

## **Hobby Lobby Decision Favors Corporations Over Persons**

The Supreme Court's Hobby Lobby decision was disappointing, but no surprise. Another victory for corporations, that's what is most troubling about it.

Don't doubt the Green family's sincerity. They conscientiously desire not to pay for what they regard as the destruction of human life. They accept many forms of contraception, just not those that they believe destroy a viable fertilized egg – namely IUDs and morning-after pills.

There's an empirical question here – not when a human life begins, but whether certain forms of contraception effectively terminate already fertilized eggs before implantation occurs. Fertilization is part of the process of conception, which also requires implantation. The Greens are entitled to their conviction that human life begins at fertilization and, given that conviction, have sound religious grounds to oppose contraception that prevents implantation of fertilized eggs. But even if they are right about the empirical facts, it seems to me that their religious rights pertain to them only as individual persons, not as the corporation Hobby Lobby.

The Supreme Court has accorded religious rights to a legally created entity that it denies to actual persons under law. For instance, I strongly object on religious grounds to government spending on many weapons that destroy human life, including nuclear bombs, ICBMs, armed drones, and land mines. Shouldn't I be entitled on religious grounds, therefore, to an exemption from paying some portion of my taxes? Why should a "religious" corporation be exempt from a government requirement that I, as a religious individual, cannot also enjoy? It's not obvious that it should matter whether the federal government requires me to make my payment to an insurance provider or the IRS.

Or suppose that I simply share the convictions of the Hobby Lobby folks. Must I be required to buy insurance from a provider that includes contraceptive coverage to which I object, thereby forcing me to help underwrite the cost of such coverage? Suppose my religious objection is to vasectomies, breast implants, or immunizations? Doesn't the government have a duty to provide me with an insurance alternative that exempts me from contributing anything to the cost of such practices?

The Supreme Court's decision isn't necessarily pro-religion, or anti-women, as such. Rather, in the guise of permitting certain stockholders to practice their religion on behalf of nascent human life, the Court has accorded special privilege to corporations while denying the right it presumes to recognize to actual human persons.

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