

Of Course Corporations Like Hobby Lobby Have Rights Of Conscience, And You Probably Shop At One

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This week, the Supreme Court heard a challenge to the birth control mandate of the Affordable Care Act. The mandate in question requires that companies with over 50 employees must provide health insurance that covers certain contraceptive devices that some believe are abortifacients, or pay a stiff fine.

Hobby Lobby and Conestoga Wood Specialties challenged the mandate as a violation of the freedom of religion. The Court now must answer the questions of whether for-profit corporations can have a religious conscience and whether the birth control mandate substantially burdens the businesses' free exercise of religion.

These two cases come to the Court at a time when corporate conscience is more important than ever. Companies are marketing themselves as stewards of the environment, supporters of fair labor practices, of fair trade, and of the poor, and consumers are increasingly paying a premium for goods that align with those values. The market has fostered environmental stewardship and social justice products (e.g. Toms) because people are willing to pay for them.

Big and intrusive government threatens all types of rights of conscience. When government expands into new, values-laden areas, it is best to realize that while today it may be them, tomorrow it could be you. Those on the left who are opposing Hobby Lobby's suit as an attempt to undercut women's rights or as an attempt to let your boss choose your health care, should be thinking instead about the next big government mandate that could affect a business's right of conscience that they actually care about.

Whole Foods, for example, is a corporation with a conscience. On their website they list the core values that are "truly important to us as an organization" and that "do not change from time to time, situation to situation or person to person, but rather are the underpinning of our company culture." These include advancing environmental stewardship, a commitment to GMO labeling, and creating "win-win partnerships with suppliers" to treat them with "respect, fairness, and integrity at all times."

Likewise, New Belgium Brewing Company, the maker of Fat Tire, also has a well-defined corporate conscience. The third object on their website menu is “sustainability,” and they discuss their “heart-felt approach to business” that has existed since the company was founded. The company’s ten core values and beliefs are championed on the website, including “kindling social, environmental and cultural change” and promoting environmental stewardship by “honoring nature at every turn of the business.”

Hobby Lobby is no less a corporation with a conscience. At the very top of its list of values, the arts and crafts giant places “honoring the Lord in all we do by operating the company in a manner consistent with biblical principles.” “We believe that it is by God’s grace and provision,” the website states, “that Hobby Lobby has endured.” As a demonstration of these values, Hobby Lobby is not open on Sundays, does not sell shot glasses, and consistently places religious messages in its ads.

Some may question whether a corporation can “practice” a religion, but that is no different than asking whether Whole Foods or New Belgium can have “core values.”

In two years, imagine a Republican president and Congress passing a different type of mandate: a tax on businesses that do not buy a certain percentage of GMO crops. The tax, like ethanol subsidies, is meant to prop up GMO producers in order to make the US a leader in the market.

In that situation, Whole Foods and New Belgium would find themselves in a similar situation as conscientious objectors to the draft (which the Supreme Court has upheld). The same question would arise: Can a business really have “core values” or a right of conscience? In that situation, however, I’m sure that many on the left who derided Hobby Lobby’s claims would fully support Whole Foods and New Belgium.

There are those who think the market only produces waste, poverty, and environmental ruin, but companies across the world are succeeding by courting consumers who support those values. They should be supported and protected from inevitable government intrusion. Rights of conscience are only protected if we protect all such rights, not just those we share. Conscientious corporations of all types should be championed and respected.

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