

Whose religious freedom?

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Hobby Lobby store in Stow, Ohio, by [DangApricot](#)

Last month the Supreme Court heard opening arguments in two cases pitting the Affordable Care Act's contraception mandate against the religious objections of private business owners. The Christian owners of Hobby Lobby and Conestoga Wood Specialties object to the ACA's requirement that employee health-insurance plans cover emergency contraceptives, which they believe constitute abortion.

The court has a whole tangle of questions to consider: Are corporations people in every legal sense? Do for-profit entities have religious rights? If so, are they overruled by a compelling governmental interest in expanded contraception coverage? If these claims by a for-profit are upheld, could employers also lodge religious objections against coverage for blood transfusions or vaccinations or against various kinds of family leave?

The business owners are appealing to the Religious Freedom Restoration Act of 1993, which aims to protect religious exercise from burdensome laws. A large bipartisan majority passed the RFRA, largely in response to a series of court decisions against free-exercise claims by adherents of Native American religions. It's a good law. And the fact that the RFRA's protections were aimed at minority faiths doesn't prevent them from applying to Christians as well.

But as Justice Ruth Bader Ginsburg pointed out in opening arguments, the RFRA wasn't designed to grant religious rights to corporations, and it wouldn't have passed if it had been. Conestoga and Hobby Lobby contend that the companies

themselves, not just the owners, are religious entities with religious rights. But they are for-profit firms selling products of a not specifically religious nature. More important, these companies are not religious monoliths. The employees as well as the owners are part of the company, and these employees—some of whom have different religious beliefs from their bosses—have rights, too.

If paying for insurance coverage implicates an employer in an employee's health-care decisions, it does so in an abstract and distanced way. By contrast, the impact of coverage restrictions on employees is quite direct. The federal government has determined—rightly, in our view—that emergency contraceptives are a crucial part of comprehensive health insurance, a service which in the United States is provided primarily via employers. Why should female employees or dependents be denied this coverage based on a religious objection that is not their own, but someone else's?

As members of the majority faith, American Christians are more easily tempted than others to lose sight of the difference between exercising one's religious freedom and imposing one's beliefs on others. In this case, the owners of Hobby Lobby and Conestoga have overstretched the claim to religious liberty.