

Topping: Bill 207 is dead. Now what?

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For me, the speed of its decline and fall, I confess, makes me feel rather dizzy. I was caught up with work last week. My wife has been busy Christmas shopping. At home we're preparing for a son's piano exam. Hardly before I heard of the bill, strong hands were strangling its neck. And now it's gone.

I too share the anger and dismay that many feel who occupy 'the middle' or 'the right' of Alberta's political spectrum. Nor do I take comfort hearing that the party for which I voted didn't support the bill because it was 'controversial'. When did conscience rights become controversial?

I'm tempted to blame the media. Far from facilitating a meaningful debate on conscience rights, or describing what balance of goods might be at stake or the pressing fear under which doctors and nurses now work (especially given the Ontario court's ruling this May), by and large, microphones were placed only in front of the loudest and most extreme voices on the left.

That's all true; but the fault lies much deeper. The main reason we lost is because, for a long time now, we've trusted that our institutions will stand even when we ignore their foundations.

History is full of salutatory lessons for forgetful people. Laws are only ever as firm as the will of those who defend them. In liberal democracies, after the right to life, the freedom of religion and of conscience was once universally regarded as the 'first freedom'. If the conservative party in Alberta won't stretch out a finger to defend conscience, who will?

That is a sobering question.

It is a political maxim that we get the leaders we deserve. Despite appearances, politicians in our democracy have very little room within which to maneuver. As we saw these past weeks, one young MLA from the north tried to maneuver, a little, and what wrath befell him! Before our eyes the full weight of the allies of the pro-abortion industry came crashing upon his head.

Mr. Williams deserves our praise. But to deserve more politicians like Mr. Williams, more of us citizens need to remember why we need conscience protections at all.

Over these coming months, all of us will need to regain the vocabulary that would enable us to think clearly, and hence confidently, about why we hold such rights dear, and how to justify them in the first place.

As a professor, my life has been spent introducing people to good books. Here

is one I recommend: *The Letter to the Duke of Norfolk*.

Anyone wishing to read or write or think seriously about the nature or role of conscience within our liberal democracies is bound, sooner or later, to wrestle with Cardinal John Henry Newman's classic discussion, found in his letter. In this letter Newman concludes, famously, that "conscience has rights because it has duties."

So, I wonder: how might the great Newman reply to the recent death of the proposed Bill 207?

He would remind us that conscience has the right to our respect because it bears a duty to seek the truth. He would also remind us to learn from history.

Newman defended the rights of conscience at a moment when an aggressive secularism was rising in England. Catholics had in living memory been barred from Britain's universities, and most immediately, the recent English Prime Minister William Gladstone had begun to wonder aloud whether Catholics should participate in public life at all. Newman was indignant.

Newman was indignant because in England, and in English speaking countries in general, the common law and the constitution had given far more protection to the free speech of citizens and had afforded a far greater scope of religious toleration, than say, had those parts of the world that had fallen under the shadow of the French Revolution.

It was the avowedly secular French Revolution, after all, that unleashed upon the modern world the concept of total war and the practice of mass executions. As Newman argued elsewhere, as aggressive forms of secularism advance, genuine freedoms, including the freedom of conscience, are bound to recede – a prophesy proved grimly true in the gulags and death camps and abortion clinics and euthanasia sites of the 20th and 21st centuries.

For Newman, conscience has rights because it has duties. Its rights derive from our dignity. We are free persons under God. The right to its exercise is a gift to our rational nature. It expresses our capacity for an inner life, for a search for truth, and for duties before God and neighbour.

The rights of conscience are, therefore, prior to the state. Government can properly speaking neither give nor take away our right to its exercise. It does not confer the right to act according to one's conscience but can only acknowledge it, as does our Canadian Charter – and as should our provincial laws, now that lower courts have begun to call it into question.

Defending the language of conscience today is not easy. Already over a hundred years ago, Newman observed that when any two people evoke the word 'conscience,' they are likely to call upon different things, as happened these past weeks.

Newman thought there were two rival conceptions in circulation. One old, the other new. Getting clarity in our thought, he believed, began with becoming more articulate in our speech.

The old sense of the term developed slowly over centuries. It was given birth in the garden of Greek philosophy. It grew up under the warm sun of Roman jurisprudence, and it was given new life by the fertilizing power of Holy Scripture. Later it became vigorous by the pruning hands of St. Augustine and St. Thomas, was nurtured by common law traditions and in general, for 18 centuries, provided shade and a home for all those peoples and cultures nurtured by the Judeo-Christian tradition.

This view he contrasted with the new. The new is a mere child of late modernity. The old grew out of the sturdy conviction that we are children of God. The new is a result of man's cosmic homelessness.

Where the old view affirms the gift of the divine spark, and that we are free and therefore responsible, the new asserts that we are merely free – free to pursue our chosen pleasures and private fantasies without censure; where the old calls men and women to a personal response to an objective moral order, the new is an exaltation of radical subjectivity; where the old rises out of our best religious and philosophical traditions, the new is an aping counterfeit that steals prestige from the old anthropology but in the end is not more than the assertion, as he says, of mere “self will”.

In a godless secular culture that is forgetting its roots, he would warn, liberty of conscience will sooner or later decay into a mere licence, or even cease to be at all.

In Alberta, an important bill has died. But the fight for the respect for conscience is only beginning. May we prepare ourselves well for the harder days ahead.

-Dr. Ryan N.S. Topping is the academic dean at Newman Theological College and author of several books on Catholic culture and education. This article is based on a lecture given at the conference “Defending the Rights and Duties of Conscience” hosted by Newman Theological College, November 20, in Edmonton.