Slide 1

What is Conscience?

Dr. Brendan Leier
Dr. Cheryl Mack

Slide 2

Conscience in Healthcare

We can point to two extreme views (Wicclair, 2011)

Incompatibility thesis

Conscience absolutism

Compromise?

We will be arguing for a compromise position that takes context and harms into account. One that also differentiates between professional and private appeals to conscience.

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Tonight’s talk

1) What is medical professionalism?
2) What is conscience?
3) Why do doctors need a conscience?
4) What does it mean to have a professional conscience and why is it important for medicine in 2020?
5) How should doctors appeal to conscience? What are the balances that need to be in place to ensure patients receive care?
Conscience in medicine

- Before looking at the contemporary issue of conscience in medicine it is important to take a quick look back at the history of medicine and our evolution as a profession.
- Within this history is an understanding of how our moral code and professional standards of conduct helped pave the way for the existence of medicine as a profession.
- Also, this history gives insights into how we can maintain ourselves as a profession through our adherence to a professional standard of moral conduct.

Codes of Professional Behavior: Historical Beginnings

- Hippocratic Tradition

The Middle Ages

- Public health and social obligations during the plague
Slide 7

The early 19th Century
Dr. Thomas Percival (1803)

Slide 8

Professions: An outgrowth of artisan and trade guilds

Guilds ensured quality by setting standards, controlling production, and requiring a long apprenticeship. Advancement was limited in part to control size of the workforce, ensuring that guild members were busy and well paid.

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Medical profession: A long time in coming

- The guild powers of medicine took a while to develop as healers of all types really existed on more or less equal footing until the advance of medical science.
- Because of this it wasn’t until mid 19th century that medicine as a profession really began to be established both for practitioners and the public.
American Medical Association

Code of Medical Ethics 1847
Skills to be used in trust for the general good

Profession: One definition

"An occupation that regulates itself through... required training and collegial discipline; that has a base in technical, specialized knowledge; and that has a service rather than profit orientation enshrined in its code of ethics." (Starr, 1982)

It is the presence of moral code of conduct that arguably differentiates the profession from the guild but also helps to reinforce the social contract that preserves the guild powers embedded in the profession.

What is conscience?

• what sense does it make?
  • Philosophical
  • Legal
### Slide 13

**Thomas Aquinas 1274d**

**Natural Law Tradition** – Conscience is emerges as a function of two elements
- Synderesis (innate instinct to do good and avoid evil)
- Conscientia (reason-guided correct decision)

### Slide 14

**Thomas Aquinas 1274d**

**Natural Law Tradition** – Conscience is emerges as a function of two elements
- Synderesis (innate instinct to do good and avoid evil)
- Conscientia (reason-guided correct decision)

Conscience forms through multiple iterations of these interactions and manifests in the virtue of *Prudence* (Wisdom)

### Slide 15

**Law**

It seems to me, therefore, that in a free and democratic society, "freedom of conscience and religion" should be broadly construed to extend to conscientiously held beliefs, whether grounded in religion or in a secular morality. Indeed, as a matter of statutory interpretation, "conscience" and "religion" should not be treated as tautologous if capable of independent, although related, meaning.

*Justice Wilson*

The Anthropomorphizing Problem

• Prescribing Non-human entities the rights of human-beings

See The Corporation: The Pathological Pursuit of Profit and Power by Joel Bakan

• (c) “conscientious beliefs”, of a health care provider or a religious health care organization, means the beliefs of the health care provider or religious health care organization that are protected as fundamental freedoms under section 2(a) of the Charter, including religious beliefs, moral and ethical values and cultural traditions; Bill 207
The Anthropomorphizing Problem

- Prescribing non-human entities the rights of human beings
  Ultimately, the effort to extend conscience rights to entities devoid of conscience undermines the concept itself.

Why conscience in healthcare?

Revisiting the spectrum

Incompatibility thesis — Conscience absolutism

Should doctors be morally neutral and simply provide the legal services that society deems within the scope of their professional obligations?

NO... because society doesn’t always get it right, what is legal is not always what is ethical.

Why Conscience? Lessons from our past

We can identify a number of examples in our recent history where doctors have lost sight of their professional obligations and have been directly culpable for the harms that have occurred.

- The Holocaust
- Tuskegee Syphilis Experiments
- Willowbrook Hepatitis Trials
- Alberta’s own eugenic past
Alberta’s eugenic past

Alberta’s 1928 Sexual Sterilization Act created a Eugenics Board.
• It was empowered to recommend sterilization for patients being released from mental health institutions and through an amendment in 1937, inclusion criteria was expanded to “mental defectives”.
• Physicians were members of the board and physicians carried out the sterilizations.
• In 1972 the Peter Lougheed government eliminated the act.

One story

Professional versus private conscience

• Our history tells us that doctors need to act with a professional conscience that guides their conduct.
• One can ask if it is possible to have a strong moral compass that underscores our professional conscience without the coexistence of a private conscience.

The Charter of Rights and Freedoms and our own regulatory bodies support rights of conscience.
The question for us to discuss is how to balance the private and professional conscience when they come into conflict.