

# Religious Liberty, Blood Transfusions, Cigarettes and Contraception

## Church Fights Epic Battle With the Culture

by Janet Smith

Brian Hampel, in his March 5 article in the *Kansas State Collegian*, “Contraception Should Not Be Treated as Issue of Religious Liberty,” asks: “If we can require Jehovah’s Witnesses to cover blood transfusions, why couldn’t we require Catholics to cover birth control?” This is the argument that we need to refute if we are going to stop the Obama mandate (and his even worse “accommodation”). The bishops have framed their objection to the Obama contraception mandate largely as a religious-liberty issue. There is great justice and wisdom to this formulation. On the other hand, it is simply not possible and perhaps unwise to avoid discussing contraception per se.

The religious-liberty argument isn’t sufficient for two reasons: The Church and the culture do not have the same understanding of religious liberty, and the status of contraception as health care is, in fact, very relevant to the question. How do the Church and the culture differ in their understanding of religious liberty? Blessed Pope John Paul II taught that religious liberty is the first of all rights. Human beings were put on this earth to be in relationship with God, so no state should impede the freedom of human beings to practice religion. Religious liberty is also closely allied with freedom of conscience. No religion should impose its practices on others. People’s religious convictions are at the core of who they are, and individuals should not be forced to profess beliefs they do not hold.

Such principles are not as much in play in the current dispute as one might think. This country was founded in large part by groups of individuals who were prevented from practicing their religion in their homelands. Some of them arrived here with the hopes of setting up a confessional state, a state inhabited by members of the same faith tradition and governed by the beliefs of that tradition. They wanted liberty to practice their religion but did not intend to extend it to others. The necessity of getting along with one’s neighbors and the religious diversity that soon characterized this country meant that the founders began to practice a kind of utilitarian form of religious liberty: “We will let you practice your religion if you will let us practice ours.”

A second utilitarian dimension of the American understanding of religious liberty is that the Founding Fathers believed religion to be useful for forming the virtuous citizenry necessary for democracy. Citizens are ultimately responsible for the quality of the law of the land and if not virtuous the citizenry would be subject to the wiles of those who had totalitarian designs (watch out America!). So the Founding Fathers took steps to privilege religious practice in certain ways (tax deductions, etc.). Even this utilitarian understanding of religious liberty is being eroded. Although Americans profess to be religious, our public square and certainly the mainstream media are hostile to religion as something private and perhaps superstitious. It is seen more as divisive and irrational than something essential to the democratic enterprise.

So now, rather than attempting to foster religious practice, our public policies simply tolerate it — sometimes, it seems, while holding their noses. Our culture seems to value much more highly the “right” to sexual liberty/license, to the point that the culture wants to force people who hold that there is a clear morality that should govern sexual behavior to pay for the choices of those who think the only boundary for sexual morality is whether or not the sex is consensual. Anyone watching our movies and TV shows and who knows the rate of pornography use would quickly conclude that Americans believe that life without constant and polymorphous forms of sex is a life that cannot be happy. Those who wish to enshrine sexual license as a foundational right are cleverly, if not diabolically, piggybacking on the American determination to provide affordable health care for all. Margaret Sanger deviously managed to get contraception to be something that the respectable medical profession dispensed rather than something that was sold alongside pornography in seedy establishments (where condoms once were sold and where contraceptives belong).

Americans are so fixated on sexual license and health care that pleas for the importance of respecting religious liberty (again, now understood as toleration of antiquated, irrational practices) falls on ears not able to understand what is at stake. Americans would object to policies that prevent religious individuals to worship, but we are having a hard time seeing how funding contraception violates religious liberty. Contraception is understood to be basic health care, as Hampel states, not quite equivalent to blood transfusions, but essential health care nonetheless.

I think we must expand the ground of objections to the mandate and make the case against baby-killing contraception, indeed all contraception. We need to explain how it is not only a religious issue, but a health-care issue and a social issue as well. Contraception is bad for women's health, for relationships and for society. The mandate is insisting that Catholic institutions fund baby-killing "drugs" that prevent no disease, are Group 1 carcinogens and are demonstrably connected to an increase in babies being aborted, babies being born to unwed mothers, and children and mothers living in poverty. Something is wrong with requiring any employer to fund such destructive "drugs," let alone institutions that exist to preserve morality, that exist to try to persuade people not to engage in activity that leads to the harms just listed.

Bishop William Lori argued that making Catholics fund contraceptives, abortifacient contraception and sterilizations is like making kosher delis serve pork. Actually, it is more like making all of us, and particularly the Anti-Smoking League, fund cigarettes. Jews do not argue that eating pork is something no one should do, but Catholics do argue that using contraception is something no one should do; among other reasons, the Church condemns it as against the natural law; it is against the health of women, the health of relationships and the health of society. (Anyone who needs convincing should read Mary Eberstadt's "*Vindication of Humanae Vitae*" in the August 2008 issue of *First Things*. This essay has been included in Eberstadt's new book, *Adam and Eve After the Pill: Paradoxes of the Sexual Revolution*, published this month by Ignatius Press).

And is it true that we should force Jehovah's Witness institutions to fund blood transfusions? If we did so, it would be because natural-law arguments demonstrate that blood transfusions are not against objective morality. Jehovah's Witnesses don't argue that they are; rather, they oppose blood transfusions because of an idiosyncratic interpretation of Scripture. Even so, why should employers fund procedures they oppose for any reason? People are free to refuse to work for institutions they don't want to be associated with. The problem here is not with Jehovah's Witnesses, but with the government mandate that employees will receive their health care through their employers. If employees were given money to buy their own health care, they could choose what services they wanted funded.

Many think that the bishops should not push the issue of contraception because it will make the bishops seem ridiculous, especially since most sexually active Catholic women have used contraception at some point. It will take the focus off the all-important religious-liberty question. But this battle will likely not be decided in the voting booth or even in Congress. I share Cardinal Timothy Dolan's confidence that the courts will not be friendly to Obama's health-care plans. Explaining why contraception is so bad may not be the job of the bishops at this time, but priests and laypeople can certainly use this opportunity. Rick Santorum is doing an amazing and courageous job of explaining the social consequences of contraception, and others, especially on the Internet, are trying to get the word out about the health consequences. All of us need to do our part with our families, friends and co-workers. Make no mistake about it: This is an epic battle, and we need to fight it skirmish by skirmish.

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