

## Conscientious objectors

The Cranky Professor

*The Journal*, the campus newspaper at Saint Mary's University, Vol. 74 (wrongly listed on the cover as Vol. 76), No. 9, 29 October 2008

Mark Mercer

Department of Philosophy

Saint Mary's University

Halifax, NS B3H 3C3

(902) 420-5825

[mark.mercer@smu.ca](mailto:mark.mercer@smu.ca)

What to do about conscientious objectors? I mean people who for reasons of ethics or in light of their social ideals refuse to act as their job or position requires them to act. Some examples: pharmacists who refuse to sell abortifacients, justices of the peace who refuse to officiate at weddings of gays or lesbians or mixed-race couples, physicians or nurses who refuse to assist people who seek abortion, bartenders who refuse to serve alcohol to pregnant women. In British Columbia recently, a few letter carriers refused to deliver a diatribe against homosexuality.

It's hard not to sympathize with the sentiment that they ought to be fired. If you can't do your job, find a job you can do. But not only is this sentiment ungenerous. It is also illiberal. Difficult though it might be, we ought to try to tolerate even the most obnoxious conscientious objector.

It's hard not to sympathize with the sentiment that they ought to be fired, for they are standing in the way of our living our lives in the ways we want to live, in ways in which we legally may live. Those who object to our ways are free to express their disapproval and to organize politically to stop us (or, at least, they should be free to do these things—in Canada today, sadly, both speech and protest are subject to unnecessary restrictions). But, as it stands, our legal rights to abortion, to marry within our sex, to have our mail carried, and the rest, were conferred upon us by legislatures composed of our democratically elected representatives. Those who lost the political battle have no more right now to withhold their services than they do to withhold their taxes.

Now a point to note in the above defence of the do-your-job-or-get-fired sentiment is that it rests on the contention that we are entitled to the services in question in virtue of law or policy that has come about through democratic processes. This is important, for only in a democratic regime can a law be imposed fairly on a person who objects to that law.

This point has two consequences. The first is that only a democratic regime can legitimately force a conscientious objector to comply. The second is that as our country becomes more and more governed by judges, commissions, boards, and the like, the less the do-your-job-or-get-fired sentiment will properly resonate with us. In an authoritarian regime, the conscientious objector is on the side of liberation, no matter how repellent his cause.

We are ungenerous when we demand that someone shoulders a larger burden so that we escape a smaller one. It is ungenerous to advocate firing the conscientious objector, for being fired creates large burdens while we can easily enough secure the service we seek from someone else. If one drugstore doesn't have what we need, another will. If one justice of the peace won't officiate, another will. In BC, a few part-time letter carriers were glad to get a couple extra hours. This is far from a commanding argument, though. We're better people for being generous, of course, but generosity is not the sort of thing we ought to require of anyone. If we ought to tolerate the conscientious objector, we need something stronger than that we'd be ungenerous not to tolerate her.

Only a democratic regime has the moral standing to compel adherence, and yet committed democrats will be disinclined to compel adherence. This is because of the value committed democrats must place on tolerance. We are to tolerate the wrongheaded choices of others, at least up to the point at which they unduly burden us, out of our desire that people enjoy a large degree of freedom in their lives. As liberal democrats, we abhor using pressure or force to modify people's behaviour, even behaviour of which we disapprove.

Now this does not mean that conscientious objection should carry no risks at all. If the only pharmacist within five blocks won't stock abortifacients, then we can ask that she relocate her business so that we can have a pharmacist who will. Those letter carriers who refused to deliver the mail will, I hope, not advance far in their careers at Canada Post, now that they've made clear their disdain for the point of our postal service. Different-sex couples can quite properly seek to be married by a justice of the peace who would happily officiate were they same sexed.

Nor does it mean that we should refrain from trying, though by argument and example alone, to reform those who would, illiberally, stand between us and our choices.