When Mitt Romney uttered the now famous phrase, “Corporations are people, too” back in 2011, he merely stated a fact. The American legal system classifies corporations as “persons” for the purposes of many laws, such as owning property, bringing a legal suit or being sued. This status does not extend to all laws and rights, however - a corporation cannot vote in an election or get married, for instance.

The Supreme Court of the United States has just decided it will hear a case to determine whether corporations should be considered legal persons for the purposes of the free “exercise of religion,” according to the First Amendment to the U.S. Constitution.

The case concerns the company Hobby Lobby, owned by David Green and his family, whose religious convictions have impelled them to request an exemption from the portion of the Affordable Care Act (ACA), often called Obamacare, that requires the company to provide a health care insurance policy for its employees that includes certain kinds of birth control to which they are religiously opposed.

This case from the 10th Circuit Court of Appeals pits two claimed rights against each other. Does Hobby Lobby have the right not to pay for health procedures that violate its religious beliefs? Or, do the company’s employees have a right to the same health-care benefits enjoyed by other U.S. citizens?

Look at the first question in the previous paragraph. It does not make sense. Can a corporation have “religious beliefs?” Can it “exercise” religion? Not really. A corporation cannot attain salvation. It cannot be given eternal life, whether in heaven or in hell. It cannot pray, take communion or even join a church. If a corporation were Buddhist, could it achieve enlightenment? The mere idea is absurd.

To be sure, a company’s owners, board members and even employees can do those things. They can “associate” or even “incorporate,” to use the legal terminology, and do them together or help other people do them. But the corporate entity itself does not “exercise” religion in these ways.

The 10th Circuit argued that the corporation exercised religious belief by proselytizing: “purchasing hundreds of newspaper ads to ‘know Jesus as Lord and Savior.’” This logic is hard to follow. A company cannot be saved and it cannot achieve eternal life, but it exercises religion because it advertises? Sounds more like sales than proselytization.

A more accurate way to characterize the interaction of corporations and religion is that they are a tool. Companies are property that can be used for their owners’ purposes. Hobby Lobby, the company, was used as a tool to design and pay for advertisements. Should a tool be given the ability to deny American citizens their right to equal health care?

Well, perhaps. American law has long understood that property rights give an owner power over other persons. People are free to associate with whomever they wish, as long as they do not do it on someone else’s land. Rights of free speech and freedom to assemble that citizens exercise at the courthouse or in a downtown public park, for example, can be restricted in a shopping mall if the owners object.

In a similar vein, then, if the owners of Hobby Lobby object to certain kinds of health care procedures, on deep and sincere religious grounds, they should be able to use their property rights in the corporation to deny their employees access to those procedures. Right?

This is the wrong legal analogy.

A better one comes from tax law. Citizens may disagree with actions of the government. When the United States declares war, for instance, those opposed to the war might wish to disassociate themselves from it by refusing to pay taxes, or at least the percentage of their taxes that would pay for the war. This approach, however morally justified, has been declared illegal. So, if people cannot pick and choose which taxes they pay, then corporations should not be able to pick and choose which health care procedures they will insure.

In pilgrim Massachusetts, the Puritan fathers thought their religious beliefs permitted them to define the rights of the people in the colony. When the Bill of Rights was adopted, the United States rejected that position. If the Puritans should not have restricted people’s rights, why should a corporation?