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Government Should Leave Bakers Alone

Last week the Supreme Court heard oral arguments in the case of *Masterpiece Cakeshop v. Colorado Civil Rights Commission*. The case stems from the refusal of Masterpiece Cakeshop, a bakery, to bake a wedding cake for a same-sex couple. The bakery was found guilty of a civil rights violation and ordered to stop refusing to bake and design cakes because they are for same-sex weddings. The bakery was also required to file reports on the steps it takes to comply and whether it turns down any prospective customers.



The decision to force the bakery to change its business practices reflects a mistaken concept of rights. Those who support government intervention in this case view rights as a gift from government. Therefore, they think politicians and bureaucrats can and should distribute and redistribute rights. This view holds it is completely legitimate to use government force to make bakeries bake cakes for same-sex weddings since the government-created right to a cake outweighs the rights of property and contract.

This view turns the proper concept of rights on its head. Rights are not gifts from government, so the government cannot restrict them unless we engage in force or fraud. The bakery did not use force to stop any same-sex couple from getting a wedding cake. It simply exercised its right to decide who it would accept as a customer. No one would support private individuals forcing bakery employees to bake a cake at gunpoint, so why is it right for the government to do it?

Some people claim that forcing the bakery to bake the cake is consistent with libertarianism. The reason they make this claim is they view the bakery's actions as rooted in bigotry toward homosexuals. But even if this were true, it would not justify government intervention. Bigots and others with distasteful views have the right to use their property as they choose. The way to combat bigotry is through boycotts and other means of peaceful persuasion.

Instead of considering whether Colorado has violated the bakery's rights of property and contract, the Supreme Court is considering whether Colorado's actions violate the bakery's religious liberty. The argument for a religious liberty violation is based on the fact that the bakery owner's refusal to bake the cake was rooted in his religious objection to same-sex marriage. Looking just at this argument means that a victory for the bakery would implicitly accept the legitimacy of laws dictating to whom private businesses must provide services, as long as an exemption is made for those with religious objections. This reduces property and contract rights to special privileges held by business owners with "sincere religious convictions." It also allows judges, bureaucrats, and politicians to determine who is really acting on sincere religious convictions.

Just as business owners have the right to decide who to do business with, individuals have the right to form any arrangement they wish as long as they do not engage in force or fraud. This includes entering into what many consider unconventional or even immoral marriage contracts. What no individual has



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the right to do is use government to force others to accept his definition of marriage.

Even if the bakery wins in the Masterpiece Cakeshop case, its victory will only protect those businesses acting on a “sincere religious conviction.” Those who oppose forcing bakers to bake cakes and who support private business owners’ right to decide who to accept as customers should work to restore respect for everyone’s rights.

Ron Paul is a former U.S. congressman from Texas. This article originally appeared at the [Ron Paul Institute for Peace and Prosperity](#) and is reprinted here with permission.



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