

Faculty of Concordia Theological Seminary, Fort Wayne, Indiana, Responds to the U.S. Department of Health and Human Services' Healthcare Mandate

A Whole New Can of Worms

Standing before an assembly of princes at the Diet of Worms, Martin Luther famously said, "My conscience is captive to the Word of God. I cannot and will not recant anything, since it is neither safe nor right to go against my conscience. May God help me. Amen." When he spoke those words, the blessed Reformer knew that his life was on the line. His strong defense embodies not only the courageous spirit of Lutheranism but of Christianity throughout the ages. Indeed, the apostle Peter himself, upon threat of imprisonment and death proclaimed, "We must obey God rather than men" (Acts 5:29). This means that while we honor those in authority, our first allegiance must be to our Creator. This means that Christians understand their duty is to render unto Caesar the things that are Caesar's and to God the things that are God's. (Luke 20:25)

Christians gratefully recognize that temporal authority is a gift from God. We heed well the words of St. Paul who writes, "Let every person be subject to the governing authorities. For there is no authority except from God, and those that exist have been instituted by God" (Romans 13:1). Our Lord Himself did not come to establish an earthly kingdom but a heavenly one. While the government bears the sword, our only weapon is the sword of the Spirit, which is the Word of God. Christians did indeed come to "turn the world upside down" (Acts 17:18), but their purpose has never been to foment revolution. Rather, we come to preach a message of forgiveness, a crucified and risen Savior, who has won for us salvation and who has taught us that every human life is precious to God.

Thus, as Christians and in accordance with Scripture, we pray for those in authority. We thank God for the gift of governance, and in all things we strive to act in accordance with the law. We seek in every way to be good citizens of this land and to fulfill our civic duties. Still, we must also say to our leaders and to the world that we are also subject to another law and answer to a higher court. We confess that on the last day Christ will come to judge us all according to His holy law. This law manifests itself in our conscience by which all people act according to their perception of what is right and wrong. (Romans 2:14-15) The conscience is the internal law, as it is written in our hearts. It is our perception of God's will. Now, it is true that our conscience may be uninformed or ill-informed. As Christians, we recognize that the conscience can err and, therefore, must be informed by God's Word, so that it may conform to God's will. It is true that on certain ethical issues people of good will come to different conclusions. In the New Testament we see instances of some who thought that eating meat sacrificed to the idols was a sin. Whether or not such eating was a sin was open to debate. What was not open to debate was the fact that to go against one's conscience is always a sin. To go against conscience is to say, within oneself, "I will disobey God. My will, not His, be done." For this reason, we must be especially respectful of conscience, for in doing so we show respect for the integrity and dignity of one another.

Now, we come to the present day debate, brought on by the "women's preventive care" mandate from the U.S. Department of Health and Human Services (HHS). HHS Secretary Kathleen Sebelius issued this mandate with the endorsement of President Obama. According to this mandate, Catholic institutions, including hospitals, schools, and charities, will have to pay for both contraceptives and abortifacients. Some have

tried to turn this into a debate on women's rights and their access to reproductive services. And yet, we should be clear, this is not the issue.

This has been made clear by our Synod President, whose bold words echo those of Martin Luther. Appearing before the House Committee on Oversight and Government Reform on February 16, 2012, Dr. Matthew Harrison, President of The Lutheran Church –Missouri Synod (LCMS), testified, "The conscience is a holy thing," and then added, "We fought for a free conscience, and we won't give it up without a fight."

To some it may seem unusual to hear such words offered up by a Lutheran pastor in defense of a presumably Roman Catholic teaching. Now, we should say without hesitation that as Lutherans we stand firmly against abortion and recognize it as a grave evil and a national tragedy. On this position we are in full agreement with the Catholic Church. We who proclaim Christ as the life of the world hold all life precious, from conception to natural death. Yet, there is still another issue which is at play, namely, that of conscience and of the religious liberty proclaimed in the Constitution of the United States.

As LCMS Lutherans, we operate preschools, grade schools and high schools. We take pride in our university system as well as our seminaries, and we perform countless works of mercy through our many charitable organizations. The Lutheran Church—Missouri Synod's World Relief and Human Care brings needed supplies and resources to victims of famines and floods. At the grass roots level, Lutheran congregations operate food and clothing banks, provide shelters for the homeless, hope centers for the abused and medical care to the indigent. Through these and so many other ways we express our Christian faith and bring Christ's love to our neighbor.

According to this new ruling of the HHS, all employers will be forced to provide not only contraceptives but also drugs that induce abortion. Churchly institutions that do not serve primarily members of their own church would be subject to this new ruling, except with one "accommodation." This accommodation would allow churchly institutions to opt out of paying for this service, with the proviso that their insurance carriers would then pay for these things themselves, providing them at no cost to those covered by the institution's policy. Christians must recognize that this accommodation is not enough. Rather than an expression of freedom, the mandate is coercive. Indeed, the very idea of an "accommodation" is troubling. Thomas Jefferson asserted that we are endowed by our Creator with certain unalienable rights. Unalienable means that these rights cannot be given, given up or taken from us. According to our nation's own founding documents, the government has no right to pass laws that would abridge the exercise of our religious freedom. Indeed, as Christians, we recognize that religious liberty is a gift from God. Our own church, the LCMS, was founded by men and women who left their homeland so that they could exercise their religion freely and in accordance with their conscience. And we are grateful for all the men and women who have fought to preserve this same religious freedom.

According to this unconstitutional mandate, Christians who own insurance companies will be forced to offer contraceptives and abortifacients. Christian institutions will be forced to buy insurance from companies that will also have to provide their workers contraceptives and abortifacients. While we do not share with the Catholic Church the same teaching on contraceptives, we do honor their right, according to the First Amendment, to practice their beliefs according to their conscience. Furthermore, we do stand with them

entirely on the matter of abortifacients, which we hold to be the taking of human life. We fear that human life itself is being treated like a commodity. We are concerned with a mindset that thinks of human beings as a commodity, rather than as a precious good and a source of blessing in and of itself. At stake is the very dignity of our humanity.

Furthermore, this mandate from the U.S. Department of Health and Human Services is by no means an isolated incident, but is part of a troubling trend in which governmental entities are demanding that religious institutions abandon their own biblical principles or else discontinue their works of charity. For instance, Christian adoption agencies are already being coerced into providing adoption services for same-sex couples. Due to conscience informed by biblical values, some agencies refuse, and as a result, adoption agencies are closed down, children are not adopted into loving families and the whole of society suffers. Terrible precedents have been set and, if allowed to stand, will forever alter the landscape of our society. Accordingly, we must ask some fundamental questions as to what type of society we wish for our children and grandchildren. Do we want to live in a world where social activities informed by religious conscience are systematically exterminated? Do we want to live in a world where the social fabric is torn apart, and an overreaching government harasses the very people who knit together our society through acts of charity and mercy? Do we want the public landscape wiped clean of religious hospitals, schools and charitable organizations?

The situation is critical. If this mandate is allowed to stand, the world will become a poorer place, those in need will needlessly suffer and our own message of Christ's love will be silenced. This mandate, and others like it, must be resisted.

What then can we, as Christians, do? For one, we must stand in solidarity with those under assault. As citizens of this nation, we must remind our leaders of the First Amendment, which states that Congress shall make no law that prohibits the free exercise of religion. We must teach our people that we have a right to life that comes not from the government, but from God. We must support those who put themselves on the line in defense of this liberty. And we must ourselves also be willing to stand up and pay the price of our convictions, whatever that price may be. While we do all this, we will continue to be good citizens. We will continue to engage in acts of mercy. We will continue to offer up prayers and supplications on behalf of our nation and its leaders, even as we pray that they would rescind this mandate. So, finally, we say with St. Paul, may we "always take pains to have a clear conscience toward both God and man" (Acts 24:16). May God grant us wisdom and courage in the days ahead.

Adopted by the faculty of Concordia Theological Seminary, Fort Wayne, Indiana, February 21, 2012.

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