

Chapter 1 : Is There a Limit to Corporate Religious Freedom?

Corporate Religion steps right on the sore toes of so-called international companies, so I must swallow hard before holding to my conviction that only by carrying our weaknesses on a silver tray can we become stronger.

The corporation formed for the purposes of religion is an important element in American ecclesiastical organization. The American religious corporation differs in origin, function, and power from the ecclesiastical corporation known to European law which is the product of canon law, and has been developed by analogy from the corporation of the civil law based upon the Roman law. It is not an American development of the English legal ecclesiastical corporation, which is composed entirely of ecclesiastical persons and subject to ecclesiastical judicatories. The religious corporation in the United States belongs to the class of civil corporations, not for profit, which are organized and controlled according to the principles of common law and equity as administered by the civil courts. Distinction is necessary between the corporation and the religious society or church with which it may be connected. The church is a spiritual and ecclesiastical body, and as such does not receive incorporation. It is from the membership of the religious society that the corporation is formed. The corporation exercises its functions for the welfare of the church body, over which, however, it has no control. It can not alter the faith of the church, or receive or expel members, or dictate relations with other church bodies. While the religious corporation is frequently organized to carry on some religious enterprise without connection with a local church body, the greater number of religious corporations in the United States are directly connected with some local church body, and it is in this connection that their powers and duties will be considered. Only a sovereign power can create a corporation, and this power now rests with the legislative branch of the state governments and of the federal government. Prior to the American revolution religious corporations were created either by royal charter or by provincial authority derived from the crown. After the revolution they were incorporated either by special acts of the state legislatures or under the provisions of general statutes. In its charter are contained the organic law of a corporation and the legal evidence of its right to the exercise of corporate franchises. When incorporation is effected under the provisions of a general statute, the terms of such a statute applicable to that particular corporation are by law read into its charter. Such a charter is a grant of powers by the State, and it also has the nature of a contract in such a sense that it can not thereafter be altered or revoked without the consent of the corporation unless the State has reserved to itself the right so to alter or revoke. The general statutes under which religious corporations can now be formed in most of the American states contain provisions authorizing the legislature to alter, amend, or repeal any charter granted. Further, the granting of a charter does not prevent a state from exercising to a reasonable extent its police or judicial powers. In some states the duration or life of a religious corporation is limited by statute. If no limit is specified, the corporation may enjoy a perpetual existence. The life of a religious corporation dates in law from its organization, not from the time it began to exercise its corporate powers. That a religious corporation is a corporation de facto may be proved by showing the existence of a charter at a prior time, or by showing some law under which it could have been created and an actual use of the rights claimed to have been conferred. Where such a body has for a number of years and in good faith exercised the privileges of a corporation, its legal incorporation will be presumed. If the statute which provides for the incorporation of religious societies does not make incorporation obligatory upon such societies but merely prescribes the mode of incorporation, in case there is no evidence that a society took any of the steps prescribed or assumed to act as a corporation, its incorporation under the statute will not be presumed. But a mere use of corporate powers limited to the maintenance of religious observances is not sufficient to establish a corporation de facto *Van Buren vs. Reformed Church*, 62 Barb. Corporations Sole and Aggregate. Classified as to the number of natural persons vested with corporate powers, religious corporations are either aggregate or sole. By far the greater number are aggregate, composed of three or more persons. The corporation sole is found where one person holding an ecclesiastical office is by law vested with all the attributes of a corporation. Such corporate attributes attach to the office and pass to each succeeding incumbent, thereby maintaining continuously the life of the corporation. During a vacancy in the ecclesiastical

office the law regards the corporate functions as suspended merely and not as destroyed. The ecclesiastical corporation sole has not been favored in American legislation. It is provided for by statute in the states of Oregon and New Jersey. Massachusetts and several other states have granted charters of incorporation to single church officials by special legislative acts. The object of the churches in securing such incorporations was to make more effective certain features of their polities. Incorporation of this kind has been sought by denominations having an episcopal form of polity. Thus the Oregon statute provides for the granting of corporate powers to bishops, overseers, and presiding elders. The composition of the religious corporations aggregate depends upon the provisions of the statute in each state, and in this matter the states are broadly divided. The language of many statutes is to the effect that any religious society or church may become incorporated by following a prescribed procedure. The language of other statutes is to the effect that religious societies or churches having appointed or elected trustees, the same may become a civil corporation. This difference is not as radical as would appear, for in cases where the law permits churches to be incorporated, provision is made for the election or appointment of trustees in whom are vested the corporate functions, thereby leaving to the church body the sole duty of producing such trustees. Under either system the corporations have the same functions in law. In a number of states supplemental provisions have been enacted to provide corporations composed of certain officials for the benefit of churches of particular denominations. The primary object of religious incorporation in the United States is the care of real property devoted to the purposes of religion. In the corporation as such is vested the of title. Along with the vesting of such title go all the, at tributes of legal ownership, to be exercised, however, solely for the benefit of the religious body which the corporation serves. In this relation the corporation is a trustee and the church is the party with the full beneficial interest. While the corporation so serves the church, it is not with in the jurisdiction of the church judicatories, but is responsible for the proper performance of its duties to the civil courts, before whom it may be brought by any party in interest. The courts have recognized, in. With this sanction many special trust funds have developed in the hands of local religious corporations. The dissolution of a local church body does not cause the dissolution of the corporation so long as there is real property to be held or transferred or trusts to be administered. In order properly to perform their functions religious corporations are now vested with ample powers. The granting of increased powers was a marked feature of legislation during the second half of the nineteenth century. Conspicuous was the increase in the amount of real property which religious corporations might hold. Moreover, all the normal powers of private corporations have been recognized as belonging to religious corporations. Specifically, these corporations have power to preserve their existence by filling vacancies. They may for their own government adopt by-laws, which, however, may not be inconsistent either with the provisions of the statute under which the corporation was organized or with the rules adopted by the church body with which the corporation is connected. If the local church is a member of some denominational organization, the by-laws of a local religious corporation may contain nothing adverse to the denominational connection of the local church body. If a corporation is found to have adopted such by-laws, the remedy is in the civil courts where such by-laws and all corporate acts based upon them will be nullified. Another power is that of adopting and using a corporate seal. This seal is affixed to all formal documents signed by the officers of the corporation as such and should appear over all instruments intended to bind the corporation. The religious corporation must act as a body in regular meeting. The separate and individual acts of members of the corporation, even though such acts are by a majority of the whole number, are not binding upon the corporation and can not of themselves create corporate liability. A power either specifically granted or necessarily implied is that of purchasing, leasing, exchanging, or mortgaging all forms of real property, provided that such property is necessary and convenient for the purposes of the church body. This question is decided by the civil courts alone. A religious corporation may not engage in business transactions for profit. It may, however, hold revenue-producing property, not used by the church, as investment in the form of an endowment. It has the implied if not the express right to contract money obligations to be evidenced by bonds or notes. The mortgaging of real property by a religious dorporation generally requires the consent of some superior ecclesiastical authority, as well as an order of court. Because one of the objects of religious incorporation is to give a legal person standing in court, such corporations have the right to sue and be sued, to

plead and be impleaded, in courts of law and of equity. It is in the civil courts and not in the ecclesiastical courts that the religious corporation has standing; and it is from the civil courts that orders or writs will issue, directing or restraining corporate action. A corporation has the right to be represented by counsel, and the necessary cost of litigation is recognized as a legitimate expense. Unlike private corporations, the religious corporation can neither merge nor dissolve without the consent of the local church body and the higher church authorities. The statutes provide when and how there can be a consolidation of such corporations, and also under what circumstances a religious corporation can proceed to its own dissolution. The American law of religious corporations has developed largely with reference to local churches; yet the practise of incorporation by superior ecclesiastical bodies and by special organizations, such as mission and educational boards, has become general. These general corporations do not differ in their legal character from the local corporations; but because their property interests are widely distributed throughout the possessions of the United States and in foreign lands, they come more often under the jurisdiction of the federal courts and the tribunals of foreign countries.

Chapter 2 : 'Corporate Religion' Threatens Everyone | HuffPost

What religion does ExxonMobil observe? How about Cargill, or Ford? If the question seems absurd, that's because it is -- corporations don't have religions. But Conestoga Wood Specialties.

Hobby Lobby â€” that for-profit businesses could have religious rights â€” was groundbreaking and, for many, alarming. How far do those religious rights go? Knowledge Wharton spoke with Amy Sepinwall, Wharton professor of legal studies and business ethics, about two papers she authored on the limits of that ruling, how the law might evolve, and where courts ought to draw the line. The two papers are: I understand the research papers you published recently tie back to an op-ed you wrote for The Washington Post about whether a corporation can have a conscience. And subsequent to that, there were two theoretical articles that followed after the court issued its decision in the *Burwell v. Hobby Lobby* case, which is the jumping-off point for questions about corporate conscience. The Green family has objections to certain contraceptive devices, but under the Affordable Care Act, employers have to provide their employees with health insurance, and that health insurance has to include all 20 FDA-approved contraceptive devices. And they were asking â€” not that they as individuals get an exemption from having to fund these methods of contraception â€” but instead that the corporation itself get an exemption. And they invoked as the legal hook for their plea the Religious Freedom Restoration Act. In terms of the research you were doing, what were you really looking for? What were you going after? One of the really interesting questions in all of this is the place of the corporation when it comes to religious exercise and religious freedoms. There are lots of churches that are incorporated. There are Catholic hospitals that are incorporated. What is it that the for-profit corporation is for? And is that an appropriate platform or venue for individuals to be seeking to express their religious beliefs? How much of this discussion relies on the fact that the Hobby Lobby case involved a family-owned company? How much does the ruling that companies may have religious rights depend on the idea that they may be family-run operations? The Court was at pains to underscore the fact that the decision in the case â€” which allowed Hobby Lobby to claim these rights of religious freedom â€” applied only to closely held corporations â€” so, family-owned corporations. And typically when we think of corporations, we do think about these large, publicly traded corporations. But in fact, there are closely held corporations that employ thousands and thousands of employees. Marriott Corporation, which owns Marriott Hotels; Cargill is another one that has a lot of employees â€” the number of employees who might be affected is potentially very large. A lot of small and medium-size enterprises tend to be not publicly traded, and the decision would apply to them as well. So, to have that not be a part of it is a little surprising to me. Knowledge Wharton High School Sepinwall: And I am largely in agreement. This case was not a pretext to get out of having to pay for contraception for women. So, the number of women who were potentially going to not have coverage for their contraception was very large. So, going forward, now that the Hobby Lobby case has set the bar, what are the areas that need to be looked at as potential areas for religious exemption? There is this concern that the Supreme Court is going to rule very imminently that states either have to allow gay marriage or, if not, that they have to recognize gay marriages that are legal in other states. If memory serves, there was a baker in Indiana who objected to doing a cake for a gay wedding ceremony. And the bakery received unbelievable backlash. The community around them really made their statement. I think they boycotted the baker. There has been a tremendous amount of public outcry in the face of these efforts on the part of wedding vendors to not participate. I mean, everyone from Miley Cyrus to MC Hammer is getting in on the game â€” tweeting their opposition. And the Indiana story broke right around the time of the NCAA championship game, which was going to be held there, so there was a lot of public attention in light of that, too. At the same time, I think the relevant legal precedent in the way that we as a polity should be thinking about this is the case of *Loving vs. Virginia*, which was a case challenging what was, in Virginia at the time, a law prohibiting interracial marriage. One in particular was a florist in Washington who was asked to provide the flowers for a gay wedding ceremony. And she said, look, one of the members of the couple was someone who had been a customer of hers for 20 years. She liked him a lot. I think the way to think about that is to say, if instead it were an interracial couple, we would have great

difficulty thinking that someone could legally enact their opposition to interracial marriage by turning away customers. And that seems to be the way we should think about gay marriage as well. In some respects I think that this is also just an issue of time. As you mentioned with interracial marriage, obviously there were people that did oppose it. I think that there are still probably some that do. But there are probably far fewer people that do than 20 or 30 years ago. And, as you said, the Supreme Court will have its influence as well. And some of the commentary in this area is that these claims of religious freedom are not really about religious freedom. On this question of time, the Supreme Court is poised, as I said, to rule on whether states have to legalize gay marriage. This should be a matter of popular opinion. We should just wait until society as a whole is ready to embrace gay marriage. It is an interesting and important piece for the Court to think about, because of how important it is to our society right now. She took her case to the Supreme Court of New Mexico and lost, so she was not allowed to deny service to gays or lesbians. And then she asked the U. Supreme Court to take her case, and they declined to do so. Even a year later, the Hobby Lobby case is still something that is very much talked about. It potentially affects thousands and thousands of people. You said this has the chance over the next few years to play into other areas. Is there a natural stopping point, beyond which the courts will have to say, this was not what the Hobby Lobby decision meant? In the Hobby Lobby case, what burdens are women going to be made to bear if we do grant this exemption? But I think that question is one that needs to figure centrally in judicial deliberations about this.

Chapter 3 : Individual vs Corporate Religion – Hope United Church of Christ

In Corporate Religion, one of Europe's fastest-rising marketing gurus shows you how. Corporate Religion is about building a strong market position in a world where in the future, building market leadership will be about building companies with a strong personality -- a corporate soul, if you will.

Chapter 4 : Who We Are - More Than The Original Chicken Sandwich | Chick-fil-A

The question today is, what happens if or when religious beliefs become individual beliefs rather than corporate beliefs, and stop bringing people into a stronger sense of community? What happens if the trend continues and people gravitate towards a greater sense of isolation?

Chapter 5 : Religions Corporations in the United States

Corporate Religion is about building a strong market position in a world where consumers no longer demand simply a product, but reliable companies and brands. It's about finding the courage to believe in a strong idea and shared vision -- and manage accordingly.

Chapter 6 : Rise of Corporate Religious Liberty - Oxford Scholarship

Corporate Religion. likes. In simple terms, we live in a world that is primarily made up of visible mass, as the physical element, and invisible.

Chapter 7 : The Invention of a Corporate Christian America | Religion Dispatches

In addition, focusing on corporate decisions, Hilary and Hui () examine religion's effect on corporate investment and find that a firm's level of investment and the volatility of its equity returns are both negatively related to the level of religiosity in its community.

Chapter 8 : Corporatism - Wikipedia

DOWNLOAD PDF CORPORATE RELIGION

2 Religion and Corporate Culture Accommodating Religious Diversity in the Workplace Religion and spirituality have in the past been seen as a private matter with little or no place in corporate.

Chapter 9 : Do corporations have religious beliefs? | Al Jazeera America

In many ways, the marriage of corporate and Christian interests that has recently dominated the newsâ€”from the Hobby Lobby case to controversies over state-level versions of the Religious Freedom.