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7-4-2014

July 4, 2014: Hobby Lobby, Next Stop

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Title: Hobby Lobby, Next Stop

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7/4/2014—Happy Fourth of July. The New York Times reports today that the Supreme Court, before its term ended, issued a temporary injunction allowing Wheaton College, a small Christian school, not to use the form that the Hobby Lobby case had suggested was an alternative from an employer providing contraceptive services for its employees. Under the government's administrative religious exemption, the employer provides a form to the insurance company and the insurance company provides the coverage at no cost to the employer. The idea in Hobby Lobby was that the coverage was not that necessary since this alternative exists. The order suggests maybe it does not. Justice Sonia Sotomayor dissented from the order, joined by the other two women on the Court, Ruth Bader Ginsburg and Elena Kagan. This is an odd story since Justice Kennedy had specifically endorsed this compromise. But you cannot tell much from an order like this. (I haven't looked at it yet anyway). But in the larger picture, the effect is awful. The three women object. The men allow it. And look at the so-called discrimination—you have to send in a form? Not exactly being required to renounce God, is it? This is a perfect example of what is wrong with RFRA. As a general, rights-based remedy, it encourages just this kind of oversensitivity by religious practitioners. I don't mean that the religious claimants are insincere. I mean that they are overwrought. They are showing poor judgment. What is the purpose of practicing religion, specifically the Christian religion? What did Christ tell his disciples to do? To convert the world. Is this action going to do that? Or will it do the opposite? And the worst part of all this is the ultimate position of the religious claimants. They all agree that if the government just covers these services, they have no objection. So, they are not even fighting the evils of birth control and abortion. They are actually just playing at being Pontius Pilate.