

Conscientious Refusals and Reason-Giving

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Abstract. Some philosophers have argued for what I call the reason-giving requirement for conscientious refusal in reproductive healthcare. According to this requirement, health practitioners who conscientiously object to administering standard forms of treatment must have arguments to back up their conscience, arguments that are purely public in character. I argue that such a requirement, though attractive in some ways, faces an overlooked epistemic problem: it is either too easy or too difficult to satisfy in standard cases. I close by briefly considering whether a version of the reason-giving requirement can be salvaged despite this important difficulty.

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INTRODUCTION

An urgent question for healthcare ethics remains, ‘under what circumstances, if any, should conscientious refusals be allowed?’¹ One answer to this question runs roughly as follows:

Reason-Giving Requirement: Healthcare providers (doctors, nurses or pharmacists) who wish to conscientiously object to administering legal, safe and effective forms of medical intervention, must demonstrate to outsiders (say a diverse committee) that the moral and/or religious views that lead them to object are reasonable.

According to this requirement, defended by Card,² bare conscience is not sufficient to justify refusal. Reasons are also required. Another view, defended by Meyers and Woods,³ claims that objectors must show, not that their beliefs are reasonable, but rather that their conscience is genuine.

¹ I will restrict my focus here to the healthcare context, but one could of course have a similar discussion about conscientious refusal and reason-giving in other contexts, like the military context.

² R. Card. Conscientious Objection, Emergency Contraception, and Public Policy. *J Med Philos* 2011; 36 : 53-68; R.Card. Conscientious Objection and Emergency Contraception *Am J Bioeth* 7 2007; 6: 8-14.

³ C. Myers & R. Woods. Conscientious Objection? Yes, But Make Sure It Is Genuine. *Am J Bioeth* 2007; 7: 19.

Genuineness Requirement: Healthcare providers (doctors, nurses or pharmacists) who wish to conscientiously object to administering legal, safe and effective forms of medical intervention, must demonstrate to outsiders (say a diverse committee) that their conscience is genuine – that is, a deep feature of their person and not a cover up for questionable biases or prejudices.

Advocates of the above two requirements agree that objectors need to explain themselves, in some way, to others. Where they disagree is over what needs to be explained, their reasons or their motives. There are also possible hybrid views here, according to which objectors must *either* demonstrate genuineness or engage in reason giving to justify refusal, but not both.⁴ In any case, my concern is over just what counts as argumentative success in contexts of reason-giving. I will argue that this question creates trouble for any view about conscientious objection that assigns reason-giving an important role. In particular, the reason-giving requirement, once clarified, appears to be either too easy or too hard to satisfy – at least when it comes to the class of religiously or metaphysically based refusals, which I shall focus on here.⁵

The above dilemma raises an important *philosophical* worry, one that I argue becomes apparent in light of certain developments in epistemology, and to a lesser extent, meta-philosophy. But showing this doesn't solve our *practical* problems. We still need to know what to do with conscientious refusals in medicine. I thus close by briefly considering how the reason-giving requirement might, despite the theoretical worries I raise, play an important role in our policies about conscientious refusal. My answer here will be that reason-giving may be an effective way of establishing genuineness, of detecting questionable biases, and of limiting the number of conscientious refusals that are permitted in societies where too many medical practitioners are already refusing care to patients.

1. PRELIMINARIES

⁴ Such a view has been argued for by Carolyn McLeod and Lori Kantymir in their unpublished manuscript. C.McLeod & L. Kantymir. 2012. Justifying the Exemption: Conscientious Objection in Health Care. Lastly, one could argue that both (or neither) genuineness and reason-giving are required for justified refusal.

⁵ This common class of refusals, as we shall see, presents the clearest challenge for the reason-giving requirement. In fact, many apparently moral judgments often reduce to metaphysical or religious judgments.

By ‘conscientious refusal’ in medicine I mean a refusal, often on religious grounds, to treat a patient with a certain standard of care. There are various ways to refuse patients care. One can refuse to treat a certain patient at all, refuse to give her a certain form of care, refuse to give her a referral to get care elsewhere, or refuse to educate her about her treatment options. As things stand, there is unsurprisingly much disagreement about how often conscientious refusals are justified: never, always, or sometimes.⁶ Naturally, refusals to provide care when there is no one else to do so would be especially difficult to justify. But even where patients can still get care in a timely fashion, they’re often deeply offended, inconvenienced, and perhaps occasionally harmed by refusals.⁷ It is thus worth thinking more about whether medical professionals should be permitted to refuse standard and beneficial treatments simply on the basis of what their conscience dictates to them.⁸ The reason-giving requirement offers a negative answer to this question, one that challenges the *status quo* and one that warrants more critical attention.⁹

Lastly, I should clarify that the challenge that I advance in this paper is not captured by practical questions such as, ‘*when* and *where* would reasons have to be given, and to whom *exactly*? Nor is it captured by political questions such as, ‘If committees are assigned to assess reasons, might they inevitably be biased toward secular (or depending on one’s location, religious), reasons?’ These questions are clearly important,¹⁰ but they overlook a more fundamental worry about the reason-giving requirement. Even if we could find fair, neutral and apt committees devoted to assessing reasons, we would still be left with the following questions: how

⁶ The most popular so-called moderate position claims that practitioners can refuse treatment, but only if they are willing to refer their patients elsewhere for treatment.

⁷ The case for harm seems more likely if we adopt a feminist perspective. See C. McLeod. Harm or Mere Inconvenience? Denying Women Emergency Contraception; *Hypatia* 2010; 25: 11-30.

⁸ This is not to imply that all conscientious objections will be directed at treatments that are standard and beneficial.

⁹ Indeed, philosophical discussion of the reason-giving requirement remains sparse and the existing criticisms are not developed. For instance, some authors write-off the reason-giving requirement in one sentence by appealing to a principle of autonomy. See C. Meyers & R. Woods. Conscientious Objection? Yes, But Make Sure It Is Genuine” *Am J Bioeth* 2007; 7(6):19-20. Finally, although I have heard many doctors and nurses praise the reason-giving requirement in person, they did not seem to be aware of the complexities raised here.

¹⁰M. Wicclair. Reasons and healthcare professionals’ claims of conscience. *Am J Bioeth* 2007; 7(6): 21-22.

hard is it to pass the reason-giving test? And what, exactly, does (or should) passing involve, anyhow? How smart must one be to pass?

2. THE FAILURE TO CAREFULLY DEFINE REASON-GIVING

The above questions are clearly central to discussion of conscientious refusal and reason-giving, though they are surprisingly neglected. Perhaps one reason they are neglected is that both defenders and critics of the reason-giving requirement fail to carefully tell us what they mean by terms like 'reasonable,' or 'justified' or 'rational'. I do not think that this general claim would be difficult to defend, but let me just focus on one example. Robert Card – the main defender of the reason-giving requirement – claims that 'justifying reasons' are required of pharmacists to make conscientious refusals legitimate, at least in high-stakes contexts like emergency contraception.¹¹ But what exactly are 'justifying reasons'? We are never quite told. No doubt justifying reasons are reasons that justify beliefs or judgments in some way. But what exactly does *that* mean? (There are a number of views about epistemic justification, after all). In some other passages, we are told:

It is not unreasonable to ask for reasons. Further, it is not unreasonable to assess one's reasons if the cost of honoring one's refusal is significant.¹²

[...the] beliefs on which conscientious objection is based must be reasonable and should be subject to evaluation in terms of their justifiability.¹³

What are these reasons? Professionals may object to dispensing EC since (a) s/he considers emergency contraception to be unethical since it is equivalent to abortion, or (b) s/he considers contraception itself to be immoral. I will evaluate these versions of conscientious objection to dispensing EC in turn.¹⁴

These passages just appear to re-state the worry. What does it mean for a belief to be reasonable or to be justified? Are these terms supposed to be synonymous? The last passage is a bit more helpful.

¹¹ Card, 2011. op. cit. note 2. p. 62.

¹² Ibid. 62.

¹³ Card. 2007. op. cit. note 2. p. 13.

¹⁴ Ibid. 10.

Taken in context, it suggests that reasoned refusals consist in *philosophical arguments* for the truth of some moral stance or at least for the claim that such a stance can be plausibly affirmed. Either way, the implication here seems to be that the personal beliefs that drive refusals should be deemed *guilty until proven innocent*. This last claim, though important, still needs to be filled in to be fully informative. We still need to know how good the arguments in question would have to be before they become innocent.

To be fair, Card may not intend to offer a fully developed account of the reason-giving requirement. In that case my discussion may be interpreted, not as a challenge to Card per se, but to anyone who plans to develop the reason-giving requirement.

3. FIRST PROBLEM: THE STANDARD COULD BE TOO HARD

To appreciate the first challenge it is helpful to distinguish various possible standards of argumentative success. For instance, do objectors have to show that their metaphysical, moral or religious views are true? Or probably true, all things considered? If the latter, how probable must they be? Highly probable or just more probable than their negations? What conception of probability are we dealing with anyhow? Or is it, rather, that the target beliefs must be shown to be more likely than some competing hypothesis with respect to some particular piece of evidence, but not necessarily probable overall? If we are concerned about epistemic rationality, finally, what picture of rationality shall we assume? Are rational beliefs simply beliefs that can be shown to have some property, such as internal consistency, explanatory power, or something else?

It is natural to ask defenders of the reason-giving view to provide answers to at least some of the above questions. When we think about what those answers might look like, however — that is, when we seek to give content to the reason-giving requirement — a problem emerges. The reason-giving requirement can easily become too difficult to satisfy. I mention this because rationality, on some views, is very difficult to obtain. Particularly difficult is convincing others about controversial metaphysical or moral matters that they already find counter-intuitive. If being rational consists in being able to persuade others with arguments, then rationality is very difficult indeed. As Peter van Inwagen notes:

I very much doubt whether any argument, or any set of independent arguments, for any substantive philosophical conclusion has the power to turn a determined opponent of that conclusion, however rational, into an adherent of that conclusion.

To be fair, advocates of the reason-giving requirement will likely grant that it would be too difficult to require medical professionals to establish the *truth* of their controversial views to a committee. But my point is that a probabilistic standard too can be very demanding. Some evidence for this stems from metaphilosophy. It is not just that philosophers cannot very often convince each other of the truth of their views on substantive matters. It is that they cannot very often convince each other that their views are *more probable than not*. Put in a different way, there seems to be much peer disagreement in philosophy, disagreement that invites us to think about the nature of progress in philosophy. Some pick on applied ethics at this point. For instance, Jerry Gaus says, 'When we apply ethics – e.g., when we seek to determine how our principles concerning freedom, respect for life, the metaphysics of persons and so on relate to aborting a fetus in the fifth month – there simply is no powerful argument that demands acceptance by all [...].'¹⁶ Our uncertainty does not stop here, however. Van Inwagen, for instance, claims that we should endorse a view that he calls *philosophical failure*, the thesis that all philosophical arguments for substantive theses are failures.¹⁷

According to Van Inwagen, then, and perhaps Gaus, argumentative success requires some sort of in principle intellectual convergence among ideal agnostics. Van Inwagen is explicit about this. He states: '[a]n argument for p is a success just in the case that it can be used, under ideal circumstances, to convert an audience of ideal agnostics (agnostics with respect to p) to belief in p—in the presence of an ideal opponent of belief in p'. This audience of agnostics is ideal, in part, because they are neutral and 'will have no initial opinion' with respect to the issue at hand, and 'no predilection, emotional or otherwise' either way.¹⁷ Of course, there probably aren't (and maybe there couldn't be) any ideal audiences. But then it may become even harder to know whether our arguments are successful.

Now perhaps Van Inwagen's pessimism about progress in philosophy goes too far. Perhaps his standard of argumentative success is too demanding, moreover. I am inclined to think so – and am certainly inclined to hope so. But my point here is more modest. If advocates of the reason-giving requirement have anything like Van Inwagen's standard of argumentative success in mind, then

¹⁵ P. van Inwagen. 2006. *The Problem of Evil*, Oxford: Oxford University Press:43..

¹⁶ G. Gaus.. Should Philosophers Apply Ethics? *Think* 2005: 63-67.

¹⁷ van Inwagen, op.cit. note 14, p.47

¹⁷ Ibid: 47.

satisfying the reason-giving requirement will be very hard indeed. Given the standard in question, many philosophers couldn't pass. So how could we expect more from those untrained in argument?

Here an example is in order. Take a Catholic doctor who refuses to perform an abortion and who refuses to provide a referral for an abortion, which she deems would only make her complicit in the act. (Suppose the doctor is in a jurisdiction where she is not legally required to refer a patient elsewhere). If what drives the doctor's refusal is a metaphysical view, like a belief in souls and the belief that souls ground the moral status of all human organisms, including embryos and fetuses, then a problem emerges. Under the current conception of argumentative success, the doctor would have to be able to convince a committee that dualism is true. Under a weaker, probabilistic, version of that conception, the doctor would have to be able to convince a committee that dualism is probably true. But surely showing that dualism is either true or even probably true is too hard to be plausibly required of anyone. Were this kind of performance required of objectors, why give them a platform to share their reasons at all?

Of course, one could further weaken the standard such that objectors need to demonstrate that their views are 'well-evidenced', but not necessarily probable, all things considered. But it's not clear to me that this (still somewhat vague) standard would resolve the problem. Whereas we can say of various scientific hypotheses that they are well-evidenced, this is much harder when it comes to metaphysics, religion, and even morality, something that is reflected by the vast amount of disagreement in these domains. But even if the best philosophers are up to the task of providing well-evidenced reasons for their views in metaphysics, natural theology, and moral philosophy, this doesn't mean that medical practitioners will be.¹⁸

3.1 FIRST OBJECTION

Some may object to my arguments thus far by claiming that metaphysical beliefs like dualism, which clearly are difficult to argue for, are not so central to refusals. After all, Card suggests that refusals to give out emergency contraception (EC), which is his

¹⁸Turning to other standards of argumentative success won't clearly help to resolve the problem either. For instance, suppose that objectors need to show that their beliefs are epistemically possible – where this means, roughly, 'true for all anyone knows'. The problem, again, is that it would likely be very hard for a doctor or a pharmacist to satisfy this standard. Showing to outsiders that one's own controversial beliefs are in reality true for all anyone (or any reasonable person, including them) knows takes a lot of work.

main focus, often rest on demonstrably mistaken empirical beliefs. Card may be right about some cases in EC. (In particular, the idea that the morning after pill is akin to murder seems confused on various levels, beginning with the empirical level. I cannot imagine a successful defense of this claim). On the other hand, it would be wrong to assume that high-stakes refusals are typically based on nothing more than clearly empirically mistaken beliefs. Even if we set dualism aside, Catholics and natural law advocates who object to EC often do so because they think that medical attempts to prevent pregnancy frustrate the procreative function of sex – which is normally thought to have been set into motion by a divine being.

Card eventually acknowledges this point about natural law. But he fails to see the connection to controversial metaphysical matters like theism. For instance, he writes off natural law in one sentence, with a claim about autonomy: ‘This position is unreasonable since it is inconsistent with the compelling idea that adults possess a morally reproductive right founded in autonomy.’¹⁹ But surely this is too quick. For although I am not at all persuaded by natural law ethics, I grant that some version of it would be more likely to be true if something like theism, not least Catholic theism, were true.²⁰ This means that quick dismissals of natural law will seem unfair and even question-begging to many objectors. It also means that conscientious objectors who are natural law theorists have a big task in front of them, since in arguing for natural law, they may also have to argue for complex metaphysical views like theism.

In a word: most cases of refusal are not such that we can simply check what the empirical facts are to determine whether the refusal is reasonable. This is because arguably most refusals (or at any rate very many refusals) are metaphysically or religiously based, meaning that they make little or no sense in the absence of certain controversial metaphysical or religious assumptions. The result of these claims is that when we are in contexts of metaphysical disagreement *and* we adopt a demanding and public conception of rationality, refusals will likely never or virtually never be justified. But if metaphysically based refusals are practically never justified – if Thomas Aquinas couldn’t pass the test – then something has gone wrong, at least if we want refusals to be feasible. If we do not want refusals to be feasible, then why bother having a reason-giving requirement at all? Why claim that we value conscience at all?

¹⁹ Card, 2007. *op. cit.* note 2, p. 12.

²⁰ After all, a divine being, if such there be, might determine the function of sex and might restrict the domain of human autonomy.

4. SECOND PROBLEM: THE STANDARD COULD BE TOO EASY

It is not surprising, given what we have said, that some epistemologists have sought out less demanding conceptions of rationality and justification. Indeed, epistemologists have long known that our, traditional, inferentialist and public conceptions of rationality (where rationality requires that an agent be able to *demonstrate* that her beliefs are true or probably true) ask too much of us. Consider the following remarks from Alvin Plantinga:

If there is any lesson at all to be learned from the history of modern philosophy from Descartes through Hume (and Reid), it is that such beliefs [for instance, the belief in other minds, the belief that I had cornflakes for breakfast...that there really are such 'external objects' as trees and squirrels, and that the world was not created ten minutes ago with all its dusty books] *cannot* be seen to be supported by, to be probable with respect to beliefs that meet the classical conditions for being properly basic. So either most of our beliefs are such that we are going contrary to epistemic obligations in holding them, or [classical foundationalism, which requires that non-foundational beliefs can be plausibly inferred or argued from foundational ones] is false.²¹

In short, a chief worry for predominately inferentialist models of rationality is that they could easily lead to global skepticism. This predicament has led many epistemologists to seek out fresh ways of thinking about justification – from externalist views like process reliabilism, according to which having justified beliefs is, very roughly, not a matter of having good arguments, but a matter of having one's beliefs formed by a reliable or truth-tracking process or method, to the following internalist view defended by Michael Huemer:

Phenomenal Conservatism (PC): If it seems to S that p, then, in the absence of defeaters for p, S thereby has at least some degree of justification for believing that p.²²

According to PC, all that it takes for a belief to be justified is that this belief seems true to the agent who holds it. There is also the requirement that the target belief not be defeated (a no defeater

²¹ A.Plantinga. 2000. *Warranted Christian Belief*. Oxford: Oxford University Press: 98.

²² M. Huemer.. "Compassionate Phenomenal Conservatism." *Philosophy and Phenomenological Research* 2007; 74: 30-55.

condition).²³ My aim here, to clarify, isn't to defend PC, which embodies an *innocent until proven guilty* approach to rationality. My aim is merely to point out the implications of such an approach for the reason-giving requirement. If all one has to do to engage in successful reason-giving is to show that one satisfies PC, then successful reason-giving will likely become too easy in contexts of refusal. In that case, it will seem that most conscientious objections could be justified, which is an undesirable practical result.

4. 1. SECOND OBJECTION

Some may object to the second horn of my dilemma by claiming that successful objection is not too easy since, even given PC, it would be easy to defeat many of the religious or metaphysical beliefs that lead people to refuse. I have two responses to such a claim. First response: if it were that easy to defeat the beliefs in question, then objecting would become too hard again. Second response: I am doubtful that the metaphysical beliefs in question would be all that easy to defeat. Take a belief in mind-body dualism, again. Although such a belief may seem crazy to most philosophers and scientists – which justifies their denial of it, on PC – it can be very difficult to show that dualism is false. Instead of arguing for this claim directly, which would require a paper of its own, I will simply invite the reader to consider the following passage from William Lycan:

I have been a materialist about the mind for forty years, since first I considered the mind-body issue...And like many other materialists, I have often quickly cited standard objections to dualism that are widely taken to be fatal—notoriously the dread Interaction Problem. My materialism has never wavered. Nor is it about to waver now; I cannot take dualism very seriously.

Being a philosopher, of course I would like to think that my stance is rational, held not just instinctively and scientifically and in the mainstream but because the arguments do indeed favor materialism over dualism. But I

²³ We could understand this no defeater condition in different ways, but I will understand it in the following way: the agent must not be aware of any defeater or deadly counter objection to her belief, if she is to rationally maintain her belief. A similar principle is defended by Chisholm (1992), who sees a connection between something like PC and basic cognitive trust. As Chisholm puts it, 'The principle [that whatever seems true to us has initial justification] may be thought of as an instance of a more general truth – that it is reasonable to put our trust in our own cognitive faculties unless we have some positive ground for questioning them (1992:14).

do not think that, though I used to. My position may be rational, broadly speaking, but not because the arguments favor it: Though the arguments for dualism do (indeed) fail, so do the arguments for materialism. And the standard objections to dualism are not very convincing; if one really manages to be a dualist in the first place, one should not be much impressed by them. My purpose in this paper is to hold my own feet to the fire and admit that I do not proportion my belief to the evidence.²⁴

Lycan's claims, if correct, have bearing on our discussion. Dualism, after all, is supposed to be an *easy* target in philosophy. If defeating one of the easier metaphysical targets turns out to be tricky, this reconfirms the claim that conscientious objection (under views like PC) will be too easy to get away with. After all, an objector can always reason as follows: 'My belief in dualism and my belief that the presence of a soul is what grounds the moral status of humans is rational, given PC, and none of you can defeat it. I am thus permitted to conscientiously object to treatment X, since X goes against my beliefs.'

Lastly, it is important to appreciate that we do not require PC to make refusing too easy. Many views in social epistemology would also likely make the reason-giving requirement too easy to satisfy. For instance, epistemologists like John Greco and C.A.J. Coody hold that simply trusting the testimony of others can, and often does, justify people's beliefs, including their religious beliefs.²⁵ If we decide to fill in the reason-giving requirement in a way that permits religious testimony, conscientious objectors could justify themselves as follows 'My church testifies to me that X is immoral; I trust their testimony – that's a rational move, according to many epistemologists, and that's my reason for objecting.' If reason-giving were that easy in medicine, again, we might as well not require reasons from objectors.

5. CONCLUSION: WHERE DO WE GO FROM HERE?

I have argued for the following dilemma: when given content, the reason-giving requirement appears to become either too easy or too

²⁴ William Lycan.. Giving Dualism its Due. *Australasian Journal of Philosophy* 2009; 87: 551-563. pp. 551-2.

²⁵ J. Greco. 2008. Friendly theism. In *Religious tolerance through humility: Thinking with Philip Quinn*. J. Kraft, & D. Basinger, eds., (pp. 52-78). Aldershot, UK; Burlington, VT: Ashgate; C.A.J. Coody. 1992. *Testimony: A Philosophical Study*, Oxford: Oxford University Press.

hard to satisfy in standard cases. There are naturally various ways to respond to my claims. One way of responding to my claims would be to find some midway position on reason-giving and rationality, one which makes successful reason-giving neither too easy nor too hard. I will not say for sure that this *couldn't* be done, but my forays into epistemology, combined with the fact that medical professionals are not philosophers, makes me skeptical. Another way of responding to my claims would be to say that they are unnecessary since the whole reason-giving framework is at odds with the very nature of conscience, whose judgments are private and often incommunicable. But I think this objection is confused.²⁶ A third option would be to simply jettison the reason-giving requirement altogether. This is certainly an option, one that I take seriously.

On the other hand, there is something attractive about the reason-giving requirement. As many political philosophers have noted, the attempt to justify one's views to others in a pluralistic society shows respect for others as equal citizens. One could thus argue that medical professionals respect patients, committees and the general public when they seek to give them reasons for their refusals. This last point does not, by itself, vindicate the reason-giving requirement. But suppose, for the sake of argument, that we want to preserve the reason-giving requirement. (I am not yet sure that we should want to, but suppose that we do). Is there any way to do this?

In closing, I will offer the beginnings of a positive answer to this question. My answer consists in two claims: (1) reason-giving in front of a critical audience can be a helpful way of uncovering unjustified biases, and (2) if our main goal in wanting a reason-giving requirement is not to uncover the 'truth' about moral and metaphysical disputes, but to limit the number of refusals that go through, then the reason-giving requirement could have an important practical function.

Beginning with (1), recent research in moral psychology indicates something that epistemologists have long suspected: namely, that people do not hold most of their beliefs, including their moral beliefs, on the basis of arguments. For instance, according to

²⁶ After all, when someone claims that her experiential insights are wholly incommunicable, the conversation needn't stop here. We can still challenge her to explain how she knows that her insights have this property and perhaps point to claims in her own tradition that assign reason-giving an important role. We can also raise worries about bias, about indoctrination and about whether the so-called faculty of conscience could be reliable, given the diverse judgments it reaches in different individuals. This is not to say that anyone's arguments will be fully successful in these discussions; it is only to say that the private demands of conscience could in principle be reasoned about.

various social psychologists,²⁷ many of our moral and political views about sex and marriage consist, not in arguments, but in gut reactions stemming from emotions like disgust. True, when challenged, we may come up with post-hoc reasons as to why our beliefs are correct. But the point is that some things may just continue to *feel* wrong, even when our so-called reasons have been answered. I mention this not to claim that rational beliefs must always be based on arguments, and never on emotions, but to point out that some of our deepest moral convictions can be grounded in questionable biases and emotions. The exercise of looking at our reasons, or our lack thereof, is important because it might help us to see that what we take to be our pure conscience talking is very much influenced by our biases.²⁸ Indeed, perhaps it is *only* upon being questioned that individuals, including medical professionals, could begin to see their own biases and come to see that many of their refusals are, in fact, unjustified.

Put another way, the reason-giving requirement could help to uncover the true causes and motives of an objectors' beliefs, some of which might be questionable. If that is correct, then the reason-giving requirement might be more closely connected to the genuineness requirement than is sometimes thought. But the main lesson here, to clarify, remains cognitive: sometimes the failure to be genuine indicates epistemic failure.

Turning now to (2), a practical concern in a pluralistic society is that people get medical treatment. This creates a problem. For according to Francesca Minerva²⁹, when it comes to countries like Spain, if you let conscientious refusals in the door, nearly everyone objects. What's more, in the United States, fourteen percent of doctors apparently do not think they need to disclose information about all treatment options to patients, with twenty-nine percent allegedly claiming that they do not have to even refer patients

²⁷ See, for instance, the following two studies. Inbar, Y., Pizarro, D. A., Knobe, J., & Bloom, P. Disgust Sensitivity Predicts Intuitive Disapproval of Gays. *Emotion* 2009 9: 435-439. Haidt, Jonathan.. The Emotional Dog and Its Rational Tail: A Social Intuitionist Approach to Moral Judgment. *Psychological Review*. 2001; 108: 814-834.

²⁸ For more on how bias and prejudice could influence conscience see McLeod & Kantymir. *op. cite.* note 4. As these authors note, the worry about bias is particularly strong when people are reasoning about gender, sexuality and race.

²⁹This point comes from a talk called, 'Conscientious Objection in Medicine: what is wrong with a moderate approach?' The remark comes from the Q&A section. The talk was given at the Institute for Science and Ethics at the University of Oxford. <http://media.philosophy.ox.ac.uk/uehiro/StxMinervaNov10.mp3> [Accessed 4 October 2012].

whom they refuse to treat to other doctors.³⁰ These are striking claims. They cover millions and millions of American patients. Perhaps in such contexts we ought to place demanding constraints on conscientious refusals. The reason-giving requirement (under a harder conception of rationality) could help with this task. To put the point another way, although I am not sure that we should, philosophically speaking, make rationality too hard for people in general, I think that we have strong practical reasons to make conscientiously objecting fairly hard for objectors.

True, if objecting is too hard, again, there will be no reason to give people a chance to defend their conscience at all. I have no real solution to this theoretical problem at this time. But this claim, notice, is compatible with the claim that we should resist having a single policy vis-à-vis the reason-giving requirement for all places. In particular, in places where people are less likely to object, we should make objecting fairly easy (whether by way of an easy reason-giving requirement, an easy genuineness requirement, or by abandoning both requirements). By contrast, in places, where many medical professionals are regularly objecting to treating patients, we need to do something about this. Perhaps one solution is to have would-be objectors defend themselves, while intentionally holding them, qua objectors or doctors, to high standards of rationality, standards that we would not hold them to in another context, qua persons.

Finally, although these very tentative proposals are practically motivated, they are not entirely without philosophical warrant. Some philosophers, after all, claim that knowledge is sensitive to our practical interests such that *knowing* becomes harder when a lot is at stake, and easier when less is at stake.³¹ Maybe we should say something similar about rationality in contexts of medicine. When it come to regions where much is at stake because doctors are regularly refusing patients care, we may be justified in holding them to a high standard of rationality in the form of a demanding reason-giving requirement. When it comes to other regions, perhaps an easy reason-giving requirement will do. Again, this practical suggestion is not intended to deny or undermine the philosophical dilemma I raised earlier. It is rather to make use of this dilemma and put it to practical work. If these claims are right,

³⁰ These stats come from a talk by James Childress called 'Respecting Conscience, Protecting Patients: Unresolved Tensions in American Healthcare.'
<http://www.youtube.com/watch?v=PU-sPUEaAn8> [Accessed 4 October 2012].

³¹ J. Stanley. *Precis of knowledge and practical interests and replies to critics.* *Philos Phenomen Res* 2007; 75: 168-172.

then the reason-giving requirement has some pragmatic, and perhaps even some philosophical, merits despite the overall philosophical difficulties it raises. If we want our pragmatic and philosophical goals to more closely merge, however, then I suggest that we find a solution to the dilemma raised here.

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