Conscience Rights, Nurses & Abortion

by Michael Sean Winters

Distinctly Catholic

I take second place to no one in my championing of the cause of religious liberty, both in the context of the HHS mandates and in denouncing attacks on Gov. Mitt Romney’s Mormonism. But, there are circumstances in which the issue of religious liberty can be invoked in ways that cloud the issue or, worse from my point of view, misunderstand what religion calls us to do. The facts of a case matter.

Yesterday, the Washington Post reported on a group of nurses at a public hospital in New Jersey who are suing the hospital because it has decided they must participate in caring for women who are going to have an abortion and women who have just undergone one. Federal and state law guarantees the right of hospital workers not to participate in an abortion. President Obama’s administration re-wrote the conscience rules it inherited from President Bush, but the new rules drew a bright red line on the issue of abortion: No one can be forced to participate in one against their conscience.

The Post’s article was not clear exactly what was expected of the nurses in question. Certainly, there are no religious grounds I can think of for declining to care for a woman who has procured an abortion. If that were so, why would we have Project Rachel, the Catholic Church-run program that specifically tries to minister to women who have procured abortions. Indeed, at the recent USCCB meeting, several bishops spoke about the need to expand the efforts and activities of this wonderful program which brings the mercy of God to women who desperately need it. On the other hand, if a nurse is expected to discard the aborted child after the procedure, or otherwise deal with the immediate effects of the surgical operation, I think that would cross the line into participation in the act itself.

We need to keep the bright red line around abortion, not only because individual consciences are at stake, but because it is vital, really vital, that we in the pro-life movement continue to insist that abortion is not
health care. I have said it before and will say it again: The medical profession exists to prevent disease and to heal wounds. Disease, wound, baby. Which one is not like the others? The didactic value of insisting on the differentness of abortion is important to our on-going efforts to change the culture.

But, we also need to treat people as adults. Some of the comments by pro-choice activists seeking to narrow the conscience exemption regarding mandated insurance coverage of contraception have been demeaning to those women who choose to attend or work at a Catholic institution. Those women choose a Catholic university over a secular one for a variety of reasons, but they know what they are signing up for. The same goes for nurses. They should be able to decline, on conscience grounds, to participate in an abortion, but they should not have carte blanche to eliminate those parts of their job description they don’t like. They, too, knew what they were signing up for when they applied to work at a hospital.

The cause of religious liberty will not be advanced by instances of overreaching.

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