

Obama's contraception climb-down and the separation of church and state

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Last week, the Obama administration announced final guidelines relating to coverage for contraceptives in the health insurance packages of religiously-affiliated organizations, giving broad leeway for such organizations to deny such coverage to workers.

At issue is the requirement in Obama's 2010 health care overhaul that all employer-provided health insurance plans provide access to contraception and a number of preventative health care services at no additional cost. The religious right objected, insisting that all employers who harbored religious objections to contraception—including hospitals and universities that employ hundreds or thousands of people—should be exempt.

The administration's final proposal essentially gives religious groups what they wanted by means of an extremely broad definition of what constitutes a religious organization. Any non-profit entity that declares itself opposed to providing contraception coverage will be able to qualify for exemption.

In an attempt to cover up its capitulation, the administration is setting up a convoluted procedure by which workers at such institutions will be able to get stand-alone contraception coverage free of charge from private insurers. The religious organizations, however, will not even be required to inform their workers of the existence of these plans.

The administration's latest capitulation further jeopardizes access by working class families to vital health care services. But it has even more profound implications for the core constitutional principle of the separation of church and state.

Contraception has long been entirely legal in the United States. Religious doctrine, therefore, constitutes the only basis for the administration's decision. In other words, the Obama administration's capitulation

facilitates the direct establishment of religious doctrine via state policy—precisely what is prohibited by the US Constitution.

Obama's retreat was in response to a concerted campaign by well-funded religious groups to denounce the provision of birth control to women as a “war on religion” and a violation of “religious liberty.” In these arguments, democratic rights are turned upside down: the right of workers to health care is superseded by the “right” of employers to impose religious doctrine on their employees, and of religious organizations to dictate government policy.

The principle of separation of church and state held a vital place in the political foundations of the United States, which is reflected in its position in the first line of the First Amendment. The first ten words of the Bill of Rights are: “Congress shall make no law respecting an establishment of religion.”

The principle is grounded in the secularist principles of the Enlightenment and in the experiences of the bourgeoisie in its revolutionary period. The American revolutionaries understood that religion had long been on hand to sprinkle holy water on the suppression of popular movements, the prosecution of war, the defense of the privileges of the aristocracy, and the opposition to science and progress. As such, divorcing religion from the state was seen as necessary to opening up the path to democracy, reason and progress.

Thomas Jefferson, replying to a petition from a religious group, exalted the “wall of separation between Church & State” that the First Amendment had built. James Madison famously opposed allowing “three pence” of public funds to be spent on religion.

Even well into the 20th Century, such conceptions could still find articulation within the political establishment. Then-presidential candidate John F.

Kennedy said in a famous speech in 1960, “I believe in an America where the separation of church and state is absolute, where no Catholic prelate would tell the president (should he be Catholic) how to act, and no Protestant minister would tell his parishioners for whom to vote; where no church or church school is granted any public funds or political preference; and where no man is denied public office merely because his religion differs from the president who might appoint him or the people who might elect him.” It is a telling fact that no American politician today—Democrat or Republican—could make such a statement without being politically ostracized. When he first announced his intention to capitulate to the demands of religious organizations early last year, Obama declared that he was acting “as a citizen and a Christian.”

Today, Jefferson’s “wall of separation” lies in ruins along with the rest of bourgeois democracy. Religious doctrine in the form of “intelligent design” has been infiltrated into public school science classrooms, religious schools are funded with government vouchers, religious organizations are granted special tax breaks and privileges, “faith-based” charities enjoy substantial government subsidies, and courts refuse to halt the erection of crosses on public land.

The attack on the separation of church and state goes hand-in-hand with the erosion of democratic institutions all down the line, a process inextricably linked to the extreme growth of social inequality. In clear violation of the fundamental constitutional guarantee of due process, the Obama administration now asserts the power to imprison, torture, and assassinate US citizens without any kind of judicial review.

Obama’s retreat exposes once again those who sought to conceal the rightward trajectory of American liberalism by touting Obama as some sort of progressive crusader for “women’s issues.” This is the hopeless dead end into which the embrace of categories based on identity, gender, and lifestyle, at the expense of class, has led.

The defense of reason and science in opposition to religious obscurantism remains a foundational principle of the socialist perspective for human liberation. With capitalism in crisis and liberalism neither willing nor able to defend basic rights, it falls squarely to the international working class to take the lead in the

struggle to defend and expand fundamental democratic principles by means of a revolutionary struggle for socialism.



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