

Lesson Plan – Exploring Secularism

KS4 Lesson 4 – What is conscientious objection

Background	<p>In the part one of the stimulus pupils are introduced with the concept of conscientious objection and the basics of the Equality laws that define justified and unjustified conscientious objection. In part two students read six viewpoints held by different people that also act as mini scenarios. Part three is a real-life case study that should support students with more information before the discussion questions in the exercise part.</p> <p>Exercise part is straightforward activity – discussion questions for students based on the stimulus that can be done in pairs or groups. In the end, students can read secularist positions on each of the six viewpoints.</p>
Subjects	Religious Education at KS4 Citizenship at KS4
Curriculum links	<p>AQA Religious Studies</p> <p>Theme F: Religion, human rights and social justice</p> <ul style="list-style-type: none">• <i>Prejudice and discrimination in religion and belief</i>• <i>Issues of equality, freedom of religion and belief including freedom of religious expression.</i>• <i>Human rights and the responsibilities that come with rights, including the responsibility to respect the rights of others.</i>• <i>Social justice.</i>
Key Question	What is conscientious objection?
Learning Outcomes	<p>Expected: Students can explain what is conscientious objection.</p> <p>Students can explain when the conscientious objection is justified and when it is a discrimination.</p> <p>Greater Depth: Students can evaluate the claims to extend conscientious objection exemptions further.</p>
Stimulus	<p>Part 1</p> <p>Conscientious objection – <i>the refusal to perform or participate in an activity associated with a professional role due to a conflicting moral or religious conviction</i> — is a longstanding legal and ethical issue in health care.</p>

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Conscientious objection (CO) is the refusal to perform a legal role or responsibility because of personal beliefs. In health care, conscientious objection involves practitioners not providing certain treatments to their patients, based on reasons of morality or "conscience."

This right to object and refuse to give treatment must be balanced with other human and civil rights like sexual or reproductive health rights. The right to health includes the freedom to control one's health and body. This means that the exercise of conscientious objection by a health worker is always limited by the right of a patient to a health care and their objections are allowed only in so far if they do not reduce patients right to health care.

What is justified conscientious objection

Conscientious objection is grounded in the right of everyone to freedom of thought, conscience and religion. This right is protected in domestic legislation in many countries, and is also recognised in international human rights instruments, such as the Universal Declaration on Human Rights.

Conscientious objection has traditionally been used to excuse healthcare providers from direct participation in procedures they find objectionable. In practice, conscientious objection most frequently occurs with respect to the provision of legal abortion; fertility treatment; and the prescription or dispensing of contraceptives, including emergency contraception. Under the Abortion act of 1967 medical professionals who do not wish to partake in such a provision can lawfully excuse themselves if there are other medical professionals in the institution who can provide it.

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What is not justified conscientious objection

Conscientious objection is being claimed by an increasing range of personnel with more indirect involvement in medical procedures, such as pharmacists dispensing contraceptives, nurses and technicians providing pre- or post-abortion care or cleaning instruments that have been used in particular procedures, and administrators writing referral letters. Indirect involvement in the medical process is not protected as lawful conscientious objection.

Refusal of treatment of someone just because you disagree with their religion, sexuality or any other protected characteristics under the Equality Act 2010 does not constitute a lawful conscientious objection and would be considered a discrimination.

Part 2

Viewpoint 1

I am a nurse and my deeply held religious beliefs are that homosexuality and transgender people are living immoral lives in the eyes of God. In my clinic I refuse to give general health treatment to them until they change their ways.

Viewpoint 2

I am a doctor and my religious beliefs inform me that abortion is forbidden and wrong. I will treat all of my patients fairly but I do not wish to partake in the ending of a pregnancy if there are other doctors in my workplace who can perform it instead of me.

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Viewpoint 3

I am an atheist surgeon. I really dislike religions and do not wish to treat people who are part of some organised religions if there are other doctors that can do that job instead of me.

Viewpoint 4

I am a GP. My religious beliefs are strongly against abortion, IVF (In vitro fertilisation) and using of contraception. I do not wish to write a referral letter for patients that want to partake in something that is in my religion morally unacceptable as I am also complicit.

Viewpoint 5

I am a pharmacist. Abortion is a sin and having contraception in a form of a day after pill is equal to an act of ending of a pregnancy. I do not wish to prescribe this medicine to customers as I am partaking in a sinful act that will affect me. It is almost the same like opening the door in a concentration camp.

Viewpoint 6

I am an atheist nurse. I do not wish to work in an abortion clinic where there are religious people who use conscientious objection to avoid doing their job. They should be forced to do it as they signed up to become medical professionals or they should change their careers.

	<p>Part 3</p> <p>ECHR case study Limitations on the exercise of freedom of religion in the public sphere</p> <p>The case of Pichon and Sajous v France - The European Court of Human Rights held that two pharmacists, who refused to sell contraceptives, were imposing their beliefs on the public. The Court’s decision explained that religious beliefs can be manifested “in many ways outside the professional sphere,” and that the right to freedom of religion, as a matter of individual conscience, does not always guarantee the right to behave in public in a manner governed by that belief. The Court argued that “as long as the sale of contraceptives is legal and occurs on medical prescription nowhere other than in a pharmacy, the applicants cannot give precedence to their religious beliefs and impose them on others as justification for their refusal to sell such products” Pichon and Sajous v France, European Court of Human Rights, Application No. 49853/99, admissibility decision of 2 October 2001.</p> <p>This means that the pharmacist who refused to issue the contraceptive in his pharmacy is discriminating against someone as it is negatively impacting their right to health and medical treatment. The only case where such pharmacist would be allowed to practice his conscientious objection was if there was someone else in the pharmacy to issue the medicine as it would not negatively affect the customer/patient.</p>
<p>Exercise</p>	<p>Discuss Part 2 - viewpoints 1-6.</p> <p><i>1. Based on the part 1 stimulus, which ones would be considered justified conscientious objection? Why?</i></p> <p><i>2. Based on the part 1 stimulus, which ones would not be considered justified conscientious objection? Why not?</i></p> <p><i>3. Rank the viewpoints from most acceptable to least acceptable</i></p> <p><i>4. Discuss why have you chosen that one as the most acceptable or least acceptable</i></p> <p><i>5. Based on past learning which one do you think secularists would agree with and which ones would they disagree with? What would be their argument?</i></p>

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Discuss Part 3 - case study

- 1. Do you agree with the limitation to freedom of religion in this case?*
- 2. Do you think restrictions to conscientious objection should be even more restricted e.g., doctors performing abortion? Or should we extend the exemptions e.g., allow anyone who disagrees with something to opt out? Why more restriction or more exemptions?*

So far, we have concentrated on medical professionals' conscientious objection to provide treatment. Some people, based on their moral or religious beliefs, refuse to receive the treatment where the medical professional has a duty to provide it as their role is to preserve health and life. Some groups like Christian Science often refuse to receive medical treatment as they believe that prayer works better than medicine. Some groups like Jehovah's Witnesses often refuse to receive blood transfusion even when it could save their or their family members lives. Some religious or non-religious refuse to receive vaccine on religious or moral grounds.

Discuss in pairs

- 1. If receiving blood transfusion is against someone's deeply held religious belief, should medical professional who have a duty to protect health and life allow it? Why yes or why not?*
- 2. What happens if a parent does not want that their child receives blood transfusion that could save their life? Should we respect their freedom of belief or should we respect children's and patient's right to health and life?*
- 3. What if someone does not want to treat their child in a hospital and believes that prayer will do better? Do we have a duty to offer that child a medical treatment or we are invading a justified conscientious objection?*
- 4. What if someone does not want to get vaccinated on moral or religious grounds but works in a hospital with many vulnerable*

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	<p><i>people around him? Is it justified to demand them to get vaccinated or we are infringing a justified conscientious objection?</i></p>
Take it Further	<ol style="list-style-type: none">1. Research the Assisted dying Bill proposal - Can you find what are the main arguments for and against?2. USA state of Texas has recently banned abortion - research the Satanist Temple religious organisation claim of conscientious objection to the law - is their religious freedom unjustifiably restricted?
What do secularists think about conscientious objection?	<p>Secularist view of the viewpoints.</p> <p>Viewpoint 1</p> <p>No one should be denied basic civil right of health care just based on a disagreeing with someone's else religion or belief. This would not constitute an objective justification for conscientious objection and would be considered a discrimination based on 2010 Equality Act.</p> <p>Viewpoint 2</p> <p>Secularist do not wish to completely deny conscientious objection based on a religious or philosophical moral belief. If the institution that provides medical services can provide the same quality health care to the patient whilst allowing medical professional to not partake in abortion this would be a reasonable accommodation to someone's belief.</p> <p>Viewpoint 3</p> <p>Just disagreeing with a worldview or disliking it is not objectively justified to allow exemption from equality of treatment. Even if there are others in the medical institution who could provide health care to those patients it would be considered religious discrimination.</p> <p>Viewpoint 4</p> <p>Direct participation in an act someone disagrees on religious or moral and philosophical grounds would be considered a reasonable accommodation. On the other hand, any form of indirect participation like the writing of referrals is not justified conscientious objection.</p>

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Viewpoint 5

Anyone working in the health care sector like doctors, nurses, admin staff in hospitals but also pharmacists should not be allowed to be exempt from providing health care services that they signed up for if it is only an indirect involvement in the procedure.

Viewpoint 6

Some have argued that we should extend the conscientious objection to allow whole hospitals or clinics to opt out of providing certain services and employ only people who share the same views. This would also require more exemptions to Equality Law in employment of organisations with religious ethos. Disagreement on religious grounds does not allow for religious freedom to demand other co-workers are of the same views as you are.