

Nicole Beninato  
Fall 2015  
REL 1300  
Option 4

### Catholics Vs. The Government

The first amendment according to the United States Constitution states that law cannot be made to interfere with the freedom to express religion (Constitution). The battle between church and state has been going on for years. This is mostly due to the fact that the government feels that the church should have to do things that they may not want to in an effort to be fair and the church feels like they have also been given rights in the constitution as well and that they have the right to express those. Because of this, friction between the two has been going on for ages. The question has always been is there someone who is right, and if so which one is in the right and which one is in the wrong? Who should get their way? Recently over the past few years church and state issues have been mainly angled at the Catholic Church. This could be because the Catholic faith has such clear outlined rules about their faith and they have always taken a stand for them. The most heated issue in the news today is should the church have to support organizations such as Planned Parenthood when these organizations fund things such as birth control and abortions, which are things that the Catholic Church is very publically against. The Catholic Church has always said that they are pro-life and this does not look like it will ever change. In this paper I have to take a side and I have. Due to the basic human free will rights outlined in the first amendment, Catholics should not have to support groups that go against their pro-life beliefs.

According to Volume 34 number 3 of a book titled *Historical Reflections*, written by James Q. Whitman, it states that as recently as 2004 congress declared that freedom of religion was still very much alive in this country and that the United states of America was different from European countries including Great Britain. This means that as recent as 2004 the government recognized that not only was every member in the country allowed to choose their own religion, the religion was also allowed to hold their own beliefs, so long as no one was in eminent danger. Over recent years this statement has grown a grey area. This grey area has come from people thinking that the United States has a lack of equality. Why should someone be denied contraception or an abortion? The thing is though; many things other than the Catholic Religion can fund birth control and abortions. Planned Parenthood gets a lot of support and funding, because of this they are not struggling so they should not need the financial support of the church. It is not the intention to belittle all of the good life saving things that Planned Parenthood does for women, however they do also support birth control and abortions. Because of this the Catholic Church feels like they are unable to support this organization. The main argument of this church is that they should not be forced to support them. If they do not feel like they have to support them than that should be all right. Funding can come from multiple different outlets multiple organizations fund them such as Susan G. Komen. No one or no organization should be forced to fund something that they do not want to support.

The main issue in all of this is that congress has changed their mind time and time again. According to the *Journal of Theological Studies* written by Kurt Aland, The battle between church and state has always been changing. There has been a lack of consistency over the years and this is why this has become such an issue today. Aland continues to write that the state is so against this church because they have so many morals yet they let their religious leaders do very

immoral things such as persecutions in earlier years. This is actually a very interesting argument because the Church is saying that they are so against the killing of unborn children and the prevention of conception, yet they allowed persecutions to go on in the world. It can all seem very hypocritical. The Catholic Church however still does have the first amendment on their side. Because the first amendment does not only cover freedom of religion it also covers freedom rights in many other situations. Because it this it should not really matter why the Catholic Church does not want to fund these organizations, they should not have to because they were given freedom of religion and freedom of speech and the freedom to express their beliefs. This is the main argument that the Catholic Church is making is that it is there right given to them by the founding fathers of this country. For the government to go against this is unconstitutional. Aland also brings up another great point, when viewing this battle between the church and state only the states point of view was looked at. The Churches side of things was never inquired. Because Catholicism is one of many religions in the United States of America, it is easy to expect them to conform to what the government wants since there is only one United States government; there are more people to back them in America than there are to back Catholicism. Given the rights expressed in the constitution, not only should the church not have to support something they do not want to support, but no one should have to support things that they do not want to support.

According to the *Journal of Theological Studies* in the fourth century the church was greatly supported by the state. Planned Parenthood is not the only organization that the Church is facing issues with. Other organizations such as Catholic hospitals and Catholic universities are being told that they have to pay for birth control and other forms of contraception as part of their insurance packages. This would mean that Catholic organizations would be forced to go against their beliefs to support things that they do not believe in. According to a review written by T. Smalley on the *Jeanne Jugan (Sister Marie of the Cross)*, the Little Sisters of the Poor is a Catholic Organization that does various numerous tasks around the world to improve the health of people. This organization however was told that they needed to provide contraception as well as abortion inducing drugs and also aid in abortions. Failure to comply by this rule would result in huge fines that would practically put them out of business. The HHS Mandate makes it so that these organizations are forced to do this or they will be subject to the fines. Although the Catholic Church may be protected by this not all Catholic organizations are because they are not considered to be big enough to be covered in this situation. As recent as in the past month the Little Sisters of the Poor won the lawsuit that had been filed in their defense saying that they did not have to fund or support contraception or abortions. No matter how small a Catholic Organization is they should under no circumstances be forced to fund things that they do not want to. This completely goes against the free will rights that are outlined in the First Amendment. This is proving that it is not just the Catholic Church that is being targeted, but also Catholic organizations.

Because of all of the division that this issue has face it does not seem like there will be a clear resolution any time soon. The country of the United States of America was founded on freedom. It specifically states, "Land of the Free" in the National Anthem. If we were founded on freedom why is it being challenged every step of them way? The Catholic faith has become a victim of this challenge. If the First amendment gives people the freedom to choose their own religion and to make their own decisions why is this issue being so pressed? There will, more than likely, be many more court hearings in the future to discuss this issue. If we are given free will in the first amendment, wouldn't forcing an organization to do something go against the entire basis of the constitution in the first place? The constitution is what our court system is

found on so for the court system to force people to do things that they do not want to do, is hypocritical. There will also most likely be many arguments about this issue because people do feel so passionately about either side of the case. The thing that is important to know about this however is that no matter what gets brought up in the court of law, that Catholics are given the free will to make there own decisions and this has been clearly outline in the constitution. Due to the basic human free will rights outlined in the first amendment, Catholics should not have to support groups that go against their pro-life beliefs.

Aland, Kurt. "THE RELATION BETWEEN CHURCH AND STATE IN EARLY TIMES: A REINTERPRETATION". *The Journal of Theological Studies* 19.1 (1968): 115–127. Web.

Smalley, T.. *The Irish Monthly* 79.932 (1951): 98–99. Web.

Whitman, James Q.. "Separating Church and State: The Atlantic Divide". *Historical Reflections / Réflexions Historiques* 34.3 (2008): 86–104. Web.