

The Moral Liberal

When Tolerance Becomes Intolerance

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Individual liberty took another hit with Arizona Gov. Jan Brewer's veto of legislation enhancing protection for people's religious principles while doing business. Gov. Brewer suggests that if you hang out a shingle you should leave your deepest beliefs at home.

The issue in Arizona was not a lack of tolerance by those in business. There is no dearth of firms across the state willing to serve gays.

Instead, the question was tolerance for those in business. Should you be expected to abandon your conscience the moment you step into the commercial world?

Indeed, why would a gay couple insist that a Christian opposed to gay marriage photograph their wedding or prepare their cake? There's no need to force those with unfashionable views to affirm what they reject.

ObamaCare's contraception mandate has a similar effect—and almost certainly received vigorous support on the left for precisely this reason. [As I pointed out in the *American Spectator* online:](#)

the point was always state-mandated intolerance rather than health care. The objective was to force Catholics, mostly, and the few fundamentalist Protestants who hold similar theological views, to pay for what they oppose. In fact, there is no better way to humiliate those you dislike. It is pure and unadulterated intolerance, the ultimate Washington triumph: Make those you despise pay for what they despise.

Leaving people largely left alone to manage their own lives should be what a free society is all about. Of course, those who are on the receiving end of social disapproval understandably don't like the result. But no one has a "right" to be served by any particular person. Forcing someone into servitude is infinitely worse than simply finding someone else to do the job.

The right response is to change social attitudes. My friend Sheldon Richman at the Future of Freedom Foundation pointed to the use of "boycotts, publicity, and ostracism" to penalize those who refuse service. Such activism is why gay marriage has gone from a policy wish to dominant law in just a few years.

Unfortunately, throughout history newly empowered minorities often learn the wrong lesson. Rather than create barriers to new state injustices, some people use law for their own advantage. Hence state persecution of the New Mexico wedding photographer who felt she could not promote gay ceremonies which she believed to be wrong.

The principle runs multiple ways. [Argued my Cato Institute colleague Ilya Shapiro](#), "gay photographers and bakers shouldn't be forced to work religious celebrations, Jews shouldn't be forced to work Nazi

rallies, and environmentalists shouldn't be forced to work job fairs in logging communities." Government should not force anyone to leave his or her conscience outside when arriving at work.

There obviously are complex aspects of the issue [about which another Cato colleague, Walter Olson, also has thoughtfully written](#). In practice, advanced industrial capitalism allows most people to make most economic decisions without focusing on the background or character of the person with whom they are dealing, a major positive for all of us. Nevertheless, some activities may be more uncomfortable than others. Covering a wedding—actively participating in and celebrating the ceremony—is different than taking a portrait for some photographers.

Despite the public hysteria generated by the Arizona legislation, it merely expanded existing law which bars government from imposing a "substantial burden" on religious practice without a "compelling state interest." That hardly seems unreasonable. What is unreasonable is interfering with religious faith with which one disagrees. Some other state legislative proposals have been less neutral and more controversial.

Any large, diverse society will find people at frequent odds, believing and behaving differently. In the main, government should leave them alone to find their own way. Especially when most basic freedom of conscience is involved. Tolerance is a cardinal virtue.

Indeed, liberty of conscience undergirds all human freedom. Such liberty is inherent to the human person, not a privilege granted by the state. Americans who believe in freedom should respect even unpopular religious beliefs, as in this case.