org/ethics/ethics081.aspx>.

Notes:

1. Memorandum from the Christian Medical Association to the Office of Public Health and Science, Department of Health and Human Services, 9 April, 2009: Data and analysis of two national surveys on conscience rights regulation and laws, as related to HHS requested information on rescission proposal. (Accessed 2018-11-15 at <http://www.consciencelaws.org/law/commentary/legal040-010.aspx>)

2. Center for Reproductive Rights, International Legal Program Summary of Strategic Planning: Through October 31, 2003: Memo #1: "International Reproductive Rights Norms: Current Assessment;" Memo #2- "Establishing International Reproductive Rights Norms: Theory of Change." In *Congressional Record*, Vol. 149 (8 December, 2003), p. E2535 to E2539. Center for Reproductive Rights, Domestic Legal Program Summary of Strategic Planning Through October 31, 2003: Memo #3- "Report to Strategic Planning Participants From 'Other Litigation' Subgroup." In *Congressional Record*, Vol. 149 (8 December, 2003) p. E2541 to E2542. (Accessed 2018-11-15 at <http://www.consciencelaws.org/archive/documents/2003-12-crr-secret-memos.pdf>)

3. 110th Congress, 1st Session, (2007) Senate Bill 1173 (Accessed 2018-11-15 at <https://www.congress.gov/bill/110th-congress/senate-bill/1173/>)

4. Cantor, Julie D., When an Adult Female Seeks Ritual Genital Alteration: Ethics, Law and the Parameters of Participation. *Plastic and Reconstructive Surgery*, 117(4), 1 April, 2006, 1158-1164

5. King, Martin Luther, Sermon: *The Three Dimensions of a Complete Life*. New Covenant Baptist Church, Chicago, Illinois, 9 April 1967. (Accessed 2018-11-15 at <https://kinginstitute.stanford.edu/king-papers/publications/knock-midnight-inspiration-great-sermons-reverend-martin-luther-king-jr-6>)



TALKING ABOUT ETHICS

Conscientious Objection: Resisting Ethical Aggression in Medicine

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