

RIGHT OF CONSCIENCE

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As I see how our country is dealing with its greater and greater diversity, I am concerned as to how we, as a people, are handling the resulting disparate issues related to how we live our lives. True democracy (majority rule) does not necessarily deal well with the popular issues of the day often forced upon us. In fact, the rights of a minority are easily ignored or worse denied—something our founding documents attempted to avoid by forming a Republic, not a Democracy. So I see the trend of our government as one of—at best—confusion and—at worse—collusion to make any popular (but not constitutional) end justified by any means for its accomplishment.

With these thoughts in mind, I suggest that recent judicial decisions regarding marriage are not just about a wedding cake. The recent fine of bakers in Oregon for refusing to bake a cake for a same sex wedding shines a light on a insidious problem in American life—the expectation that someone else is responsible for meeting my rights at the cost of their own rights. No, it's not just about a wedding cake. As I see it this represents a continuance of the assault on individual Right of Conscience in America—a much broader and problematic problem. If our government can force a baker to bake a cake, what will be the limits of such action as government entangles itself further and further into our lives? We already see abortion explained as a created right of a woman to control her body over the fetus' right to life—what of denial of care, forced care, euthanasia (voluntary or forced), etc. Our founding documents were meant to limit such intrusions into the lives of our citizens.

The dichotomy of my rights versus your rights demands a closer look. Just what are rights actually? Do certain rights have greater standing than others? Are my rights more important than yours? If so, how can they be seen to be fair to all?

In fact, Robert Spitzer, J.S., Gonzaga University President, can help us to understand that there are really differing classes of rights. Those that emanate from our human condition, our very personhood, can be called INALIENABLE RIGHTS or INTRINSIC (IR) as found in our founding documents. Those given by others we can label EXTRINSIC RIGHTS (ER) and are secondary to IR on the basis of their origin from our collective agreement to recognize them. IR belong to each of us as a consequence of our very existence as humans and, for a Christian, man's very creation in the very image of God. Thus, in fact, IR cannot be taken away from us by other

persons or government. Therefore, by logical definition, ER are subordinate to IR in that they are those given by others (government, etc) and can be taken away from us as easily as given. ER are of lesser value and by necessity subordinate to IR.

Our IR can only be limited if we abrogate another's IR (murder, enslavement, etc). Such a violation justifies societies' suspension of the violator's IR (incarceration, fines, etc.). Even then this individual's IR remain a part of their personhood that are only restricted by society for its safety as a consequence of their own behavior.

Rights must have a priority by their nature which we can only establish by using objective criterion (those obvious to all) instead of subjective criterion (determined by popularity of individuals—"a tyranny of the majority"). To establish such priorities, the ultimate test would need be "the necessity for the possibility of". The way this works is that each right is based upon the necessity of its former—one must be alive to be free and one must be free to pursue happiness. However, the pursuit of my happiness cannot be subjugated to another's ER. In other words, the fulfillment of another's ER should not and cannot be contingent on the denial of my IR. In essence, any denial of an IR denies the personhood of a fellow human or group.

With the Declaration of Independence in 1776, Representatives from the 13 Colonies met to work through what form of the governance was desirable for this new country—America. As flawed humans, they were merely living in and affected by their times and their differing personalities. But with a knowledge of history and good sense, they had the timidity to attempt to create a form of government that they thought best for all peoples. Fortunately, they relied on their own beliefs, framed in large part by a Christian worldview as they understood it to be—not perfect, but informed by One who is perfect. The IR they outlined by the Declaration of Independence were that of each individual to LIFE, LIBERTY , AND THE PURSUIT OF HAPPINESS. The Constitution as written was codified to control government's behavior so as to fulfill these IR. Within a short time, the amendment process, included in this document, allowed for the First Amendment which denies the State the ability to in any way limit one's own right of religion—one's ultimate Right of Conscience, if you will.

In 1857, the Supreme Court acted in an egregious manner by further codifying the denial of personhood to black people (slaves). Only after our bloody civil war was this corrected by the Emancipation Proclamation and the 13th and 15th amendments. Denial of personhood to women was corrected in 1920 by giving them the vote. Unfortunately, another instance of denial of personhood to an entire group of humans (fetuses) was enacted by the Supreme Court in

the 1973 Roe v Wade decision, wherein they reasoned that because no one could precisely define the beginning of life, they would not interfere with a woman's ER to terminate a pregnancy. Thus, the fetuses' IR were subjugated to the mother's ER. Note the opinion was based in essence on the "vote" of multiple diverse "experts" using only the somewhat limited knowledge available at the time with no allowance for future findings to influence this decision.

Unfortunately, we have allowed truth to be corrupted by public opinion and political correctness. Truth cannot be compromised and is certainly not arbitrary. Yet society is constantly attempting its redefinition—often successfully. Two areas are totally apparent. Because Supreme Court Justices could not define "the beginning of life" to establish a fetus as a person, fetal personhood was purposefully denied by a majority of nine justices and abortion on demand was deemed acceptable. Thereby, denying the unborn fetus its IR of right to life in upholding the mother's ER—the right to control of her own body. Herein, a new truth has been created and given legal status—a fetus is not considered a being to be given rights. This precedent should give us all cause to be concerned as to who might next be voted as nonpersons and expendable.

The basic problem with our inability to affirm IR consistently is man's inability to accept and deal with truth. Truth, by definition is not subjective, rather objective—obvious to all and not open to opinion. Granted, we often allow the status of truth to be conditional until proven—i.e., most of science. Most scientists recognize and accept this as part of their disciplines. But in most other areas truth is obvious—I am alive, I live in America, I am typing this essay. Truth to be truth cannot be arbitrary. By our culture's seeking to redefine truth by subjective means, we create problems such as denial of IR. A recent Supreme Court decision regarding the redefinition of marriage establishes a false ER at the expense of truth—namely, marriage as a state of being between a man and a woman. The result has been and will be the use of this decision for some to demand that another meet this ER, ignoring that person's IR—liberty and pursuit of happiness. Since IR are greater than ER, you cannot demand that your ER be met by another at the loss of their IR and ER (Wedding cakes, photography, church sanctioned ceremonies). Other avenues are certainly available to accomplish the ends of same sex marriage without the denial of IR to all our citizens—especially pastors.

Is this really that big of a problem, you may ask. Well it certainly is. We are currently struggling with many issues in America. One of the biggest is Healthcare and how to provide to our citizens. Apparently, public opinion is slowly changing in favor of government provision of healthcare. If this becomes a reality, it will be easy to foresee circumstances wherein a

healthcare bureaucracy will find it tempting (and increasingly hard) to ignore the temptation to control all assets of the delivery of care—both for access and cost control. All healthcare providers—physicians and hospitals—may be required to perform procedures or deny care despite their own Right of Conscience. This would in essence result in the violation of their IR—to liberty—to meet the needs of other's ER—expedited and lower cost care. Of what harm is this to increase healthcare efficiency, you may ask? Such blanket changes in the relationship of the patient and physician can only result in the erosion of confidence in the integrity of this relationship at a great loss to each individual patient as well as their doctor. A future without this trust is truly terrifying.

What, then is Right of Conscience? It stems from the freedom each of us has to our own belief system (religion) and its practice. As stated this is an IR codified by our constitution and enforced by the 1st amendment. Any abrogation of this right to please any ER of others is not justifiable under the founding documents of our nation, despite the opinions of our elected and/or judicial leaders.

For the one in authority is God's servant for your good.

Roman's 13:4

But remember, in America, all citizens have shared responsibility for our elected authorities. While we all—Christians and non-Christians—seem to be content with the expectation that we live and will continue to live in a country who's governance is deeply rooted in Judeo-Christian values, we (Christians) continue to bewail erosion of these values in our culture. Much of what is good about America (the envy of the world) came about precisely because of these values. What does that mean for the future? As Christians, we, ourselves, have no right to the expectation that somehow things will always be the same. While we are admonished to not be "of the world", Christ did send us into the world to be as "salt".

Many areas of philosophic and Biblical thought have a great deal to teach us on rights and should be explored more deeply by any who share my grave concerns.

What one believes in their heart must make sense to their mind.

Ravi Zacharias

For further study ;

Imbody, Jonathan; "Faith Steps: Moving toward God with personal choice and public policy" ; Logion Publishing, 2015

Spitzer, Robert; "Ten Universal Principles"; Ignatius Press, 2011

Spitzer, Robert; "Healing the Culture: A Commonsense Philosophy of Happiness, Freedom, and the Life Issues; Ignatius Press, 2000

Ingram, Chip; "Culture Shock: A Biblical Response to Today's Most Divisive Issues"; BakerBooks, 2014

On line:

www.freedom2care.org (Pastor Imbody has a blog via this web site)

www.cmda.org (Christian Medical Dental Society)

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