



The Masterpiece of Liberty

This summer's *Masterpiece Cakeshop* decision of the Supreme Court helps us appreciate why we pray to St. Michael the Archangel at the end of Mass "for religious liberty in our land."

An expert baker and a devout believer, Jack Phillips has owned and operated Masterpiece Cakeshop near Denver for a quarter century. "Phillips routinely sacrifices profits to ensure that Masterpiece operates in a way that represents his Christian faith," Justice Clarence Thomas noted. "He is not open on Sundays, he pays his employees a higher-than-average wage, and he loans them money in times of need." Jack Phillips sells all kinds of baked goods to all kinds of people, including people with same-sex attraction; but he will not bake cakes with racist or homophobic messages on the outside or with alcohol on the inside. And he will not make a cake for a same-sex wedding. His Christian conscience forbids him to do so.

As Phillips puts it, "to create a wedding cake for an event that celebrates something that directly goes against the teachings of the Bible would have been a personal endorsement and participation in the ceremony and relationship that [the purchasers of the cake] were entering into." In the words of Justice Thomas, it would force him to "acknowledge that same-sex weddings are 'weddings' and suggest that they should be celebrated—the precise message he believes his faith forbids."

Nonetheless, the Colorado Court of Appeals forced Jack Phillips to do just that because they found he had inflicted "dignitary harm" on the

customers he turned away. These men took offense at Jack's refusal to design and bake wedding cakes that expressed approval for same-sex marriage and convinced the court that his religious practice must yield to their emotional distress and had to be suppressed. They were awarded the remedy they sought. The judges ordered Phillips to sacrifice his conscience and co-operate in celebrating same-sex weddings in the future.

Jack appealed to the Supreme Court.

The fairness of the Colorado ruling did not hold up well when it was laid beside conspicuously different decisions the Colorado Court had made in cases that involved similar issues. As one brief to the Supreme Court pointed out, "Colorado *protected* bakers who cannot in conscience create cakes that *denounce* same-sex marriage. But Colorado *denied protection* to [Jack Phillips], who cannot in conscience create a cake that *celebrates* a same-sex wedding." Such deeply inconsistent rulings effectively "allow one side to follow the dictates of conscience while requiring the other side to submit its conscience to the demands of any customer who walks in the door."

Clearly, same-sex couples are not the only ones who are offended by dignitary harm; the sincere faith of religious objectors comes in for insult and mockery as well. And the emotional harm to the objector may well outweigh and outlast the emotional harm to the couple. As one brief pointed out, "The same-sex couple which obtains a cake from another baker still gets to live their own lives by their own values, but [Jack Phillips] does not. He must repeatedly violate his conscience or permanently abandon his occupation."

From this dilemma Jack Phillips was released by the *Masterpiece Cakeshop* decision. Justice Gorsuch found that "his religious beliefs are entitled to no

less respectful treatment than the bakers' secular beliefs." In a pluralistic society that prizes individual freedom so highly, an allegation of being disrespected is not grounds to deprive a fellow citizen of religious liberty. For the freedom to follow our conscience to God is the most precious liberty we enjoy in this land of the free.

Our prayers to St. Michael have not gone unheeded.