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Original article

Conscientious objection from Scientific Ethics and its relationship with ideology, religion and laws

*Objeción de conciencia desde la Ética Científica y su relación
con la ideología, la religión y con las leyes*

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Abstract

Conscientious objection (CO) is the refusal to obey laws due to moral, religious or belief principles. The ideologies or religions underlying laws or constitutions have been seldom analyzed. Scientific Ethics finds that constitutions and laws have implicit or explicit ideological elements that are imposed on citizens, and denies or forbids others that lead citizens to CO. Ideological analysis is critical for laws that violate other rights, moral or ethical principles that are accepted by everyone and aggressions to humans or animals. CO is critically different in the cases of military service, abortion (killing fetuses), vaccination or tax payments. In the case of abortion the commandment is to kill a fetus in certain conditions; but to kill human beings contradicts the medical foundations and most religions or ideologies. Constitutions and laws should respect the ideologies or religions of that people so citizens can express and live his or her ideology without contradiction or CO. A law on abortion should provide centers of abortion served by professionals that share that ideology; this would avoid CO.

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Keywords: Objection of conscience; Religion; Ideology; Law; Scientific ethics; Ideology of laws

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Resumen

La objeción de conciencia (OC) es la negativa a cumplir una ley por motivos morales o religiosos. Poco se ha analizado la ideología, religión o valoración implícita en las leyes. La Ética Científica (EC) hace este análisis y descubre que toda constitución o ley tiene una o más ideología(s) incorporadas que son impuestas implícitamente a los ciudadanos y niega otras, lo que obliga a la OC. Este análisis es crítico en leyes que se refieren a violación de otros derechos, estados morales, principios éticos aceptados por todos o agresiones al ser humano o a seres vivos. Es distinta la OC en el servicio militar que obliga a matar personas, el pago de impuestos, la vacunación o el aborto. En el aborto el mandato se refiere a matar a un feto en ciertas condiciones; pero matar seres humanos contradice los fundamentos de la medicina, religiones e ideologías. Toda constitución o ley debería considerar las ideologías o religiones, respetándolas para que puedan observarse sin contradicción. Así, una ley de aborto (matar fetos) debería proveer de centros atendidos por personas que comparten esa ideología, con lo que se evitaría toda OC al respecto.

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Palabras clave: Objeción de conciencia; Religión; Ideología; Ley; Ética científica; Ideología de las leyes

Situation, context and Intentionality

Are laws constructed including ideological or religious moral vectors? The present answer is not. In the occidental world it has been assumed that law should be based on “reason”, “common moral or sense” and this is sufficient to represent the feeling, ideologies or religions of a whole people. If this is true, why is conscientious objection (CO) currently invoked in critical subject as abortion, military services, vaccination, euthanasia, and any subject where the human life or its quality is affected? Can reason solve moral, ethics, religion or ideological dilemmas? Can intellectual thinking and laws solve the problem of the fight between the good and evil? A recent law project in Chile about pregnancy interruption offers us the opportunity to think about these subjects. This Chilean law project now in the Parliament about pregnancy interruption (PI) (termination, discontinuation) under three conditions includes the legal possibility of CO. In Chile this originated different approaches (Beca & Astete, 2015; Besio, 2016; Montero, 2016; Salas et al., 2016). We analyze here CO from the Scientific Ethics (SE) perspective (Valenzuela, 2000, 2001, 2003, 2013). SE differs from Bioethics and Moral Philosophy because it includes human intentions, scientific knowledge coming mostly from neurosciences or neuro-ethics (FFigueroa, 2013, 2016) psychology and psychiatry, religions, ideologies end organic evolution with its

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