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AUGUST 18, 2015

Religious liberty and its discontents

 May 25, 2015 by [stevenyoder](#)  [Leave a Comment](#)

For those who think Christianity is under attack in America, Melissa Klein is today's Rosa Parks. Klein co-owns Sweet Cakes by Melissa, the small bakery in Portland Oregon that refused to bake a cake for a lesbian wedding back in 2013. After the lesbian couple filed an anti-discrimination lawsuit, a judge ruled that Klein and her husband owe them \$135,000 in damages under state law. So the Kleins dismantled their till-then thriving business. "This [fine]," they wrote in a FaceBook post a few weeks ago, "will financially ruin us."

That and cases like it are manna from heaven for those arguing that businesses should be free to refuse service to whomever they choose. In response to publicity over the Klein case and others like it, last week Louisiana governor Bobby Jindal rushed out an executive order that will exempt Christian businesses from having to serve gay and lesbian couples. But policy moves like that one raise questions that go back to the Civil Rights era.

Christian conservatives have long claimed that cases like the Kleins' show why gay marriage takes the country in a dangerous direction. In 2006 in a *Weekly Standard*

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article, gay marriage opponent Maggie Gallagher questioned the received wisdom that marriage equality wouldn't affect supporters of traditional marriage: "When religious-right leaders prophesy negative consequences from gay marriage, they are often seen as overwrought. The First Amendment, we are told, will protect religious groups from persecution for their views about marriage. So who is right?"

Many in the public seem to agree with Gallagher. A GoFundMe campaign to help Sweet Cakes by Melissa pay their fine raised \$50,000 in a few days before GoFundMe shut it down. A February AP poll in February found that almost 6 in 10 Americans believe wedding-related businesses should be allowed to refuse service if they have a religious objection.

Libertarians have a ready solution for both camps—they support both gay marriage and the right of businesses to serve whom they choose. In the latest issue of *Reason* magazine, editor Matt Welch celebrates the progress made on gay marriage before blasting efforts to penalize discriminating businesses: "Driving [businesses] into bankruptcy," Welch writes, "seems an odd tactic for changing their minds. Unless the goal is no longer about opening hearts, but rather enforcing new social norms by making examples out of nonconformers." Libertarians like Welch believe good government promotes openness, giving individuals and businesses maximum freedom to do as they see fit.

That prescription seems simple enough until its side effects are listed. Saying yes to it doesn't just mean accepting that the gay couple in rural Alabama can't have a local wedding because no local venue will rent to them. It also would let hotels, retail stores, and gas stations once again turn away people in wheelchairs because they don't want to pay for ramps. The Sikh hotel owner whose business is damaged because he's barred from the local Chamber of Commerce would have no redress. Government would stand by when the agnostic hotel owner asks customers for information on religious affiliation and turns away confessors.

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Commentary: For Hunger Games – Mockingjay, teens are doing the marketing

December 4, 2014

By Joan Oleck – The Hunger Games:

Mockingjay—Part 1

is, for its teen fan base, a powerful lesson in marketing manipulation. For anyone not living in a cave, this third film in the series of four is based on



That last example wouldn't fly under the federal Civil Rights Act of 1964, which bans discrimination by "places of public accommodation" on the basis of race, color, religion, or national origin—like hotels, restaurants, theaters, banks, health clubs, and stores.

A few politicians say they'd like to go back to the pre-Civil Rights Act days. In 2004, during the 40th anniversary celebration of the act on the House floor, Ron Paul denounced it as "a massive violation of the rights of private property and contract, which are the bedrocks of free society." In 2010, his son Senator Rand Paul intimated similar views. Last March, Republican South Dakota State Senator Phil Jensen said he believed that government overreaches when it interferes in a private business' right to engage in race-based discrimination.

But in the arguments over the Civil Rights Act's passage, supporters argued that it was too easy for majorities to countenance the freedom to exclude. That's because the costs of exclusion impact them hardly at all, precisely because they are majorities. The American Constitutional system, after all, isn't just about democracy—it also protects the weak against the strong.

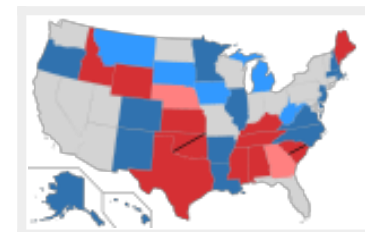
Former *New York Times* reporter Isabel Wilkerson's 2010 book *The Warmth of Other Suns* describes the history of the Great Migration of African Americans out of the South beginning in the early 1900s. One of her protagonists, medical doctor Robert Pershing Foster, describes his own migration to Los Angeles in 1953 by car. Toward the end of the trip, he was forced to drive all night through the Mojave Desert because none of the five hotels where he stopped would sell him a room.

That incident happened more than 60 years ago. But Foster should be as present as is Klein in the minds of commentators and politicians who say they have answers to the coming clashes of values involving buyers and sellers.

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him in the series of four is based on the über-successful book series by Suzanne Collins and weaves a compelling tale of teen survival in [...]

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The 2014 US
Midterms –
The
democratic
election
that wasn't**



November 11, 2014

Commentary: The 2014 US Midterms – The democratic election that wasn't American democracy is predicated on two critical pillars. The selection of political representatives by the majority via the ballot box, and the availability of timely and accurate information that is vital for voters in their assessment of candidates and policies consistent with their self-interest. [...]

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community
must address
Myanmar's
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October 31, 2014

As Myanmar, a country with an incipient democracy and alarming human rights record, prepares to host a prestigious regional issues summit in coming weeks, the Southeast Asian nation’s galling treatment of its ethnic minority populations is receiving renewed attention. It’s an inopportune time for the country’s president, Thein Sein, for these issues to be resurfacing in [...]

Commentary: Bandwagon outrage over Brunei’s strict Islamic criminal code all but gone



October 18, 2014

When Brunei became the first Southeast Asian country to nationally adopt a strict Islamic penal code known as Sharia earlier this year, the world was outraged. News and social media told us so in such headlines as “Brunei adopts sharia law amid international outcry” and “Ellen DeGeneres backs boycott of Brunei-owned hotels over ‘stone the [...]

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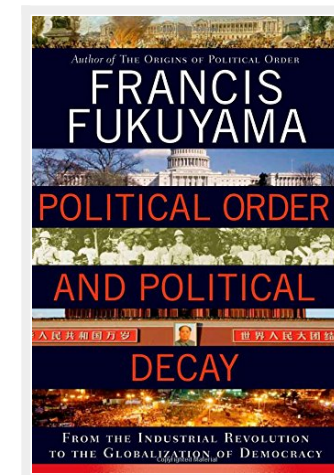
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Book recommendation: Political Order and Political Decay

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