



Protection of Conscience Project

www.consciencelaws.org

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*Clinical Associate Professor
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PROJECT TEAM

Human Rights Specialist
Rocco Mimmo, LLB, LLM
*Ambrose Centre for Religious
Liberty,
Sydney, Australia*

Administrator
Sean Murphy

About the Protection of Conscience Project

Organization

The Project is a non-denominational, non-profit initiative supported by an Advisory Board and Project team.

Purpose

The Project operates a website in order to

- advocate for protection of conscience legislation;
- facilitate communication and co-operation among protection of conscience advocates;
- provide legislative draftsmen with useful information;
- promote clarification and understanding of the issues involved to assist in reasoned public discussion;
- act as a clearing house for reports from people who have been discriminated against for reasons of conscience, directing them to legal assistance and other support when possible.

General Policy

The Project does not take a position on the morality of contentious procedures. Instead, it critiques policies of coercion and encourages accommodation of objecting health care workers.

It does not direct or manage protection of conscience initiatives. The people best placed to deal with a problem are those directly involved. For the benefit of those working for protection of conscience, the Project

- provides information
- offers suggestions
- encourages co-operation
- facilitates communication

As the opportunity arises, the Project responds to critics and draws attention to attitudes, policies and laws that fail to make sufficient allowance for legitimate freedom of conscience.

Scope and Limitations of Project Advocacy

Freedom of conscience is a fundamental freedom that is important to both religious and non-religious believers in many different contexts. Unfortunately, people in all walks of life around the world suffer under the heel of repressive and discriminatory laws and policies that attack their ability to live and work according to their conscientious convictions.

Revision Date: 2015-10-23

Focus: health care

Nonetheless, it appears that, even in self-professed liberal democracies - if not especially there - deliberate and continuing attempts to suppress freedom of conscience are disproportionately directed at physicians, pharmacists, nurses, other medical professionals and health care providers. Hence, the activities of the Protection of Conscience Project are limited to the preservation and protection of freedom of conscience in the delivery of health care. This does not imply that preservation of freedom of conscience in other contexts is less important.

Claims of conscience

Given this focus, a further question arises. Claims of conscience are often made by people on both sides of controversial issues. For example: physicians may assert that their desire to provide a procedure or service is motivated by their conscientious convictions; others may explain their refusal to provide the same service in exactly the same terms. The former hold that they are conscience-driven to do a good that they believe ought to be done, the latter that they are similarly driven to refuse to do an evil that ought to be avoided.

The key distinction

Here one encounters an important distinction that is often missed in discussions about the limits of democratic freedoms. It is one thing to limit freedom of conscience by enacting laws that prevent people from doing everything that they want to do. But to force people to do things that offend their conscientious convictions cannot be reconciled with the best traditions and aspirations of liberal democracy. It is, in principle, inconsistent with the most rudimentary principles of civic friendship, a serious assault on the essential foundation of fundamental freedom, and offensive to human dignity. It is a fundamental injustice that cannot be rectified or ameliorated by appeals to theories of justice or notions of equality.

Securing the foundation

Thus, the Protection of Conscience Project, without denying the importance of freedom of conscience in its widest sense, restricts the scope of its activity to advocacy for freedom of conscience in its most essential and foundational sense. Simply put, those providing health care must not be forced to do what they believe to be wrong, or punished for refusing to do so.



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Protection of Conscience Project Advisory Board

Dr. Shahid Athar, M.D., F.A.C.E.

Staff physician (active) Department of Medicine, St. Vincent Hospital, Indianapolis, Indiana; consultant in Endocrinology Internal Medicine.

Dr. Athar, a U.S. citizen, was born at Patna, India. He did his medical training in Karachi, (Pakistan), Chicago, (Illinois), and at Indiana University. From 1975 to 2006 he was he was Clinical Assistant Professor of Medicine and then Clinical Associate Professor of Internal Medicine and Endocrinology, Indiana University School of Medicine.

He is a member and former a regent and former elected vice-president of the Islamic Medical Association of North America, and was Chair of its Medical Ethics Committee. Among other associations, he is a member of the Islamic Society of North America and Christians and Muslims for Peace (CAMP). He is on the Board of Advisors of the International Association for Sufism.

Dr. Athar's most recent awards include the Indianapolis Medical Society's Gov. Otis Bowen Community Service Award for Physicians (2002), the Laureate Award(2007), from the American College of Physicians, Indiana Chapter, and the St. Vincent Hospital Distinguished Services Award (2008) and Distinguished Physician Award (2009).

J. Budziszewski, Ph.D

Professor, Departments of Government and Philosophy, University of Texas (Austin), U.S.A.

Dr. Budziszewski is an ethical and political theorist with special interest in the natural law tradition. He is the author of nine academic books, most recently *The Line Through the Heart: Natural Law as Fact, Theory and Sign of Contradiction* (2009). He has contributed numerous articles and reviews to both scholarly and popular periodicals.

Dr. Budziszewski is particularly interested in problems that arise at the intersection of philosophy and theology, for example the problem of toleration, the nature of human personhood, and the pathologies which flow from moral self-deception -- from trying to convince ourselves that we do not know what we really do. [Faculty Profile] [Scholarly Website]

Abdulaziz Sachedina, Ph.D

Professor and Endowed IIIT Chair in Islamic Studies, Department of Religious Studies, George Mason University, Fairfax, Virginia, U.S.A.

Dr. Sachedina is an American/Canadian citizen born in Tanzania. He has studied in India, Iraq, Iran, and Canada, and obtained his Ph.D. from the University of Toronto. He has been conducting research and writing in the

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field of Islamic Law, Ethics, and Theology (Sunni and Shiite) for more than two decades. In the last ten years he has concentrated on social and political ethics, including Interfaith and Intrafaith Relations, Islamic Biomedical Ethics and Islam and Human Rights. Dr. Sachedina's publications include: Islamic Messianism (State University of New York, 1980); Human Rights and the Conflicts of Culture, co-authored (University of South Carolina, 1988); The Just Ruler in Shiite Islam (Oxford University Press, 1988); The Prolegomena to the Qur'an (Oxford University Press, 1998); The Islamic Roots of Democratic Pluralism (Oxford University Press, 2002); Islam and the Challenge of Human Rights (Oxford University Press, September 2009), in addition to numerous articles in academic journals.

The Ministry of Culture in Tehran named Dr. Sachedina's Islamic Biomedical Ethics: Theory and Application (Oxford University Press, February 2009) the best book of the year for 2010. Reviewing the book, David Novak (author of Jewish Social Ethics) described him as "the leading Islamic thinker writing in English today," and noted "his authentic religious commitment to the truth of Islam, and his willingness to engage perspectives from other traditions." [Faculty Profile]

Roger H. Trigg M.A., D.Phil.

Academic Director, Centre for the Study of Religion in Public Life, Kellogg College, Oxford, United Kingdom

Professor Roger Trigg did his undergraduate work and doctorate, both in philosophy, at New College, Oxford. He then taught philosophy at the University of Warwick for many years and is now Emeritus Professor of Philosophy there.

For the last three years, he has been directing an interdisciplinary research team in the cognitive science of religion in the University of Oxford. He is a member of the Princeton Center of Theological Inquiry, and is Senior Research Fellow in the Oxford Faculty of Theology. As Academic Director of the newly established Centre for the Study of Religion in Public Life at Kellogg College, Oxford, he is hoping, with the Centre, to initiate a major international research project on religious freedom.

Roger Trigg is the author of many books on Philosophy, particularly combating philosophical relativism in its various guises, and stressing the philosophical relevance of human nature. His two most recent books are 'Morality Matters' (Blackwell, Oxford, 2005), and 'Religion in Public Life' (Oxford University Press (2007) . He is presently completing a further book for Oxford University Press, on 'Equality, Freedom and Religion', and has in 2010 published a report for the Theos think tank in London on religious freedom called 'Free to Believe?' He has played a leading role in learned societies, and is the current (2008-10) President of the European Society for Philosophy of Religion. [Ian Ramsey Centre Faculty Profile]

Lynn D. Wardle, J.D.

Professor of Law, J. Reuben Clark Law School, Brigham Young University, Salt Lake City, Utah, U.S.A.

Professor Wardle joined the faculty of the J. Reuben Clark Law School at Brigham Young University in 1978 and has taught Biomedical Ethics and Law, Family Law, Conflict of Laws, Origins of the Constitution, and other subjects full-time ever since. Most of Professor Wardle's

writing relates to biomedical law, family law, and international and comparative law. He is the lead coauthor and editor of a four-volume treatise, *Contemporary Family Law* (1988), the author or lead co-author of two other law books, and more than sixty other law review articles, chapters in law books, and other scholarly and professional publications. He has written extensively about biomedical ethical issues, including abortion, euthanasia, and new reproductive technologies, family law, comparative and international law, and conflict of laws. He has testified before the Judiciary Committees or subcommittees of both the U.S. Senate and the House of Representatives regarding various biomedical policy issues and family law issues, and also before many state legislatures.

Project Team

Human Rights Specialist

Rocco Mimmo, LLB, LLM

Chairman, Ambrose Centre for Religious Liberty, Sydney, Australia

Mr. Mimmo is a lawyer in private practice in Sydney, Australia. He established the Ambrose Centre for Religious Liberty in 2006 and publicly launched the Centre in 2009 in Sydney. He has been involved in social action throughout his adult life. In conjunction with others, he has attempted to influence the thrust of legislation adversely affecting the essential values associated around embryonic stem cell research, life, marriage and family. He has a Masters in International Law and has played a leading role in human rights debates. He is an Honorary Fellow of Campion College in Sydney which is the only Liberal Arts Tertiary Institution in Australia. [Ambrose Centre for Religious Liberty]

Administrator

Sean Murphy,

Powell River, British Columbia, Canada

Sean Murphy has been convinced of the need for protection of conscience legislation since 1988. He has raised the issue with the Canadian federal government, as well as political parties and the provincial government in British Columbia.