

Does having a conscience make a doctor unprofessional?

BY SEAN MURPHY, Fri Feb 28, 2014

February 27, 2014 ([MercatorNet](#)) - On the morning of January 29 this year, a 25-year-old married woman went to Care-Medics Medical Centres in Ottawa, a walk-in clinic that she had frequented for about two years. She wanted a prescription for birth control pills.

After giving her health number to the receptionist, she sat down and waited until she was called. When she told the receptionist why she was there, she was advised that it was not possible to have the prescription filled. The young woman was surprised and asked why. The receptionist pointed to "a stack of letters" on the desk. The woman picked one up and began to read it.

Dear Patient:

Please be advised that because of reasons of my own medical judgment as well as professional ethical concerns and religious values, I only provide one form of birth control, Natural Family Planning. In addition, I do not refer for vasectomies, abortions, nor prescribe the morning after pill or any other artificial contraception. If you are interested in the latter, please be aware that you may approach your own family doctor or request to be seen by another physician...



Although she had attended the clinic for two years, this was the first time that this had happened, and she was understandably surprised. The receptionist told her that she could return the next day and see a different physician, but the woman explained that she could not do so because she was working. The receptionist advised her that she would have to go elsewhere if she wanted the prescription filled, as the physician was the only one available that day.

The patient described her reaction on a blog:

It almost felt like I was doing something wrong. I felt truly embarrassed having to leave in front of a group of people because of something that someone thinks is shameful and not right.

I had to go out of my way and find another clinic. Luckily for me, there was one not too far away. I still couldn't even believe what happened. I even mentioned it to the receptionist at the other clinic, and she was just as shocked as I was.

The "other clinic" was the Sunrise Medical Centre in the Loblaws Store across the street on Merivale Road - a two minute drive. There was a pharmacy in the store, so presumably she had the prescription filled there. In brief, a young woman was refused a birth control prescription at one clinic, but obtained the prescription and pills at another clinic and pharmacy two minutes away.

A crusade on social media was started against the physician and two colleagues with the same views. Crusaders argued that in a "secular" state health care system, physicians should be forbidden to act on their moral or religious beliefs.

Outraged Facebookers called the physician a "jerk," a "complete anachronism", "disgusting", incompetent, "unethical and unprofessional", a "worthless piece of ____", a "crummy doctor", "an idiot", and described him as judgemental. "Goofballs like this," wrote one, "are the best walking arguments for the birth control they don't believe in." "He should move to the States, or maybe Dubai, where he will be among his own kind."

Physicians who refuse to prescribe contraceptives face a difficult challenge, since aggressive contraceptive promotion has left most people unaware of alternatives. Further, the social progress of women is widely attributed to contraceptives, so that failure to provide them risks an adverse reaction.

Nonetheless, based on a respectful understanding of female fertility cycles and other factors, plausible reasons can be given to justify refusal to prescribe contraceptives and recommendation of Natural Family Planning.

The Supreme Court of Canada has acknowledged that secularists are believers, no less persons with religious beliefs.

There is no legal warrant for the idea that a secular state must be purged of the expression of religious belief. The claim that a secular state or health care system is "faith-free" is radically false. Both religious belief and secularism can result in narrow dogmatism and intolerance, as demonstrated by the crusade against the physicians.

Since the practice of medicine is an inescapably moral enterprise, every decision concerning treatment is a moral decision. Since the practice of morality is a human enterprise, the secular public square is populated by people with many moral viewpoints.

To discriminate against religious belief is a distortion of liberal principles. Moreover, if religious believers can be forced to do what they believe to be wrong, so can non-religious believers. This would establish a destructive and dangerous "duty to do what is wrong".

It is essential to maintain the integrity of physicians and well-being of patients. After abortion was legalized, a difficult compromise emerged that safeguards both, while protecting the community against a purported "duty to do what is wrong".

Nonetheless, some people are trying to entrench that duty in medical practice, moving from a purported duty to provide or facilitate abortion to a duty to kill or facilitate the killing of patients by euthanasia. It is unacceptable to compel people to commit or even to facilitate what they see as murder, and punish or penalize them if they refuse. It is equally unacceptable to insist that physicians must not act upon beliefs, because it is impossible; one cannot act morally without reference to beliefs. Such policies are inconsistent with the central place occupied by individual conscience and judgment in a liberal democracy.

Freedom of conscience can be adequately accommodated in a society characterized by a plurality of moral and political viewpoints if appropriate distinctions are made.

The first of these is the distinction between the exercise of perfective freedom of conscience: pursuing an apparent good – and preservative freedom of conscience: refusing to participate in wrongdoing. The state can sometimes legitimately limit perfective freedom of conscience by preventing people from doing what they believe to be good, but it does not follow that it is equally free to suppress preservative freedom of conscience by forcing them to do what they believe to be wrong.

To force people to do something they believe to be wrong is always an assault on their personal dignity and essential humanity, and it always has negative implications for society. It is a policy fundamentally opposed to civic friendship, which grounds and sustains political community and provides the strongest motive for justice. It is inconsistent with the best traditions and aspirations of liberal democracy, since it instills attitudes more suited to totalitarian regimes than to the demands of responsible freedom.

Even the strict approach taken to limiting other fundamental rights and freedoms is not sufficiently refined to be safely applied to limit freedom of conscience in its preservative form. Like the use of potentially deadly force, if the restriction of preservative freedom of conscience can be justified at all, it will only be as a last resort and only in the most exceptional circumstances.

That a young woman had to drive around the block to fill a birth control prescription does not meet this standard.

Sean Murphy is the administrator of the Canada-based Protection of Conscience Project. This article has been excerpted from a long essay on this case. For more detail and documentation, visit the site: <http://www.consciencelaws.org/background/procedures/birth002-contents.aspx>

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