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November 23, 2011: Obama to Side With the Bishops

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Obama to Side With the Bishops

11/23/2011—That is how Sarah Posner put the matter yesterday in Religion Dispatches. ([Story here](#)). Posner's report is remarkably harsh considering that what is at stake is coverage for contraceptive and abortion procedures that are not that expensive and are not likely to deter anyone from, for example, having an abortion. It is also a little surprising given that the opposition to these procedures is a matter of long-standing Catholic Church doctrine and is not being hyped to oppose Obamacare.

Posner, who is clearly speaking for many on these points, makes three basic claims. First, these institutions are not churches, which are already exempt, but "nominally religious employers" could claim the exemption. Second, non-Catholics, and liberal Catholics, are being bound by the religious beliefs of others. Finally, caving in to the Bishops sets a dangerous precedent for specious claims of religious liberty. Posner also observes that Democrats for Life, which made a statement about the intentions of President Obama, doesn't really represent anybody.

Let's ask first what is at stake here. Should the government require people to take actions that violate religious conscience? I assumed that the answer for everybody was no, not if we can help it. But now that I have read Posner, I am not sure. I now have the impression that Posner so hates either religion or the Catholic Church in particular that the answer to that question is no. (I would like to see broader, not narrower exemptions—not based on religion at all, but on conscience generally—even though that would raise difficult sincerity issues).

Who is Posner to call an institution nominally religious? The institution has to claim the exemption, so it presumably views itself as religious. This is not a context in which people who don't care about religion are trying to gain some economic advantage, so it's not a question of anyone lying.

But what about the non-Catholics and liberal Catholics who are being bound by the religious beliefs of others? But we're not bound. I say we because I am a secularist teaching at a Catholic University. This is fortunately not a matter of conscience versus conscience. No one feels they have to have funding for these services mandated as a matter of their religion. They just don't feel that using contraception or having an abortion violates their religion.

But the employer does feel that offering these services violates the religion of the institution. Those who work there already work pursuant to a religious calendar they do not believe in. We have chosen to work for an institution who religious beliefs, or in the case of Catholics for choice, whose interpretations of those beliefs, we do not share. But our rights are not infringed unless you believe we have a right to force others to act in violation of their beliefs—a very peculiar belief indeed.

There is no precedent set here in terms of other, weaker claims of religious liberty—such as faith based services. These religious institutions are afraid of being required to pay for medical services that violate their religious beliefs. Isn't it disingenuous on the one hand to deny Republican claims that Obamacare expands abortion funding and then to oppose exempting religious institutions from a requirement that they actually pay for abortions for their employees?

And as for the snide observation that Democrats for Life does not represent anyone, Posner and others should not be so quick to take comfort in that. There are liberals who oppose abortion. I like to think I am one. Those are votes Democrats may need next November.