

Let Them Eat Cake?

Many religious institutions conceive of marriage as a relationship between one man and one woman, and they will only support and bless marriages that fit this traditional model. For example, many churches allow their property to be used only for those events of which they approve.

Recently the United States Supreme Court ruled that same-sex couples have the right to get married.¹ Many social conservatives worry that this ruling constitutes a threat to religious freedom, since, they think, religious organizations should have a right to express and promote their own doctrine regarding sexual orientation.² As a result, law professor Mark Movsesian predicts, “There will be many challenges to religious institutions that continue to hold to a traditional understanding of marriage— religious adoption agencies that place children only with opposite-sex couples, religious universities that decline to provide housing for same-sex married couples, and so on.”³ However, many other people think that institutions supported by the government should reflect government policies regarding discrimination based on sexual orientation.

Relatedly, many bakeries around the country, such as Sweet Cakes by Melissa in Oregon, have refused to make wedding cakes for same-sex weddings, claiming that “their religious beliefs prohibit them from taking part in the celebration.” The owners of Sweet Cakes have gained much financial support on crowdfunding websites to fight the legal battles.⁴ “A 2007 Oregon law protects of the right of gays, lesbians, bisexuals and transgender people in employment, housing, and public accommodations. It provides an exemption for religious organizations, but the agency ruled that exemption does not apply to private businesses who discriminate against potential customers.”⁵

STUDY QUESTIONS

1. If a private business owner sells a product to people knowing that they plan to use it in a ceremony that she disapproves of, does that make her complicit in this ceremony? Why or why not?
2. If a private business owner refuses to sell a product to people on the grounds that they plan to use it in a ceremony that she disapproves of, is she engaging in (morally unacceptable) discrimination? Why or why not?
3. Is it morally acceptable for the state to permit religious organizations but not secular organizations to discriminate against potential customers? Why or why not?

¹ <http://www.scotusblog.com/2015/06/opinion-analysis-marriage-now-open-to-same-sex-couples/>

² <http://www.csmonitor.com/USA/Education/2015/0701/Same-sex-marriage-Will-conservative-religious-colleges-lose-tax-exempt-status>

³ <https://www.firstthings.com/web-exclusives/2015/06/after-obergefell-a-first-things-symposium>

⁴ <http://www.politico.com/story/2015/07/oregon-bakery-gay-wedding-sweet-cakes-by-melissa-fundraising-120153>

⁵ <http://www.foxnews.com/us/2015/10/01/oregon-bakery-owners-refuse-to-pay-damages-in-gay-wedding-cake-case/>

