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February 12, 2013: The Absurdity of Corporate Religious Freedom

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Title: The Absurdity of Corporate Religious Freedom

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2/12/2013--Kevin C. Walsh, an attorney in Richmond, VA, has written a blog entry ([here](#)) arguing that the Religious Freedom Restoration Act protects for-profit corporations from laws that substantially burden the exercise of religion. It is quite well done. But it is a textual argument about the word person in the statute. Generally person in federal law includes corporations. And many religious organizations are in corporate form. This is true. But Walsh does not ask what sense this would make. Citizen's United, the case that held that corporations were protected by free speech in making campaign contributions, at least had the virtue that the arguments made by corporations might be something that voters should hear. Religious liberty is quite different. It is a matter of conscience. Corporations do not have consciences. Corporations do not have religious beliefs. Human beings who run corporations do have religious consciences. And I suppose one can imagine a human being who so identifies with a corporation that when the corporation violates the tenets of the human's religion, it bothers the human. But could this really be true of General Motors? Could it be true of Chevron? And even in the case of a more tightly held corporation, the human being does not really identify that closely with the corporation. That is why the human being does not pay the debts of the corporation. That is the point of the corporate form. Surely this human being cannot argue that the corporation is an alter ego when it buys medical insurance but not when it runs up debts. Where would this end? I'm sure there are corporations who similarly sincerely feel that unions violate their religious liberty.