

Townhall

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When Can You Refuse to Bake a Cake?

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We've all heard about Christian bakers refusing to bake wedding cakes for same-sex couples. They have been sued or administratively prosecuted when the gay people complained. On the other hand, Muslim bakers who refused to make same-sex wedding cakes have been left alone. YouTube entertainer Steven Crowder [filmed](#) himself entering Muslim bakeries and asking them to make a same-sex wedding cake for him. Several refused. It's odd that they would be left alone considering how many Muslim countries overseas treat gays. In many of them it is a crime to be gay and some are even executed.

The argument from Christian bakers comes down to this: They find it offensive to their religious beliefs. They have no problem providing other goods and services to gay people, they just don't want to make wedding cakes because that gets them too involved, condoning same-sex marriage. They see it as offensive just like they would find baking a cake glorifying Satanism, premarital sex or taking the Lord's name in vain offensive.

Christians and Muslims aren't the only types of people who refuse to make certain types of cakes. [David Gordon](#), the brother of Timothy Gordon who was recently [fired](#) from teaching at a Catholic high school for not toeing the liberal line, decided to demonstrate this. He [attempted](#) to order a cake last month from a [bakery](#) owned by lesbians that said "Homosexual acts are gravely evil," with a reference to Catholic Catechism 2357.

The bakers refused to complete his order. Instead, they made the cake with rainbow symbols all over it, clearly sending him a message. When the media asked them about it, the bakers said they had complied, because their website said customers cannot order lettering on certain cakes over the internet. Gordon said he did initially call the store to order the cake (and he specifically asked them about a cake that had the lettering disclaimer on the website), but they directed him to the website. He emailed them about it and they never responded.

The incident got very little publicity from the mainstream media, which reported it saying the bakers *had* complied with the order.

What does requiring bakers to make certain kinds of cakes mean? It means they are not allowed to run their business unless they agree to someone else's worldview. Some say this type of refusal should be treated the same as categories protected under anti-discrimination laws, typically age, race, national origin, religious beliefs, gender, disability, pregnancy and veteran status. But this isn't refusing to service someone because of their status. This is merely refusing to provide one service.

And this butts up against the First Amendment's guarantee of religious freedom as well as the fact that religious beliefs themselves are included in the anti-discrimination categories. Considering a Christian bakery wouldn't refuse to service gays in all other aspects, it would be a very small accommodation. The vast majority of other bakeries would not have an issue with it, so there are plenty of alternatives.

Everyone agrees that the bakery had the right to refuse to make Gordon's cake. The government is not looking into it, no one is filing lawsuits. Gordon can go to another bakery that will make the cake. If people are troubled by the refusal of the bakery, they can launch protests and publicize the refusal.

The Supreme Court has ducked deciding the issue on the merits. In the case involving two Christian bakers in Oregon who declined to bake a cake for a same-sex wedding, the court remanded the case back down to the trial court to determine whether there was anti-religious animus against the couple when the government found that the pair had violated Oregon's public accommodations law. Similarly, in the case involving a Colorado baker, the Supreme Court found that a state panel displayed hostility toward his religious beliefs.

If Christian bakers can't refuse to provide wedding cakes for gays, what about refusing to make cakes for other reasons? There are members of the LGBT community who have come out publicly supporting the Christian bakers because they don't want to be forced to service causes they don't agree with. Maybe there is some common ground there? A recent poll [found](#) that 40 percent of LGBT identify as Christians. Gordon points out that Christians are both required to service same-sex wedding cakes, and are prohibited from ordering cakes reflecting similar views. He believes this relegates them to second class citizenship status.

Gordon is not a Westboro Baptist trying to harass gays. He is a devout Catholic who believes it is imperative to go on the offensive when protecting religious freedom. He and his brother co-authored a book, [Rules for Retrogrades](#), which urges conservatives to aggressively protect freedom by defeating the radicals.

These Christian bakers — and Christian florists and photographers and others in this type of situation — make up a very small percentage of the population. Their influence is not growing. It seems reasonable to allow them a small accommodation. It's a slippery slope otherwise. Who will be required to perform a specific act they disagree with next?