

abortion, xix, 113, 116, 117, 119, 120, 122, 123, 146,

**More Information** 

## Index

American Psychological Association, 179, 259,

```
179, 189-90, 191-92, 237, 243, 244, 245, 246,
                                                              260, 266, 267, 268, 270, 272
                                                      Americans with Disabilities Act, 55, 71
       247, 248–50, 251–55, 283, 313, 334, 350–52.
       See also personhood movement
                                                      Americans United for Life, 361
  emergency termination, 30-32, 191-92,
                                                      Americans United for the Separation of Church
                                                              and State, 34
       253-55
  obstetrics training programs, 51-52
                                                      Amish, 316, 416-18
  professional conscientious objection, 188
                                                      anthrax, 403
  restrictions and the Establishment
                                                      Aristotle, 106
       Clause, 372-81
                                                      artificial insemination, 122
  selective ban, 349, 352, 357
                                                      assisted suicide. See end-of-life treatment
Affordable Care Act, xvii, 115, 134, 136, 140, 199,
                                                      assistive reproductive technology. See also
       216, 230-31, 236, 240, 252, 314
                                                              personhood movement
  actuarial fairness, 148-49
                                                         denial of service, 360-64
  'Cadillac tax', 166
                                                         embryo adoption, 364-66
  contraception provisions, 10, 43, 64, 72, 81, 231,
                                                         Europe, 360
       232, 233, 235, 237, 238, 239, 241, 256, 356.
                                                         pre-embryo disposition disputes, 368-71
       See also contraception, coverage litigation
                                                         restrictions and the Establishment
                                                              Clause, 372-81
  employer mandate, 4, 162-63, 166
  health care sharing ministries, 144-45,
                                                       Baby Rena, 306
       150, 151–53
  health exchanges, 4, 72, 153, 163, 165, 166
                                                       Barriocanal v. Gibbs, 194
  individual mandate, 29
                                                       Becket Fund for Religious Liberty, 44-45, 68
  philosophical basis, 150-51
                                                       Belloti v. Baird, 334
  social solidarity, 148
                                                       Benedict XVI, 94, 97, 100
Alito, Samuel, 58, 80, 82, 127-28, 129-30, 210, 234
                                                       Black church, 387-98
                                                       Blackmun, Harry, 50, 346, 366, 373
Alliance Defending Freedom, 45
American Association of Christian Counselors,
                                                       Blagojevich, Rod, 51
       280, 281, 283
                                                       Bob Jones University v. United States, 74
American Catholic Psychology Association, 279
                                                       Brennan, William, 128, 222
                                                       Buchanan, Pat, 40
American Civil Liberties Union, 30-31, 32, 34, 35,
                                                       Buddhism, 412, 413
       192, 254
                                                       Burwell v. Hobby Lobby, 2, 4, 5-6, 21-23, 29, 30,
American Counseling Association, 260, 264,
       265, 267
                                                              34, 35, 42, 43, 44–45, 53, 55–56, 59, 60–61,
American Medical Association, 179
                                                              62-63, 71, 72, 73, 74, 81-85, 103-4, 108, 112,
American Pharmacists Association, 50
                                                              124, 125, 127–30, 136–37, 158, 159, 160, 199,
```



More Information

Index 424

Burwell v. Hobby Lobby (cont.) 203, 204, 206, 208, 210, 211, 216, 236–37, 353, 354, 356, 359 Bush, George H.W., 39 Bush, George W., 365 Cardwell v. Bechtol, 334 Caribbean mercury rituals, 413-15, 420

Catholic Church abortion, 30-32, 41-43, 116, 117, 191-92, 245, 246,

253, 254, 375 contraception, 41-43, 117, 125, 245 contractual impositions on non-Catholic

health care providers, 113-24 disclosure of health care restrictions, 189 end-of-life treatment, 33, 114

Ethical and Religious Directives for Catholic Health Care Services, 114, 115, 116, 117, 118,

119, 122, 123, 130, 131, 247, 253 health care mission, 49, 87, 90-102, 243

charity, 93-94, 97 corporate religion, 97-101

governance structure, 94-96 history, 140

mission integrity, 125-37

pluralism of employees, 96-97, 115

HIV prevention, 384 homosexuality, 263

local health care monopolies, 32-33, 123, 243, 246

psychology profession, 278 sterilization, 190, 244

Catholic Health Association, 66, 125, 132-33, 134

Catholics for Choice, 43 Centers for Disease Control and Prevention,

403, 409-10 Christian Association for Psychological Studies, 279, 280

Christian Healthcare Ministries, 144 Christian Scientists, 29-30, 152

Church Amendment, 243, 244, 246, 250, 251, 313

Church of Lukumi Babalu Aye v. City of Hialeah, 419-20

Clean Water Act, 416 Clinton, Bill, 34, 39

Clinton, Hillary, 167

Coalition for the Free Exercise of Religion, 38, 40

Coates-Snow Amendment, 251

community benefit standard, 125–26, 131–34 conscience, 103-12

burden on third parties, 208-14 undue hardship standard, 212-14, 215-29 classical conception, 105-7 complicity in sin, 42-45 conflation with religion, 104, 107-9

'corporate', 109-12, 160-61

determining substantial burden, 204-8

natural person, 104, 112

sincerity of religious objections, 65-70, 157 statutory conscience protections, 120-21,

123-24, 242-57 institutional disclosure, 246-48 super conscience clauses, 251-53

Constitution

Article 1, 403

First Amendment, xvi, 4, 50, 55, 75, 76, 79, 121, 154, 178, 185, 186, 215, 219, 229, 265, 297, 315, 317, 353

Establishment Clause, 13, 55, 61, 74, 199, 200, 209–10, 217, 221–23, 226,

261, 372-81 Free Exercise Clause, 3, 5, 25, 26, 36-37, 53, 55, 58, 60, 61, 70, 73, 77, 78, 309, 340, 341,

353-54, 362, 405 Fourteenth Amendment, 39, 350, 353, 366. See

also privacy rights Tenth Amendment, 403

contraception, xix, 30, 53-59, 146, 245

benefits for women, 70-71 conflation with abortion, 68-70

coverage litigation, 2, 4-7, 21-24, 62-74, 81-86, 90, 127–30, 156–57, 203, 204, 206–8, 210, 211, 216, 231-41, 256-57, 353. See also Burwell v. Hobby Lobby; Zubik v. Burwell

emergency, 24–27, 51, 117, 120, 122, 190 contractual religious restrictions on health

care, 113-24 Corp. of Presiding Bishop v. Amos, 55, 61, 128

Council of Social Work Education's Commission on Accreditation, 268

Crider v. University of Tennessee, 226-27 cuius regio, 238-39

Culture Wars, 40-46, 90, 91, 202 Religious Right, 42-46

Republican Party, 44 Cutter v. Wilkinson, 210

Danbury Baptists, 235 death penalty, 50-51, 205

DeBoer v. Snyder, 390-91

Department of Health and Human Services, 4-5,

6, 133, 134, 135, 248, 252

Diagnostic and Statistical Manual of Mental Disorders, 286-87, 322



**More Information** 

Index 425

disposal of hazardous human remains, 399-410 religious dissent, 401-2, 406, 407 US laws, 402-5, 406-7 legal protection for death rituals, 405 Ebola, 401-2, 407-9 Eden Foods, Inc. v. Sebelius, 66 EEOC v. Townley, 227-28 Emergency Medical Treatment and Labor Act (EMTALA), 148, 254, 255 eminent domain, 234 Employee Retirement Income Security Act (ERISA), 164 employer-sponsored health insurance, 154-68 history, 162-63 privilege v. entitlement, 163 regressive distribution of benefits, 163-64 religious conflict, 161-62 risk pooling, 164 stagnant pay, 163 Employment Division v. Smith, xvi, 3, 4, 26, 37–38, 39, 309, 310, 312, 353–54, 362 end-of-life treatment, 33, 120, 123, 169, 247 assisted suicide, xix, 119, 312, 313 euthanasia, 52 spiritual, 318 withdrawal of life support, 114, 188 environment, 411-22 Amish waterway pollution, 405-18 Caribbean mercury rituals, 416-18 regulatory collaboration with religious groups, 419-22 religious attitudes, 412-13 Environmental Protection Agency coal regulations, 412 mercury rituals, 414-15, 420 waterway pollution, 416, 417 epidemics, 399-410 Estate of Thornton v. Caldor, 61 Falwell, Jerry, 42 feudalism, 230-31, 235, 236-37, 239-41 Focus on the Family, 281 Francis (Pope), 100 Fuller seminary, 279

Fuller seminary, 279

Genetic Information Nondiscrimination Act, 148
Georgetown University, 66
Gillette v. United States, 54
Ginsburg, Ruth Bader, 23, 29, 58, 82, 83, 84, 85,

Good News Club v. Milford, 284, 285–86, 287

Grace Schools v. Burwell, 84–85 Griswold v. Connecticut, 350

Harris v. McRae, 375 health care sharing ministries, 144-53. See also under Affordable Care Act actuarial fairness, 149 operating principles, 144-47 philosophical basis, 151-52 social solidarity, 149 stability, 152-53 Hinduism, 413 HIV/AIDS and African Americans, 387-98 Holt v. Hobbs, 44, 80-81, 218 Home School Legal Defense Association, 34 Hosanna-Tabor v. EEOC, 55, 58, 61, 79-80, 234-35 Huckabee, Mike, 412 Hyde Amendment, 313, 375

Illinois Conscience Act, 25
in vitro fertilization, 27–28, 122
individual choice, xvii, xix, xx
insanity defense, 319–31
distinguishing disorder from extremism, 322–25
insanity standard, 325–27
islamophobia, 328–30
raising the defense, 327–28
Insanity Defense Reform Act, 325
Internal Revenue Code, 162
International Health Regulations, 407–8
Islam, 323–24, 327–30
extremism, 319–21, 322, 323–24, 327–28

Jacobson v. Commonwealth of Massachusetts, 405 Jefferson, Thomas, 235–36 Jehovah's Witnesses blood transfusion, 30, 219, 292, 335, 336–37, 340, 342 renunciation of autonomy, 337–38, 340 John Paul II, 100 Johnson v. Kokemoor, 194 Julea Ward Freedom of Conscience Act, 265–66

Kagan, Elena, 58, 80 Keeton v. Anderson-Wiley, 264–65 Kennedy, Anthony, 23, 24, 59 King v. Burwell, 232 King v. Christie, 276, 281 knowledge communities, 173–86 constitutive characteristics, 175–79, 182–84 external outliers, 181–82

127, 128-29, 208



**More Information** 

Index 426 knowledge communities (cont.) National Right to Life Committee, 39 Native American religion, 37, 412 internal outliers, 180-81 professional-client relationship, 184-85 New Jersey Declaration of Death Act, 297-98 Korte v. Sebelius, 314 New York Department of Health, 298 New York State Task Force on Life and the labor unions, 236 Law, 298 LGBT, xvi, 158, 179, 216 Nightlight Christian Adoptions Agency, access to assistive reproductive 364-65 technology, 360-64 Nixon, Richard, 416 North Coast Women's Health Group v. San Diego conversion therapy, 173, 181, 264-65, 267 Establishment Clause objections, 283-87 Superior Court, 362-63 as religious v. medical activity, 278-83 Notre Dame University, 66-67, 237, 239, 240 counselors with religious objections, 263-75 disclosure, 274 Obama, Barack, 236 legislation, 265-66 Obergefell v. Hodges, 259 limited certification, 273-74 pacifism, 205, 207 litigation, 263-65 referral, 270-72 palliative sedation, 188 training programs, 272-73 Parham v. J.R., 333 marriage and family-making, 371 Paul VI, 41 views of counseling profession, 266-67 personhood movement, 366-68, 380-81 Locke, John, 376 Personhood USA, 367 pharmacies, 24-27 Madison, James, 60 Pickup v. Brown, 276, 281 Magna Carta, 234 Planned Parenthood v. Casey, 39, 350, 351, March for Life v. Burwell, 210 Marshall, Thurgood, 222 President's Council on Bioethics, 304 McCreary County v. ACLU, 376, 377 Prince v. Massachusetts, 405 privacy rights, 348-59 McDaniel v. Essex International, 228 Means v. US Conference of Catholic protection from governmental Bishops, 30-31 interference, 350-53 Medicaid, 142, 148, 164, 219 conflict with religious reasons, 353-59 Medicare, 142, 164, 313 professional conscientious objection, 169-98. See Medi-Share, 144, 145-46, 147, 149, 151-52 also knowledge communities minors refusing treatment, 332-44 disclosure of objection, 184-85, 187-98 autonomy, 335 personal interests disclosure common assessment of, 341-44 law, 196-97 standard risk-and-benefit disclosure common mature minor doctrine, 334-35, 337, 340, 341 parental rights, 333 law, 193-96 undue influence, 338-40 Protos v. Volkswagen of America, 223-24 Model State Emergency Health Powers Act, Provena Covenant Medical Center v. Director of 403-5, 406 Revenue, 131-33 Moore v. Regents of the University of Religious Freedom Restoration Act, 124, 127, 128, California, 196 199, 204, 208 National Association of Evangelicals, 34 federal, 3–4, 5–6, 7, 22, 23, 28, 45–46, 55–56, 61, National Association of Nouthetic 63, 64, 65, 66, 73, 74, 76, 77, 78, 80, 82, 83, Counselors, 280 84, 90, 127, 154, 155, 156, 157, 158, 161,  $208-9,\,212,\,231,\,232,\,234,\,237,\,238,\,240,$ National Federation of Independent Businesses v. Sebelius, 231-32  $241,\,309,\,348,\,349,\,350,\,353,\,354,\,356,\,363,$ National Labor Relations Board v. Noel 405, 420

enactment, 34, 38-40

Canning, 55



**More Information** 

Index 427

state, 3, 28, 76, 77, 121, 154, 309–12, 314, 315, 317, 354, 356, 363, 405, 406 Arizona, 310, 311 Idaho, 310, 311 Indiana, 34 Oklahoma, 310, 311 Pennsylvania, 311 Religious Land Use and Institutionalized Persons Act, 61, 76, 77, 78, 80, 218, 234, 348 Reno, Janet, 39 Roberts, John, 59, 79, 234-35 Roe v. Wade, 39, 243, 345, 346, 351, 352, 366, 375, 381 Rosenberger v. University of Virginia, 284 Ryan, Paul, 367 Samaritan Ministries, 144, 145-46, 149, 151-52 Sanders, Bernie, 167 Scalia, Antonin, 7, 37, 85, 354, 378 Seventh-day Adventists, 48, 49, 54, 225, 228 sexual orientation change efforts. See LGBT, conversion therapy Shembe, 413 Sherbert v. Verner, 26–27, 36–37, 40, 54–55, 61 Shinto, 295, 412 single-payer insurance, 167 Sotomayor, Sonia, 23, 81, 85–86 Souter, David, 376 Southern Baptist Convention, 41 Southern Baptist Theological Seminary, 278 Spanish flu, 403, 406, 410 sterilization, 113, 116, 119, 120, 190, 244, 313 Stevens, John Paul, 373 Stormans, Inc. v. Wiesman, 25-27

Taoism, 412
Thomas Aquinas, 106, 107, 110
Thomas v. Review Board of the Indiana
Employment Security Division, 238
Thomas, Clarence, 79
Title VII, 50, 55, 201, 217, 220, 221, 222, 223, 224, 225, 226, 297

Supreme Court of Canada, 341

Tocqueville, Alexis de, 236
Tooley v. Martin-Marietta Corp., 225–26
Toxic Substances Control Act, 414
Troxel v. Granville, 352
TWA v. Hardison, 220–23

Uniform Determination of Death Act, 294, 295–96, 299 United States v. Ewing, 326 United States v. Lee, 61 Unruh Civil Rights Act (California), 362–63 US Conference of Catholic Bishops, 30–31, 39, 72, 100

vaccination, 28–29 MMR and autism, xvii, 180

Ward v. Polite, 264, 269 Watch Tower Bible and Tract Society, 337 Welch v. Brown, 276, 283 Weldon Amendment, 251, 252, 253 Wendroff, Arnold, 414-15 Wheaton College v. Burwell, 68 Wieland, Paul, 240 Wisconsin v. Yoder, 316 withholding futile treatment, 188, 291, 306-18 brain death, 290, 293-305 accommodation for religious objection, 208-205 exemption for religious objection, 297-98, 305 scientific criticism of definition, 304 medical futility statutes, 308-17 compelling state interest, 312-17 Free Exercise Clause, 309 religious burden, 309-12 World Health Organization, 383, 401, 407-9, 410 Worldwide Church of God, 220

Zubik v. Burwell, 7, 23–24, 53–54, 57–58, 64, 75, 85–86, 135–36, 203, 204, 207, 213, 216, 233–34, 242, 253, 256–57
Zubik v. Sebelius, 135