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"Personal Beliefs and Business Autonomy: An Ethical Defense of Allowing Selective Services for LGBTQ Customers"

The freedom for businesses to support their religious beliefs and use discretion in refusing certain services to the LGBTQ community is an ethically defensible stance. It acknowledges the importance of individual autonomy and religious freedom while finding the balance between competing rights and interests.

The topic of religious freedom and LGBTQ rights has become an intense and interesting debate. One issue revolves around the ethical implications of businesses withholding certain services from LGBTQ customers because of their religious beliefs. Some argue that protecting religious freedom is a cornerstone of democratic societies, while others argue that these actions are considered discriminatory and neglect the principles of equality and inclusivity. This essay navigates the ethical considerations involving the decision to support businesses in their stance on protecting religious freedom when refusing services to LGBTQ customers. By bringing the topics about individual autonomy, competing rights, and the preservation of other perspectives, we can gain a deeper knowledge of the ethical aspects concerning this issue. Religious freedom has been widely regarded and respected as a fundamental human right. It allows individuals liberty to practice their religious beliefs without any complications from the government or pressure from society, including people that own businesses or provide services. However, over the past few years, there has been trouble with moral dilemmas when requested to provide services that conflict with their religious beliefs, especially when it comes to serving LGBTQ customers. From an ethical view, supporting the right of businesses to withhold services based on religious freedom means acknowledging the value of individual autonomy and conscience. Individuals and business owners have the right to stand by their religious beliefs and live by their moral convictions. People should have the right to express their religion in private and public places, as well as their business and their decision to withhold certain services. While protecting religious freedom is important, there is also a balance against the principles of equality, non-discrimination, and inclusivity that is important for a just society. Others may argue that denying services to LGBTQ customers due to religion can be seen as discrimination, but finding a balance between religious freedom and LGBTQ rights is important while addressing this ethical dilemma. By looking at and analyzing the arguments from both sides, we can better understand the complications of this complex issue. Some religious beliefs see homosexuality as immoral or sinful, and so they may interpret religious texts as supporting the refusal of certain services to the LGBTQ. This perspective has led to many debates. Some countries, states, or localities have put

in laws that do not allow discrimination based on sexual orientation or gender identity in public spaces like businesses. These laws prioritize LGBTQ rights and limit religious exemptions. However, other jurisdictions have sought to provide broader religious exemptions, allowing businesses to refuse services based on religious beliefs.

There are a few counter-arguments like public accommodation and equal treatment rights. The principle of equal treatment and non-discrimination asserts that all individuals should be treated equally. For businesses to refuse services to LGBTQ customers based on religious belief is considered discriminatory because it denies individuals the same access to goods and services that others can enjoy. Businesses that operate as public accommodations do have a social responsibility to serve all people without discrimination. By refusing services the LGBTQ customers based on religious beliefs, businesses are not fulfilling the responsibility to provide equal access to their goods or services, which undermines the fundamental of fairness and inclusivity. The claim that businesses are denying equal access to goods and services can seem like a good argument. However, the LGBTQ community continues to have the same access to goods and services, even if it is withheld in one specific business. Even if that business says no to a certain service, they can inform the customer of the same quality service that they can access somewhere else. It is important that we can create spaces where different perspectives can be heard. If society and the government wants to respect both religious freedom and the rights of LGBTQ community, there is going to a resolution that might be complex, but it will be a reasonable accommodation. With hundreds of thousands of businesses worldwide, you are bound to approach a business just right for you. The type of business and service must be taken into careful consideration when discussing the argument surrounding businesses withholding services based on religious beliefs. It is crucial to emphasize that the goal is not to establish separate businesses catering exclusively to religious individuals or the LGBTQ community. Examining past cases and scenarios can help illuminate the nuances of this argument. For instance, a recent case published by Ariane de Vogue and Devan Cole on CNN (Sat, July 1, 2023) highlighted the Supreme Court ruling in favor of a Christian web designer in Colorado who refused to create websites celebrating same-sex weddings due to religious objections. This case specifically involved a service related to website publishing. When it comes to a restaurant owner, it is important that they do not withhold services from the LGBTQ community. As individuals coming in to dine and be served, they should be treated equally alongside all other customers. Similarly, if a graphic designer is approached by a same-sex couple who wants a flyer for their new bakery, they should not withhold services based on the sexual orientation of the clients. In both cases, it is essential to prioritize inclusivity and treat all customers with respect, regardless of their sexual orientation. However, the scenario changes when we consider a website designer being asked to create a same-sex couple's wedding website. In this instance, the designer may respectfully decline the request due to their religious beliefs. It is important to note that the refusal is not targeted at the LGBTQ community but is based on the type of service requested, which conflicts with the designer's religious beliefs. "Providing commercial services, like selling

cakes, doesn't mean a business owner is endorsing anyone's marriage. It simply means they are following the rules that apply to us all."(Esseks, James. ACLU) By examining various situations and taking into account the specific nature of the services involved, we can better understand the complexities of this argument. It is crucial to approach these discussions with respect, recognizing the rights and dignity of all individuals involved while navigating the delicate balance between religious freedom and non-discrimination. There has been instances where businesses have requested religious exemptions from civil rights laws through history. These exemptions are not new and there has been various forms. There has been cases where restaurants turned down people because they believed that they should not talk to people of a different way. These are extremist. Despite these deep beliefs for these claims for religious exemptions, the courts have rightfully rejected them. As a result of those decisions, the courts have demonstrated their commitment to ensuring equality and non-discrimination, recognizing that such exemptions would harm marginalized groups' fundamental rights.

There is an importance of religion to an individual. Religious freedom is a fundamental right that holds significant importance to individuals in businesses, even when it conflicts with the rights of the LGBTQ community. Understanding the historical context of religious belief and the First Amendment helps shed light on the significance of religious freedom. The first Amendment states "Congress shall make no law respecting an establishment of religion, prohibiting the free exercise thereof". This affirms the importance of religious freedom within the framework of American democracy. Put into consideration of diversity of cultures and religions within a society. Individuals have different beliefs, practices, and moral codes that are the are key factors in their lives. Upholding religious freedom allows diverse perspectives to coexist and promotes a society that values various religious traditions. Faith is essential for human dignity and personal fulfillment. Religious freedom is important to people in businesses, despite potential conflicts with the LGBTQ community, due to its historical significance, constitutional protection, respect for cultural diversity, and alignment with ethical principles.

My first claim is the Protection of Religious Freedom. Many businesses may and have argued that withholding certain services from LGBTQ customers based on religious beliefs is necessary to protect their right to religious freedom. There have been legal cases where businesses have successfully invoked religious freedom as a defense. There are also international agreements, such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. These recognize the right to freedom of thought, conscience, religion, and belief. These instruments also provide a global framework that supports the protection of religious freedom. Legal cases have shown situations where businesses have successfully used religious freedom as a defense for withholding services. There is a case of *Burwell v Hobby Lobby* (2014). In this case, the Supreme Court ruled that closely held corporations can refuse to provide certain contraceptive coverage to their employees based on the religious beliefs of the owners. This highlights the importance of religious freedom of business practices. It is important to consider anti-discrimination laws alongside the rights of

individuals to freely exercise their religious beliefs, as anti-discrimination laws aim to protect LGBTQ rights. The Universal Declaration of Human Rights, adopted by the United Nations General Assembly (1948), understands the right to freedom of thought, conscience, religion, and belief. Article 18 of the declaration states that “everyone has the right to freedom of thought, conscience, and religion, including the freedom to manifest their religion or belief in teaching, practice, worship, and observance.” This international agreement establishes a global framework that supports the protection of religious freedom. The International Covenant on Civil and Political Rights (ICCPR) is another significant international agreement. It further affirms the right to freedom of thought, conscience, religion, and belief. Article 18 of the ICCPR provides comprehensive protection for religious freedom that includes the right to use one's religion or belief in worship, observance, practice, and teaching. This covenant shows the importance of respecting individuals' religious convictions. Religious beliefs must be accommodated in many jurisdictions according to laws and regulations. Businesses are permitted to withhold certain services in certain circumstances if reasonable alternatives are available or if they do not cause undue harm or burden. The goal of reasonable accommodation is to find a middle ground where religious freedom is respected while unjust discrimination is avoided. The government should prioritize inclusivity and equality for all without favoring any particular group, including the LGBTQ community, in a manner that disregards the rights and needs of others.

My second claim is the Consistency with Traditional Religious Teachings. Businesses may argue that withholding certain services from LGBTQ customers aligns with long-standing religious teachings and moral values. Historically, many religious traditions have viewed same-sex relationships as morally wrong. Religious texts and teachings have deeply rooted these beliefs. Promoting inclusivity and respecting different worldviews requires acknowledging the diversity of religious beliefs and moral values. It is important to accommodate diverse perspectives by allowing businesses to stick to their traditional religious teachings. Some states in the United States have authorized Religious Freedom Restoration Acts (RFRA), which aim to provide protection for individuals and businesses exercising their religious beliefs. These laws acknowledge the value of religious freedom and seek to balance it with other societal interests. Ethical pluralism helps to recognize that different individuals and groups hold diverse moral values and religious beliefs. Respecting this diversity means allowing businesses to maintain their ethical commitments while also considering the rights and dignity of all individuals. This emphasizes that different individuals and groups hold diverse perspectives on what is morally right or wrong. The challenge lies in navigating these competing rights and finding reasonable accommodations that address the concerns of all parties involved.

“Free reign” does not apply to the law that was passed that businesses can withhold certain services to the LGBTQ customers based on religious beliefs. Free reign has not infringed many other laws. Why would it apply to this one? Many factors contribute to why this claim does not hold when it comes to balancing religious freedom and anti-discrimination principles

like government interest, balance of rights, and public accommodations. Courts often require a compelling government interest to justify any restrictions on fundamental rights, including religious freedom. In the case of withholding services from LGBTQ customers, courts have held that preventing discrimination and promoting equal access to goods and services are compelling government interests. The government has a responsibility to protect individuals from discrimination, even if it conflicts with religious beliefs. Not everything will be permissible. Society also recognizes that the exercise of one's religious beliefs cannot infringe upon the rights and dignity of others. The ethics of businesses withholding certain services from customers depend on various factors, including the specific circumstances, legal considerations, and prevailing societal norms. Deontological ethics emphasize the duty to treat all individuals with respect and fairness, regardless of their characteristics. Virtue ethics emphasizes cultivating virtues such as justice, fairness, and inclusivity, which are incompatible with discriminatory practices. Using this claim with this argument concerning the LGBTQ and religious freedom, deontological ethics can be the best use because it looks at the case of both perspectives.

There is a plan of action in defense of businesses withholding certain services from LGBTQ customers based on religious beliefs, approaching the issue with sensitivity and respect for diverse perspectives. Do thorough research and understand the legal framework within the jurisdiction in question. Familiarize yourself with relevant anti-discrimination laws, religious freedom protections, and any existing legal precedents that may inform your defense. Laws and guidelines are always changing, so it is important to stay informed. Seek guidance from legal experts who specialize in discrimination and religious freedom cases. They can provide valuable insights, help you understand the specific legal context. In case there are any implications, they can advise on the best strategies. Ensure that the business's religious beliefs and their specific implications for withholding certain services are clearly articulated and documented. Specificity is the best strategy. Ethically, you should not withhold services "just because". Withholding services should also not be amusing, as you are losing money and customers. Documentations include identifying the specific religious teachings, traditions, or texts that form the basis of the beliefs in question. Evaluate the nature of the services being withheld and their direct connection to religious beliefs. Determine whether there are alternative means to provide the services or accommodations that do not infringe on religious convictions. Communicate openly and respectfully with stakeholders, including the LGBTQ community, customers, employees, and the broader public. Explaining the religious beliefs at the center of the business's position will help with understanding the commitment to treating all individuals with respect and dignity. Work with organizations that have the same values and individuals to advocate for legislative measures that protect religious freedom while also respecting the rights of the LGBTQ community. Engage

in public forums, submit testimony, and support initiatives that seek to strike a balance between religious freedom and anti-discrimination protections. Explore the possibility of having support from organizations or individuals who can provide briefs in legal proceedings. These briefs can present additional arguments and perspectives that strengthen your case. Continuously monitor legal developments, precedents, and public opinion related to religious freedom and LGBTQ rights. Stay informed about changing societal attitudes and be willing to adapt strategies accordingly to maintain relevance and credibility. Remember that engaging in respectful conversation, understanding diverse perspectives, and seeking a balance between religious freedom and the rights of marginalized communities are crucial aspects of any plan of action.

It is important to consider the reasons why businesses should be allowed to refuse only certain services, and not all services, to the LGBTQ community based on religious belief. Allowing businesses to refuse only certain services strikes a balance between protecting religious freedom and upholding anti-discrimination principles. By limiting the range of refusal, there can be less harm to the LGBTQ while also respecting the important religious beliefs of business owners. There must be a specification of what services are refused, and alternative service providers in the market. LGBTQ can still find other businesses that are willing to provide those services so that their needs can still be met. There is also an advantage to allowing businesses to make selective refusals because it creates a competitive and diverse marketplace. Customers can choose businesses that better suit their needs and align with their own values and beliefs, while business owners can have a level of autonomy to run their businesses according to their religious convictions. Business owners won't have to feel pressured or obligated to violate their religious beliefs or have to face closing down their businesses to accommodate.

Supporting the freedom of businesses to adhere to their religious beliefs and exercise discretion in refusing certain services to the LGBTQ community is an ethically defensible position. By recognizing the significance of individual autonomy and religious freedom, it seeks to help a delicate balance within conflicting rights and interests. Ethical considerations support this stance, emphasizing the need to respect diverse perspectives while upholding principles of fairness and human rights. Primary to this argument is the recognition of individual autonomy, which mentions the right for businesses to act in accordance with their deeply held religious beliefs. Respecting this autonomy means acknowledging that individuals have the freedom to exercise their religion and make decisions in alignment with their faith. It recognizes the importance of allowing businesses to navigate their ethical landscape within the confines of their religious convictions. Finding the right balance involves careful thinking and following ethical rules that encourage fairness, treating everyone equally, and not discriminating against anyone. Religious freedom is important, but it should not harm others or their dignity. Treating everyone fairly is a crucial ethical principle that businesses should follow.

## Works Cited

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