

James D. Nelson

James Nelson joined the University of Houston Law Center faculty in 2015. He writes and teaches in the areas of corporate law, contracts, and constitutional law.

Professor Nelson graduated from the University of Virginia School of Law, where he served as Editor-in-Chief of the Virginia Law Review. In law school, he received the Roger & Madeleine Traynor Prize for the best paper by a graduating student and the Robert E. Goldsten Award for distinction in the classroom. After graduating, he clerked for Judge Jerry E. Smith on the United States Court of Appeals for the Fifth Circuit and served as a trial attorney in the Civil Division of the United States Department of Justice.

CORPORATE DISESTABLISHMENT

*Across the American economy, the wall between church and business is crumbling. Businesses large and small have taken on religious identities and now conduct their corporate affairs according to religious principles. The Supreme Court's decision in *Burwell v. Hobby Lobby*, which held that for-profit corporations are eligible to claim religious exemptions from general laws, added significant legal momentum to this emerging cultural phenomenon.*

In the wake of Hobby Lobby, scholars concerned about the expansion of corporate religion have searched in vain for coherent limiting principles. Drawing on an underexplored set of cases in which employees claim that companies have impermissibly imposed religion, this Article identifies such principles. It argues—on both doctrinal and normative grounds—that values of conscience, non-domination, and mutual respect work in tandem to constitute the outer boundaries of corporate religion. These values, in turn, mirror norms central to the Establishment Clause of the First Amendment, making a parallel case for “corporate disestablishment.” The idea of corporate disestablishment reflects structural similarities between political and private governments and clarifies the proper relationship between religion and business in a diverse modern economy.