



No One Should Be Forced to Act against His Conscience

A question arises from the recent controversy between President Obama and the Catholic Church that aches for an answer: If Catholic institutions have a right to abstain from paying for what morally offends them, why don't the rest of us?

The initial ObamaCare rule held that all employers, in fulfilling their new legal requirement to provide health insurance to their employees, must include contraception (and other "preventive" health services) in the coverage at no cost. The Catholic Church teaches that contraception is sinful. The Department of Health and Human services was willing to exempt churches but not church-operated institutions that pursue a broader mission than religious teaching, such as colleges, hospitals, and charities. This brought protests from Catholic officials, who claim that their religious freedom would be infringed by a mandate that they buy services that they teach are morally abhorrent.



As the political controversy mounted, the Obama administration devised an "accommodation": those institutions would not have to pay for birth-control coverage; however, their insurers would still have to offer free contraception.

Many objections can be raised against this policy. In a society that thinks itself free, how dare the government force employers to provide health insurance? How dare it mandate that coverage include contraception — or any particular service? How dare it mandate that any coverage be free? (It can't really be free; the coverage necessarily reduces employees' cash wages.) How can contraception use be insurable when it is a chosen act, not the kind of low-probability, high-cost event that insurance was designed to protect against? Is there really a moral difference between forcing a Catholic institution to pay for employee contraception and forcing it to arrange a match between its employees and an insurer that will provide the contraception?

These questions are daggers at the heart of ObamaCare. But let's leave them aside. What has gone largely unnoticed is that the principle invoked by the Catholic Church and largely endorsed by the public — that freedom of religion, as enshrined in the U.S. Constitution's First Amendment, rules out forcing a church to pay for what it regards as morally abhorrent — applies beyond this instance. If a Catholic institution should not be forced to pay for contraception because it regards birth control as morally repugnant, why should anyone be forced to pay for what he or she finds morally repugnant?

It does no good to say that the First Amendment is about religion. The Constitution and Bill of Rights



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did not create rights; they acknowledged preexisting rights. Moreover, we are entitled to make reasonable inferences from the framers' language, because they could hardly have created an exhaustive list of implications. For example, by specifying the free exercise of religion, the framers can't be construed as intending to exclude atheists from the protection of freedom of conscience.

Logic drives us to conclude that government should never compel anyone to act against his or her moral convictions. The good sense of this becomes clear when we get down to particulars. If a Catholic may not be forced to pay for birth control in violation of conscience, why should that Catholic — or anyone else — be compelled to finance mass murder in violation of conscience? No one can reasonably insist that personal convictions should be disregarded in the case of mass murder.

This is no hypothetical speculation. Americans have been forced, without their consultation — much less permission — to finance mass murder. It's called war, invasion, occupation, and special operations. U.S. military missions in Iraq, Afghanistan, Yemen, Somalia, and elsewhere have directly or indirectly killed over a million people who never threatened Americans at home. Those missions have ruined the lives of hundreds of thousands more through injury and the destruction of their homes and societies.

The President of the United States refuses to take war with Iran off "the table" ostensibly because the Islamic republic won't end its nuclear-enrichment program — although the International Atomic Energy Agency says no weapons are being produced, and U.S. and Israeli officials say no decision to build a weapon has been made. War against Iran would constitute mass murder.

The U.S. government should be stopped from engaging in such brutality. But short of that, those with a conscientious objection should be free to opt out of financing these crimes.

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