

# ***Obergefell* and America's War on God**

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#### **Pastoring and Politics**

I have already addressed the *Obergefell* decision pastorally [here](#) and sermonically [here](#), [here](#), and [here](#), and those pieces provide the broader context for this much narrower, more politically based discussion. I've already said the main things that need to be said, so now I can focus on some less critical, but still relevant, issues. In this series of mini-essays, all stitched together into one rambling mega-paper, I want to examine some of the cultural and political presuppositions and implications of the ruling that are worth considering as we engage with post-*Obergefell* America. I will focus especially on justice Anthony Kennedy's majority opinion because I think it summarizes the zeitgeist we are up against so well, not only on the issue of marriage, but in the culture at large. I write these thoughts as a thoroughgoing postmillennial Calvinian Christocrat – I believe Christ reigns over all, he is growing his kingdom, and he will ultimately inherit all the nations of the earth, including the United States of America (or whatever takes our place). While I believe our fundamental identity is found in our union with Christ and his church, we are called to be faithful citizens of an earthly kingdom as well, and that means seeking the good of the nation in which God has placed us. We are rightly filled with love for America, and gratitude for her blessings. We are also rightly filled with anger at her destructive idolatries, and saddened by her continued slide in apostasy. This essay arises out of that mix of emotions.

While I deal with many political aspects of the *Obergefell* ruling, I should state clearly from the outset that I do not think America's problems can be solved politically. The problems we face are, at root, religious and spiritual in nature. Thus, the core of our response must be liturgical and missional. Praying, psalming, preaching, and serving will make a far bigger impact in the long run than supporting particular bills or candidates. What America needs most is not better laws, but the gospel. Faith in Christ and repentance towards God are the only way out of the quagmire.

But while there is no political solution to what ails us (and Americans, including American Christians are very prone to put far too much confidence in what politics can do), we would be foolish to *not* act politically. There is no political solution to our problems *but if we do not act politically, we will end up with even bigger problems*. It is frustrating to see so many Christians (especially younger evangelicals) who are quick to warn that we should "put no confidence in princes," but then use that as an excuse for apathetically not participating in the political process. Such folks are quite naïve about the dangers we face with regard to the loss of religious liberties. Those who like to think of themselves as apolitical (the "above the fray" types) need to understand that *they have a moral obligation to make sure their children and grandchildren inherit the same religious liberties they have inherited from their parents and grandparents*. "Freedom isn't free" is a cheap cliché, but like many clichés, it actually carries more than a grain of truth. If we want to preserve our religious liberties – as we must – then we will have to engage the public square. We will have to get our hands dirty with the political process, from the grassroots up. When religious liberty is taken for granted, we see no need to fight for it, and we end up losing it. That sad scenario has played itself in history time after time. That's largely why many places around the world that once had flourishing

Christian communities are now spiritual wastelands. Our willingness to fight on every front where the battle rages is a sign of our vitality. While not all Christians will have the same calling in the political sphere, the worst thing we can do is withdraw. The world needs our voice, and our involvement, more than ever. Simply put, opting out of the culture wars, because fighting in them is uncool or because one has been fighting in them for decades and is worn out, is not a valid choice. We have no option but to keep fighting the good fight. Yes, the weapons of “holy war” (prayer, preaching, psalms, church discipline, etc.) are primary. But we must engage the culture in other ways as well; it is simply part of the ordinary vocation of a Christian in our context to “get involved.” This is all part of discipling the nation of which we are citizens.

If we think the work of the LGBT movement is done now that the *Obergefell* ruling has imposed same sex “marriage” on all fifty states, we are sadly mistaken. We are not going to be left alone, to do ministry in Christian enclaves, to educate our children as we wish, and to run businesses according to biblical principles. If the logic that got us to this point (largely crystallized in the majority *Obergefell* opinion) is followed out to a consistent end, it will require the persecution of Christians – and not just Christian businesses, but churches, schools, and ministries as well. Tax exempt status is on the line, but much, much more. We will be silenced. We will be shoved into the closet. We will be economically impoverished and culturally crippled. Our faith will be privatized by law. Ministries doing vital work here and abroad will suffer and die.

Sure, the church can function and even flourish under the most hostile of conditions. We’ve done it for centuries, and we’re doing it now in many places around the world. Outlaw Christians can certainly stay true to the faith; Christians do not *require* political support in order to be faithful. But we should avoid that kind of marginalization when we can – if not for our sake, then for the sake of future generations of believers who will not look kindly upon us if we squander the religious freedoms that were built into the American system from the beginning. In general, the church is better off when she’s free and unimpeded in her work. We are very mistaken if we think that we can sweet-talk our way out of this dilemma without hard work and sacrifice. Being winsome will not keep us from being called bigots and homophobes. Being nice will not make them leave us alone. We need to grasp the issues at stake, we need to understand historic and contemporary jurisprudence in the American legal system, and we need to strategize about the best way forward.

I believe that in the end the sexual revolution will eventually collapse in on itself. You can only fight the way God made the world for so long before it begins to be exhausting. Legalizing same sex “marriage” is no more viable than repealing the law of gravity. T. S. Eliot said a couple generations ago that the Western attempt to be civilized without being Christian was doomed to fail. He said our job was to bide our time, so that we could pick up the pieces and get to work renewing and rebuilding a faithful, God-honoring civilization after the apostasy had run its course. I am sure that Eliot is right in the long run, but there is no reason for the work of rebuilding civilization to wait. We can begin even now, and begin we must.

## **Nature and Nature’s God**

In this paper, I will interact quite a bit with natural law, not because I believe natural law theory as such holds the answers to what ails our nation (Christ alone is our last, best, and only hope), nor because I expect natural law arguments to be particularly persuasive (they

have not been in our current cultural context), but because American jurisprudence from the beginning was rooted in a heavily Christianized philosophy of natural law.<sup>1</sup> For much of our history, natural law served as a healthy complement to Scripture and the gospel. Ultimately, I believe we should use biblical rhetoric and reasoning in making our case against *Obergefell*, but understanding how the natural law tradition can mesh with and supplement the more Biblicist project is also helpful. Scripture is on our side in this battle, but nature is too. With John Frame (*Apologetics to the Glory of God*, p. 22ff), I believe we ought to use every fact at our disposal to make our case.

But before I begin, I need to clear away some misconceptions. As I will be interacting with natural law theory, and natural law has been the source of all kinds of mischief in the history of the church, it is important for us to be clear exactly what natural law in this discussion means. Some versions of natural law – such as secular or Deist or Grotian versions – must be rejected out of hand by the faithful Christian.<sup>2</sup> Natural law concerns what we can't not know

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<sup>1</sup> I should say from the outset that “natural law” is not my preferred terminology because “natural law” has meant very different things to different people. Some versions of natural law are highly problematic, if not heretical. By “natural law” I certainly do not mean an ethical system that is theologically neutral, or that is equally known by all regardless of one's faith, or a system of ethics that does not depend on the existence of God for its validity. I think we should actually speak of natural revelation and creational design rather than natural law. But since natural revelation includes an ethical dimension (Rom. 1:18ff), it is understandable why natural law terminology would arise. The creation/created order presses ethical claims on man just as much as it presses theological claims on man. This is because the created world reveals not an unknown god (deity in general) but the God who is also revealed in the Scriptures. Here are some questions for Christians who deny natural law in every sense of the term: If there is nothing that could be called “natural law,” what is the unbeliever suppressing according to Romans 1:18ff? Does the homosexual or murderer know (at some deep level) what he is doing is wrong? Sure, in many cases, such persons are suppressing special revelation they've been exposed to – and certainly in some sense all men have exposure to special revelation, at least through cultural memory (tracing back to Noah) if nothing else. But that is not actually Paul's argument in Romans 1:18ff; in this text, Paul speaks of men “suppressing the truth in unrighteousness,” and that truth is explicitly said to be what is known about God “in the things that have been made.” The fact that Paul uses language that echoes prophetic critiques of Israel does not prove he is addressing Israelites, to whom were entrusted the oracles of God. Paul is a prophet himself; why shouldn't we expect him to use language that comes out of the biblical tradition at all times, even when addressing Gentiles? To insist that Romans 1:18ff is primarily about Israel (as some are wont to do) seems to be an example of inter-textual overreach.

It is also vital to note that God never intended for nature, natural revelation, or natural law to exist on its own, in some kind of theological vacuum. Nature, properly understood, is not independent or autonomous. It is designed by God, graced by God, and sustained by God, ever and always. Further, there is no such thing as pure nature, or pure natural revelation. God gave man a word of special revelation from the outset (Gen. 2:16ff). That word of special revelation was always already there, serving as the lens through which man was to look at the natural world around him (to use Calvin's metaphor). When the human race started over with Noah, once again, in principle, the whole human race was given a word of special revelation to serve as the spectacles through which the world was to be viewed. Some descendants of Noah suppressed this revealed truth more than others; some were given further special revelation (the Shemites) to supplement the Noahic revelation.

My point, which will be developed in the first part of this paper, is that natural revelation was never designed to function on its own, any more than special revelation was designed to function on its own. While natural and special forms of revelation can be distinguished, they are inseparable. Christians should seek to hold them together. I would argue that for much of American history, this is what Christians did (whether or not they had the proper theoretical view of how natural revelation works – indeed, in many cases, moral truths that seemed obvious and “natural” to earlier generations of Americans were probably so due to the influence of the Bible as much as natural revelation!). Of course, this does not deny the fact that American Christians also had some huge blind spots, with the greatest of these being racism, which is clearly contrary to Scripture and nature. Racism contradicts both the law and the gospel; it is unnatural and anti-Christian. I could add that it is, in principle, anti-American since our nation was premised on the *imago Dei* (cf. the crucial words of the Declaration of Independence, “we hold these truths to be self-evident, that *all men* are created equal...”).

<sup>2</sup> The status of Thomistic and Roman Catholic versions of natural law is debatable. I will not go into those issues here. I do think Thomas is wrongly understood by those who suggest he viewed natural law as strictly

- though it also true that what we can't not know *can* be suppressed in unrighteousness. We can't not know certain truths because we are made in God's image and because we are surrounded by God's self-revelation. At the same time, we can suppress natural revelation because we are sinners who are quite skilled at the art of self-deception.

"Nature" in Scripture is used in at least four distinct ways:<sup>3</sup>

- To describe the basic properties of something that makes it what it is, whether God (2 Pet. 1:4), man,<sup>4</sup> or beast (James 3:7; cf. "kinds" in Genesis 1)
- To describe God's creational design (Romans 1:18ff and 1 Cor. 11:2-16, where "nature" has normative, ethical force)<sup>5</sup>
- To describe what creation has become, twisted and warped by human sin (1 Cor. 2:1-14, where "natural man" is fallen man)<sup>6</sup>
- To describe someone's identity by birth, ethnicity, and culture (Rom. 2:1-28 and Gal. 2:15, where "nature" is used to describe one's relationship to the covenant God made

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theologically neutral. In fact, in the Roman Catholic tradition, the magisterium is claimed as the final arbiter of the interpretation of natural law, which is hardly a theologically neutral position.

<sup>3</sup> A helpful discussion of "nature" in the NT is found in *The New International Dictionary of New Testament Theology*, volume 2, p. 656-662. This article takes up the meaning of *physis* and the related adjective *physikos*.

<sup>4</sup> Granted, there is no biblical text that uses the phrase "human nature." But since Scripture does speak of the "divine nature," and ascribes various "natures" to different kinds of animals, it is hard to imagine the biblical writers would object to the language of "human nature." The early church certainly believed this, which is why they developed Christology (and anthropology) the way that they did. Consider the incarnational theology of the early church. The early church confessed that the eternal divine Son assumed to himself a human nature, and thus became the God-man, two natures without confusion, change, separation, or division, in one theanthropic person. This is called the hypostatic union; each nature maintains its properties in the unity of the one person. The Formula of Chalcedon defines human nature as "consisting of a reasonable soul and body;" in other words, it is the sum total of those features and characteristics that make a human human.

<sup>5</sup> Some have suggested that "nature" means custom or tradition in passages like Romans 1 and 1 Corinthians 11. But there is no reason why God would pour out wrath on people for violating Greco-Roman customs (Rom. 1:18ff). Those cultural customs were not sacred and certainly never had the force of divine law (and besides that, it highly debatable whether or not homosexuality, pedophilia, etc. were really contrary to Greco-Roman customs anyway). Likewise, it is hard to see how violating localized cultural customs about male/female relations would be offensive to the angels (1 Cor. 11:10-14); the fact that an appeal to nature (1 Cor. 11:14) is situated within a text that also appeals to the creation account (1 Cor. 11:8-9) suggests that Paul is using "nature" as a shorthand way of pointing to God's creational design. Creation established a natural order which men and women should honor; this order is embedded in the way God made the world and designed men and women to relate to one another. For more on the difficult passage of 1 Corinthians 11:1-16, see my [sermon](#) and [notes](#).

<sup>6</sup> In other words, post-fall nature must be distinguished from pre-fall nature. The events that transpire in Genesis 3 deform the nature of man and the world in a fundamental way. Man is now totally depraved, as we Calvinists like to put it, meaning not that he is as evil as he could be, but that every aspect of his being is warped and marred by sin so that he is Spiritually dead and unable to do anything to please God. God's creation is still good in itself, but is now twisted in that creational goods can be used in evil ways. Creation will no longer fulfill the original purpose for which God made it. When sin enters the world, nature is corrupted and subjected to the curse of death. Salvation, then, may be understood as God's work of reclaiming and restoring (and perfecting and glorifying) his now fallen world. Think of the fall as a train going off its track and wrecking. Redemption is God's commitment to fix the wreckage and put the train back on track so it can reach the destination he planned for it from the beginning. In this sense, we can rightly speak of "grace restoring nature."

Because nature is now fallen, arguments in favor of homosexuality that claim "I was born this way" or "I cannot help desiring what I desire" are actually not valid. The fact is, all of us have sinful impulses, including fallen sexual desires, that we cannot act on without destroying ourselves and others. Since nature is ravaged by sin, the fact that some would struggle with same sex attraction is not a surprise. But simply having a desire does not legitimate the object of desire. In virtually every other area of life outside of sexuality, we seem to know this (e.g., if I covet your car, we all know it is still wrong for me to steal it), but sexual desires seem to get a free pass these days. No sexual desire is to be scrutinized or resisted. This is utter folly.

with the nation of Israel, e.g., people are “by nature” Jews and therefore possessors of Torah, or they are not)<sup>7</sup>

We could identify these four uses as “essential nature,” “creational nature,” “fallen nature,” and “covenantal nature.”<sup>8</sup> The second use is our main interest here because Paul appeals to “nature” in a creational sense in Romans 1 to condemn the very evil in question (same-sex sexual practice, known as the infamous “crime against nature”).

It’s worth unpacking how that ethical appeal to nature works in Romans 1. In short, Paul’s argument in Romans 1 seems to include these salient features: God has revealed himself in the things he has made and continues to uphold; natural revelation is not merely in static “things” God has made, but also in dynamic “deeds” God performs. Thus, natural revelation is both creational and historical, embedded in what God has made as well as in providence, as he upholds, sustains, and rules his world. Nature is not autonomous but is always graced by God; thus nature is the arena within which the personal presence of the true God is continually manifested as he powerfully, graciously, and wisely rules and maintains his handiwork. Further, this natural revelation is inescapable, but also suppressible; man is always in contact with his Creator, even if he ignores and rejects his Creator in unbelief. This revelation has a moral component, and because God’s truth is self-evident and cannot be eradicated, men are culpable when they do not respond to this revelation by thanking and glorifying God. This revelation in and through nature was never intended to operate on its

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<sup>7</sup> One of the reasons I do not like “natural law” language is I think it confuses the exegesis of Romans 2:1-14, especially verses 14-15. N. T. Wright provides the proper exegesis of this text. Paul is not talking about Gentiles who fulfill a natural law, known apart from Scripture or tradition; rather, the Gentiles in view are God-fearers/believers who do not possess the law (the Torah) by nature, that is, by birth/ethnicity/culture, but fulfill the true intention of the law by faith (cf. Rom. 8:1-4). “Nature” in Romans 2 cannot trace back to creation because it is part of the Jew/Gentile distinction, which came in later. Of course, from Genesis 12 until 70 A.D., the Jew/Gentile divide was one the basic features God built into his world.

<sup>8</sup> There is possibly a fifth use of the term “nature” in Romans 11 (perhaps we should call it “cultivated nature?”), where Paul uses the metaphor of the olive tree to describe the people of God. Paul says the Jews are “natural” branches who are in danger of being pruned, while the Gentiles are “wild” branches who are being grafted in by faith, “contrary to nature.” The use of nature here is closely related to the use of “nature” in Romans 2, but the context is not culture, but rather horticulture. If grafting wild branches into a tree is “unnatural” but lawful, how does that bear on Paul’s use of “unnatural” in Romans 1? The short answer is that we must distinguish ways in which we disfigure nature from ways in which we cultivate nature. One deforms nature, the other transforms nature. To know the difference, we must look at how particular practices relate to creational norms and the cultural mandate (and certainly Scripture helps us in this task). We can go to the ant to learn a work ethic, but we cannot go to the penguin (or the dog, etc.) to get our sex ethic; learning from nature is never that simple. Likewise, some ways of using and manipulating nature are lawful and some are not. For example: Homosexual practice and transgender operations disfigure and insult nature; they are a misuse of our sexual powers and parts, and an abuse of technology. Wearing clothes, brushing one’s teeth, trimming one’s nails, training a dog, turning a tree into a table, developing a hybrid azalea, pulling weeds out of a garden, fertilizing crops, etc., are all examples of actions that are certainly “contrary” to nature in a certain sense. But in a deeper, more profound sense, they are examples of exactly what man is supposed to do with nature. They are good uses of technology. Nature was made to be tended and cultivated. Man was created to be nature’s caretaker, to transform nature into culture, to turn the Garden of Eden into the New Jerusalem. Man in his sin often abuses nature, whether through wrecking the environment with pollutants, or damaging his body through sinful sex practices. But the cultural mandate gives man permission and motivation to glorify the world, to make it better, to bring it to maturity. The cultural mandate is the basis of science and technology, art and architecture, etc., all of which transform the creation. There is also a possible sixth use of the term “nature” in 1 Cor. 15:44, 46, where the “natural body” is the original, pre-eschatological human body, which will give way eschatologically in the resurrection to the “Spiritual body” (that is, a body perfected and fully animated by the Holy Spirit). In 1 Corinthians 15, the term “nature” describes man in his unfallen but pre-eschatological state. The “natural” state in this sense is man as originally created, but still immature. This first phase of human existence will give way to an even better state when man is raised from the dead, never to die again. In this context, the natural/Spiritual distinction is not merely physical or metaphysical, as such, but eschatological.

own; even in a pre-fall world, God provided a word of special revelation (Gen. 2) as the lens through which man was to look at the world around him. Of course in a post-fall world, natural (= fallen) man always misinterprets nature (= creation), at least in an ultimate sense, unless the Spirit of God works through the Word to open his eyes to the truth. It seems that, for Paul, appeals to nature are especially appropriate when dealing with issues of gender and sexuality (as we see in Romans 1 and 1 Corinthians 11). For Paul, nature, as God's creational design, is normative for sexual ethics and gender roles. To depart from this design is to invite confusion about the way God made the world, including the categories he created (e.g., men and women) and the way those categories fit together (cf. Lev. 18:23, which uses the language of "confusion" to describe bestiality, but would apply just as much to other forms of sexual perversion). We were made to live in accord with nature (= creational design) but because our nature is now fallen, we do not naturally live in accord with nature but do what is contrary to nature until and unless God restores our nature in Christ and by the Holy Spirit.<sup>9</sup>

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<sup>9</sup> Of course, this suggests that in salvation, "grace redeems nature." God restores (and eschatologically perfects) human nature in Christ. Scripture describes salvation in terms of being renewed in God's image, being made a new creation, etc. This newness is deeply and fundamentally relational; it has to do with our movement from the family of Adam (with Satan as our father) to the family of Christ (with God as our Father). Relationships determine identity; human nature is inherently relational because we are made in the image of a relational, Trinitarian God. But we need to be careful how we understand this. In recent years, there has been a great deal of debate in certain Reformed circles over whether or not regeneration, or the new birth, should be understood as a change of nature or a relational change (or perhaps some combination of both, using a relational ontology). Because I am using the language of "nature" in this essay, it is inevitable that my thoughts here will get dragged into that wider debate. Doug Wilson has argued that regeneration is a change of nature; in other words, God's effectual call brings about a metaphysical or ontological change in us. James Jordan has argued that humans do not have a fixed nature, but are instead constituted by their relationships (most essentially their relationship to God, upon whom they are absolutely dependent), and so "regeneration" is not a change of nature (a "transubstantiated heart") but a change in spiritual orientation and direction.

A footnote is certainly not the place to try to settle a complicated theological issue that deserves a paper, if not a book, of its own, but I should briefly suggest the best way to move the discussion forward, as I see it. As is often the case in such matters, I think there has been a lot of talking past one another and a lot of terminological confusion. I think what Wilson means when he affirms regeneration as a change of "nature" is not the same thing Jordan means by "nature" when he denies it and focuses on relationships rather than substance; in other words, there is quite a bit of equivocation going on in these debates. Jordan needs to reckon with the fact that "nature" is biblical language, but Wilson needs to carefully spell out how he is using the term since it is susceptible to a wide range of meanings and it is not at all clear that he is using the term biblically. It is highly questionable whether or not the change that takes place when someone becomes a Christian can best be described as a change of nature; in other words, one can affirm there is such a category as nature, but deny that regeneration is best defined as a change in nature. After all, both the non-Christian and the Christian are human and therefore share a common human nature, even though that nature has been reoriented in conversion and so now the Christian relates to both God and Satan differently. I would argue (closer to Jordan than to Wilson, but perhaps not identical to either one) that regeneration does not cause a change of nature, but is a *restoration* and *perfection* of the same nature a person has had all along.

But "nature" is not the only difficult term to pin down in this discussion. [The term "regeneration" does not exactly have a fixed meaning in the history of Reformed theology, and so discussions of what regeneration entails can also become tricky business.](#) The only two places "regeneration" shows up in Scripture are Titus 3:5, where it is sacramental, and Matthew 19:28, where it is cosmic. A large part of this discussion is about how to best recover biblical language and categories for pastoral purposes. One way to cut through the mess is to point out the fundamental agreement between Wilson and Jordan. Both sides are fully Calvinistic and predestinarian; thus, both sides confess that faith is a Spirit-wrought gift and that salvation is ultimately a monergistic work of God (because all our efforts are undergirded by God, who works all our works in us). This does not mean the whole discussion resolves into mere semantics, but it does help pinpoint the precise areas of disagreement. I actually do not think the sides are as far apart as public rhetoric would suggest. For example, Jordan affirms that those who apostatize and those who persevere have a qualitatively different kind of relationship with God; indeed, he asserts that each of us has a personally unique relationship to God. And Wilson has agreed that if a "regenerate" person in his sense of the term (a person with an ontologically changed heart) were to have the Holy Spirit taken away from him (however counterfactual Wilson believes that to possibility to be), he would not persevere. So

Hence, when Paul calls homosexual practice “unnatural” in Romans 1, he means it is unlawful; it is contrary to God’s design for humanity, and thus an act of willful rebellion. We do not object to homosexuality because we find it distasteful or disgusting; we object to it because it is contrary God’s revealed will for all peoples in all times in all places. Homosexuality is anti-nature which means it is anti-human and anti-Christian. Homosexuality is a misuse of the body and of one’s sexual partner. Because sodomy<sup>10</sup> is contrary to nature it not only brings God’s wrath but actually serves as a sign that God’s wrath is already being poured out. Only those who have been completely blinded to the way God made and ordered his world could engage in or approve of homosexual actions (Rom. 1:18-32). We know a culture is being given over to its sin in judgment when homosexuality becomes widely practiced and accepted. Social approval of homosexuality is a sign that God is judicially blinding and hardening a people. Homosexuality is a sign that God’s truth is being suppressed in unrighteousness. Homosexuality is a sign of God’s wrath being revealed from heaven.<sup>11</sup>

### **The Inescapability of Nature and the Current Impotence of Natural Law**

Many in the Reformed tradition have objected to the categories of “nature” and “natural law.” What exactly do we mean by “nature”? It is important to remember that nature is a term used in Scripture, as we saw above. But it has also been used by pagan and anti-Christian philosophers. Just as there is no such thing as “reason in general” or “religion in general,” so there is no such thing as “nature in general.” What is meant by “nature” in a philosophical or theological system is going to depend on the wider philosophical and theological commitments of that system. We should not assume everyone who uses the term “nature” means the same thing by it, and some meanings of the term are indeed pernicious. Even some common formulations that can be understood in fully orthodox ways – such as “grace restores nature” – can lead to heterodoxy if not grounded in a fully biblical doctrine of

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even for Wilson perseverance is ultimately guaranteed by the ongoing work of the Spirit, not a past ontological change, which was Jordan's main point all along. We persevere not because we had an internal and irrevocable “heart change” in the past, but because the Spirit continues his work of renovation in us and preserves us in the new creation.

<sup>10</sup> “Sodomy” is a politically incorrect term to use for homosexual practice. It is considered degrading and mean-spirited. But I think we should use it because it is clearly a term with biblical roots. (Perhaps we should stop using the term “gay” since it is a perfectly good word homosexuals co-opted for their own purposes.) Some have objected to the use of “sodomy” because they do not think the city of Sodom was actually judged for its homosexuality. Rather, the argument runs, Sodom was judged for failing to show hospitality (cf. Ezekiel 16:47ff). The problem with that line of reasoning, of course, is that it assumes Sodom could only be guilty of one particular sin. In reality, Sodom’s embrace of homosexuality and rejection of hospitality are linked. Hospitality is literally “love of strangers.” Usually this means receiving guests from a different culture. But it could certainly be stretched to include the opposite sex. There is nothing stranger to a man than a woman – and vice versa. Refusal to love strangers and refusal to embrace the challenge of the “strangeness” of the opposite sex in marriage are actually linked. So Sodom was guilty of “sodomy” in both senses.

<sup>11</sup> I should add that while Romans 1 suggests that homosexual practice is one of the worst of sins (representing a culture that is “burning out” in judgment), this does not necessarily mean that individuals who practice homosexuality are the worst of all sinners. Indeed, many practicing homosexuals are otherwise nice, kind, hospitable, respectable people. We have to distinguish what the approval of homosexual sin says about a culture from what it says about the individual.

It is certainly true that some sins are greater than others (Westminster Shorter Catechism, 83). But we must also add that all sins deserve God’s wrath and curse (Westminster Shorter Catechism, 84). In a “comparative sin” paradigm, I do think we can say that homosexual sin is greater than other sexual sins because it is comes at the end of a progression further and further away from God and into idolatry according to Romans 1:18ff. But this should in no way be used to minimize the seriousness of other forms of sexual sin with a person of the opposite sex. Paul singles out those kinds of sins as being uniquely damaging as well in 1 Corinthians 6.

creation. Yes, grace does restore nature – but the nature being restored is already fully dependent on God for its existence, and thus is already suffused with grace. The creation lives and moves and has its being in God. Creaturely existence is a gift of grace. You and I do not deserve our next breath – much less to have our identity preserved through time and into eternity. “Nature” as I am using the term here, following the apostle Paul in Romans 1, has to do with God’s creational givens, the gift of his created design. Nature is not autonomous, but always already graced. Nature – the created order – is absolutely dependent on God, moment by moment. “Nature” is the creation as formed and sustained by God. And this nature which has now been disfigured by the thorns and thistles of the fall is being restored, and even super-restored, as Christ gives to us even more than we lost in Adam.

“Natural law” terminology runs into a lot of the same confusions as “nature.” Again, we need to spell out what our terms mean.<sup>12</sup> Some Christians (and certainly many non-Christians) doubt the existence of a natural law because they figure that if such a law exists, all men would recognize it and share a common ethic. This does not at all follow. It would be like saying Scripture must not be the self-attesting Word of God because, if it were, all men would acknowledge it. Natural law arguments often fail to persuade; but then biblical arguments often fail to persuade as well. In our sin, we can suppress what it clearly revealed in both the created order and in biblical revelation. The fact that the natural law is not universally recognized proves we sinners; it does prove there is something inadequate in God’s creational revelation. Objectively, God’s self-revelation in his handiwork is clear and sufficient for its purposes; the problem is that subjectively, sinners scramble that clearly broadcast signal so that God’s message to us is garbled.

Sometimes Christians wonder if the use of natural law is a way of trying to sidestep the embarrassment of having to speak of Jesus and the Scriptures in public discourse. Certainly some who advocate natural law have hoped it would provide a form of discourse acceptable to non-Christians in a pluralistic society. In our culture that hope is futile because those who do not believe in God usually don’t believe in nature either<sup>13</sup> (this is especially true in cultures that are no longer “Christ-haunted,” in which the memory of biblical revelation has been almost entirely erased by widespread cultural apostasy). Natural law is not a *substitute* for Scripture but a *supplement* to Scripture (since Scripture does not address every ethical question directly)<sup>14</sup> and a *complement* to Scripture (since it helps us understand why God has given the commands he has issued in his Word).

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<sup>12</sup> This especially true since “natural law” language as such is not used by the biblical authors, whereas the apostle Paul does make use of the category of “nature.” We must use the language of “nature” to be fully biblical. We do not need to make use of the language of “natural law,” especially if other terminology will do a better job summarizing the teaching of Scripture.

<sup>13</sup> This is especially due to widespread acceptance of some form of Darwinian evolution. Evolution is the denial of nature; it entails the view that everything is in flux. Of course, at the same time, we should point out that evolutionism is very selectively applied modern American culture; the racist/eugenicist, homophobic ethics of nineteenth century American evolutionists were far more consistent with what evolution actually entails than our current cultural egalitarianism. Given evolution, racism naturally follows, since some races will advance further and faster than others; thus, slavery is actually a natural corollary of evolution’s “survival of the fittest” principle. Likewise, consistent evolutionists would have to strongly oppose homosexuality because same-sex practice does not reproduce the species and provides no evolutionary advantage. Given evolutionary principles, same sex attraction is at best a useless mutation.

<sup>14</sup> This is not a denial of *sola Scriptura*, but a statement of common sense. Scripture gives an overarching worldview, a framework within which every ethical dilemma can be resolved. But obviously our ethical reasoning should also take into account what we learn about God’s world from experience, observation, and investigation. The Bible and creation fit together to form a single system of revelation.

Natural law is inherently teleological. It examines God's purposes in making the world the way that he has. The natural law tradition at its best could really better be called creational law, or perhaps, creational design. Again, theological and ethical reflection on God's creational design is not intended to supplant Scripture or serve as a substitute for Scripture; if anything, it helps us better understand the rationale and meaning of what we find in Scripture. Reflection on and understanding of God's creational design is essentially what Scripture calls *wisdom* – an experiential and practical grasp of how God's world works and insight into the way things are. Wisdom enables us to live with the grain of God's world, whereas foolishness goes against that grain (leading to splinters!); wisdom puts us in tune with the way the world was made to function so we can dance to the beat of God's creational drum. Natural law reasoning of some sort is virtually inescapable because Scripture does not address every conceivable ethical question in direct fashion; in some matters, we must rely on prudential application of broad principles. Plus, understanding the reasons for God's commands is often necessary if we are to grow to maturity and make proper application of his law to new situations. For example, parents are familiar with natural law reasoning and engage in it all the time. If I tell my son, "Eat your vegetables," and he wants to know why, I could certainly tell him, "Because God in Scripture commands you to obey me." But if I never got around to also telling him, "Because they're good for your health," I think I'd be guilty of parental malpractice. If a teenager asks why he should wait until marriage for sex, I hope we can tell him more than "God says so." Instead, I hope we can (using a mix of arguments from Scripture and creational design) show in a compelling way the goodness and beauty of God's plan for our sexuality within married life. God's commands have good reasons, and it's helpful for us to know what they are, as much as we are able. God made the world in such a way that those who eat vegetables and save sex for marriage generally flourish more than those who do the opposite, all things being equal. Even those most committed to *sola Scriptura* (recognizing Scripture as the highest and only infallible authority we have) acknowledge that they have to use data and reasoning outside of what is found in the pages of Scripture to navigate the complexities of life (including interpreting Scripture!). Scripture provides the overarching theological and moral framework for our lives, but God also intends for us to use nature in our ethical reasoning. In other words, he expects us to grow in practical wisdom, to pay attention to what he is showing about himself in creation and providence. Wisdom enables us to act biblically even when we encounter a situation for which we do not have a specific Bible verse. Wisdom allows us to know and show to others the truth, beauty, and goodness inherent in God's commands and ordinances.

[Jamie Smith, building off of Oliver O'Donovan, shows how a creation ethic coheres with the gospel:](#)

A Christian public theology always already assumes a theology of culture which, in turn, assumes a theology of creation. And any "Christian" theology of creation has to articulate an understanding of the relationship between the order of creation and the order of redemption – how we should understand the relationship between nature and grace. O'Donovan's political proposals are nourished by a holistic model at this

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By analogy, we can point out here that Scripture does not address every aesthetic question. Scripture affirms that beauty is objective (the Lord himself is the ultimate standard of beauty; cf. Phil. 4:8), but Scripture does spell out an aesthetic for the various arts. For example, if a Christian wants to argue that one piece of music is objectively better or more beautiful than another piece, he is going to have to draw his arguments primarily from nature – namely, the nature of music, the principles and standards God has built into the musical dimensions of his creation.

most fundamental level. As he puts it in the opening of *Resurrection and Moral Order* (RMO), "The foundations of Christian ethics must be evangelical foundations; or, to put it more simply, Christian ethics must arise from the gospel of Jesus Christ. Otherwise it could not be *Christian* ethics." Any properly Christian ethics, he emphasizes, "depends upon the resurrection of Jesus Christ from the dead" (RMO 13). Yet how many paradigms of supposedly "Christian" political theology operate as if this never happened?

However, this Gospel specificity is *not* a way to paint ourselves into a sectarian corner of cultural irrelevance precisely because the resurrection of Jesus is the reaffirmation of creation – "the confirmation of the world-order which God has made" (RMO 14). In the incarnation and resurrection of Jesus "the whole created order is taken up into the fate of this particular representative man at this particular moment of history, on whose one fate turns the redemption of all" (RMO 15). The resurrection is "[t]he sign that God has stood by his created order" (15). So there is no tension or choice to be made between a so-called "ethics of the kingdom" or an "ethics of creation": "This way of posing the alternatives is not acceptable," O'Donovan comments,

for the very act of God which ushers in his kingdom is the resurrection of Christ from the dead, the reaffirmation of creation. A kingdom ethics which was set up in opposition to creation could not possibly be interested in the same eschatological kingdom as that which the New Testament proclaims. [...] A creation ethics, on the other hand, which was set up in opposition to the kingdom, could not possibly be evangelical ethics, since it would fail to take note of the good news that God had acted to bring all that he had made to its fulfillment. (RMO 15)

Like natural theology, O'Donovan affirms the objective moral order that inheres in creation...We might rightly affirm that

man's rebellion has not succeeded in destroying the natural order to which he belongs; but that is something which we could not say with theological authority except on the basis of God's revelation in the resurrection of Jesus Christ. We say that this, that or the other cultural demand or prohibition [...] reflects the created order faithfully, but that too is something which we can know only by taking our place within the revelation of that order afforded us in Christ. It is not, as the skeptics and relativists remind us, self-evident what is nature and what is convention.

The point Smith and O'Donovan are making demonstrates why rightly reading natural law requires faith – which also explains why natural law arguments are often not as persuasive as we might expect:

I think this gives us a way to be frankly honest about why natural law programs fail to actually persuade in public debate (recent debates about marriage are a good case in point). What we rightly see as "rational" and "natural" itself depends upon illumination and intellectual virtues that are not universally available. Rightly discerning the lineaments of creation and natural law actually requires faith. Francesca Murphy recently made the same point [in \*First Things\*](#): "A teaching that was once part of the common sense of society has now become an item of faith, and rather an esoteric faith. Only those with biblical principles, including those Catholics who use natural law, seem to be able to see the need to restrict marriage to heterosexual

couples. The rational arguments we offer fall on deaf ears. We may as well be citing Scripture." Appeals to nature depend upon the illumination of special revelation. But this does *not* mean the norms only apply to the Christian community; they remain norms for a flourishing humanity. Thus she counsels continual public witness and argument on this matter from an unapologetically Christian starting point: "I think the traditional view of marriage has indeed become a matter of faith and we have to keep arguing for it to be on the law books, until and even after every state has ratified same-sex marriage." Recognizing the revelational conditions for insight into human nature does not preclude public proclamation.

Thus, we can really only expect natural law to work in a context in which we also make use of the light of special revelation:

Because creation is reaffirmed in Christ's resurrection, and because "nature" is only known "in Christ," then any Christian account of even "this-worldly" life has to be unapologetically evangelical, rooted in what we know in – and because of – the Gospel. This must include our political theology, even though our political theology involves an account of how to live with those who are not "in Christ." In our public and political witness, we ought not operate as if we are working the dark like everyone else, without revelation and illumination.

Of course, this is why natural law arguments were persuasive in the eighteenth century and rarely are today: In the eighteenth century, people in our culture generally read "nature" in light of "grace," and "creation" in light of "Scripture" (even if they were somewhat naïve that this is what they were doing). Natural law can never be abstracted from the historical realities of the gospel or the overarching framework of Scripture; likewise, Scripture should never be divorced from the very creation Christ came to redeem and grace promises to restore. Natural law arguments are no more theologically neutral than biblical arguments (this is where some swaths of the natural law tradition have gone wrong). But theological neutrality is not a virtue to aspire to anyway. We are Christians. We are committing to sanctifying Christ as Lord in our hearts whenever we go to give arguments for the hope that is in us and the convictions that we seek to live by (cf. 1 Pet. 3:15). We reject neutrality because it would be a form of idolatry and autonomy. Instead, we seek to handle and interpret every fact we encounter, whether in Scripture or the creation, as faithfully as we can, in submission to Christ.

While it is impossible to say what might be persuasive in any given case, our best approach to public engagement on the issue of marriage's redefinition is to provide a whole host of arguments flowing from both Scripture and nature. Because a "creation ethic" and a "kingdom ethic" (or "cross ethic" or "gospel ethic," whatever we choose to call it) will ultimately fit together and align perfectly, we do not need to choose. We ought to use every tool in our toolbox.

In fact, it is not even always clear if an argument is strictly "biblical" or "natural." It seems to me that there are no "pure" biblical arguments, nor any "pure" natural arguments. Special and general revelation are inextricably mixed, all the time. They form one system of total truth. For example, if I make a public case against the approval of homosexual behavior because of the health risks, shortened life span, etc., that it brings, am I making an argument from observations about the way God's world works? Or am I exegeting and applying the phrase "receiving in themselves the penalty of their error which was due" (Rom. 1:27)? If I

make a case that racism is wrong based on the fact that we all descend from a first man/woman pair, am I making an argument based on nature (there are, after all, good scientific and historical arguments for believing in an original Adam and Eve, believing all races are genetically connected, etc.) or Scripture (Genesis 1-2; Acts 17:26)? If I want to claim on the basis of biblical testimony that covenant infants have faith (Ps. 22:9-10), is it wrong for me to supplement my exegesis with scientific studies that support the conclusion that infants are inherently relational? Special and general revelation, or natural law and biblical law, form a seamless garment. They are distinct, to be sure, but inseparable. God never intended for one to operate without the other. This must be the case because there are places within Scripture where biblical writers make appeals to nature. Again, if the Bible makes use of natural law/creational design argumentation, then it is hard to draw a sharp line between a "creation ethic" and a "kingdom ethic." The Bible itself gives us both, and shows that they align.

I do need to make a caveat here. In the nature of the case, we must insist on the primacy of Scripture. In the words of John Frame (*Apologetics to the Glory of God*, 23f):

God has given us Scripture, or "special revelation," both to supplement natural revelation (by adding to it the message of salvation) and to correct our misuses of natural revelation. As Calvin said, the Christian should look at nature with the "spectacles of Scripture." If even unfallen Adam needed to interpret the world according to God's verbal utterance, how much more do we!

The point is not that Scripture is more divine or authoritative than natural revelation. Natural revelation is every bit the word of God and absolutely authoritative. The difference is that Scripture is a verbal utterance that God gives to supplement and correct our view of the world., We must humbly accept that assistance. In doing so, we do not make Scripture more authoritative than natural revelation; rather, we allow the Word (with its ever-present Spirit) to correct our *interpretations* of natural revelation.

To allow Scripture to do its corrective work, we must accept the principle that our settled belief as to Scripture's teaching must take precedence over what we would believe from nature alone. God gave Scripture as the covenant constitution of the people of God and if it is to serve us in that way, it must take precedence over all other forms of knowledge. It is wrong, for example, to suggest (as many do) that the "two books of nature and Scripture" should be read side by side, carrying equal weight in every respect. That sort of argument has been used to justify relatively uncritical Christian acceptance of evolution, secular psychology, and so on. In such arguments, Scripture is not permitted to do its corrective work, to protect God's people from the wisdom of the world (1 Cor. 2:6-16). Hence, *sola Scriptura*.

Nevertheless natural revelation, rightly understood through the "spectacle of Scripture," is of tremendous value to the Christian, and specifically, to the apologist.

Frame adds in a footnote:

Granted, our interpretations of Scripture also need to be corrected at times. But the proper order is: Scripture itself corrects our interpretations of both Scripture and nature...Scripture has primacy over all else.

But he also admits (p. 60), “it is impossible to make a sharp distinction between arguments based on ‘Scripture alone’ and arguments based on a combination of Scripture and natural revelation.”

It is true that as Christians, we are always arguing in circles (as is everyone else!). Circularity is impossible to avoid when dealing with one’s highest epistemological and ethical authority. Arguments for Christian faith and Christian convictions must be based on Christian criteria, and thus we are presupposing the truth of the Christian religion all along. But these arguments need not be *narrowly* circular (e.g., “I believe the Bible is the Word of God because it says it is the Word of God”); ultimately, because the God who has redeemed us is also the Creator and Ruler of history, because Christ crucified is also the one through whom and for whom all things were created and in whom all things consist (Col. 1:15ff), our circle can be broadened to include every fact in the universe. Yes, we reason in a circle; but our circle is cosmic! It is not that there is “some” evidence out there for what we believe; it’s that there is *nothing but* evidence for the God in whom we trust (when that evidence is properly interpreted). Our calling as missionaries, evangelists, and apologists to our culture is to bring these facts to the attention of the unbeliever and show him that they can only be rightly seen and understood in the light of God himself. We alone know the right way to live, in accord with both nature and grace. In fact, ultimately, living in accord with nature *is* living by grace. The faithful Christian life is the truly human life (that is, life as God intended it to be lived).

### **Nature, Scripture, and the American Way**

Historically, American culture has been informed by both a Protestant reading of Scripture and the natural law tradition. Natural law has played a vital role in the history of American jurisprudence. The Declaration of Independence is grounded in “the laws of nature and nature’s God.” Christians understandably have an uneasy relationship with the “nature’s law and nature’s God” paradigm because we want to know *which law? which God?* The question is all the more acute when we remember that the author of that slogan (Thomas Jefferson) was certainly not an orthodox Trinitarian believer, and the concept of nature (divorced from its biblical definition) has often allowed the nose of the camel of rationalism to poke itself into the church’s tent. [I fully admit the “nature’s law and nature’s God” paradigm was flawed from the start](#) (at least in certain respects), but I also believe that the vast majority of men who signed the Declaration and who authored the Constitution would have had no doubt that the God of nature is the God and Father of the Lord Jesus Christ. Indeed, most Americans up until the last few generations would have had no trouble linking “nature’s God” with the Trinity.<sup>15</sup> True, the founders could have saved us a lot of trouble had

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<sup>15</sup> [John Rankin explains why the God of the Declaration must be the Christian God, the Creator of Genesis 1-2:](#)

The only source in recorded history for unalienable rights is the Creator identified in Genesis 1-2. No ahistorical or amorphous Enlightenment “deism” has any such idea, nor does any other religious or secular source. The Source, nature and preservation of unalienable rights is the gravamen question upon which this amicus focuses...

The Reformation started as an ad hoc pursuit of freedom for the whole (small “c” catholic, i.e., universal) church. And despite its theological and political messiness, it arrived in my mind at its highest success in the opening sentences of the Declaration of Independence. Our nation was founded on “freedom for religion” as a gift of the Creator. It is self-evidently distinct from the Enlightenment and the French Revolution that were rooted in a de facto goddess of reason and a “freedom from religion.” That led to the Reign of Terror and boomerang to Napoleon Bonaparte. Thus, those who say that “unalienable rights” come from the Enlightenment are running contrary to history. As well, there cannot be located any deism of a putative deity that exists in history or worship, and one where life, liberty and property are defined as the unalienable gifts of the same. Such an Enlightenment deity is both ahistorical

the believers present when the Declaration was signed and the Constitution drafted insisted on explicit identification of this God as the Christian God. But when we look at the slogan in its cultural, historical context we see that it isn't all that problematic and we also can see just how far we have drifted from its original meaning.

To prove this point, Randy Barnett's discussion of "laws of nature and nature's God" is [worth quoting at length](#):

But what are these "Laws of Nature"? To answer this, we can turn to a sermon delivered by the Reverend Elizur Goodrich at the Congregational Church in Durham Connecticut on the eve of the Philadelphia constitutional convention. At the time of the founding, it was a common practice for ministers to be invited to give an "election sermon" before newly-elected government officials, in this case the delegates to the Constitutional convention, to encourage them to govern according to God's ways.

In his sermon, Goodrich explained that "the principles of society are the laws, which Almighty God has established in the moral world, and made necessary to be observed by mankind; in order to promote their true happiness, in their transactions and intercourse." These laws, Goodrich observed, "may be considered as principles, in respect of their fixedness and operation," and by knowing them, "we discover the rules of conduct, which direct mankind to the highest perfection, and supreme happiness of their nature." These rules of conduct, he then explained, "are as fixed and unchangeable as the laws which operate in the natural world. Human art in order to produce certain effects, must conform to the principles and laws, which the Almighty Creator has established in the natural world."

In this sense, natural laws govern every human endeavor, not just politics. They undergird what may be called "normative disciplines," by which I mean those bodies of knowledge that guide human conduct – bodies of knowledge that tell us how we

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and amorphous. Too, in the range of philosophic deisms, the major postulate is that of a watchmaker deity who makes the universe and humankind, then steps back from any further involvement. This is the opposite of the One who gives the gift of unalienable rights to humankind to order their social lives with *shalom*. There are other postulates in deism of a deity somewhat more involved in human affairs, but none conceived as that of Genesis 1-2 where the Creator is personally involved in giving such unalienable rights to us as image-bearers of God with eternal worth. In a forum with Professor Nadine Strossen, Esq., past president of the American Civil Liberties Union, in February, 1997 at Gordon-Conwell Theological Seminary, I said this is a historical statement of fact that requires no belief in the Creator of Genesis 1-2. But if we forsake even mere acknowledgement of such a historical fact (i.e., that the signatories were self-consciously referring to the God of the Bible, and not anything or anyone else), then to where will we go to reclaim unalienable rights once they are lost? Professor Strossen did not give contrary historical evidence, while at the same time not affirming my theological convictions. This reflects a mutual grasp of the self-evident from distinctly different postures, and as she also quoted the Declaration thus in her opening presentation. At the core of the debate over same-sex marriage is the possibility of jettisoning such rights for the whole nation in exchange for an entirely novel and untried idea, one where basic human rights are not guaranteed by that which or whom transcends human politics, but by that or those for whom human politics is a means to rule arbitrarily over others – depending always on the changeability of who is in power at a given time with what sentiments.

Genesis 1-2 is utterly unique in all of historical literature. It is the only source to which we can turn to provide a basis for understanding the origin of the rights we hold so dear as Americans. Likewise, it is the only place we can turn to properly understand the origin of human sexuality, marriage, and family life, as well as work, culture, etc. If Jefferson did not have in mind *this* Creator (however deficient his theology may have been otherwise), what Creator did he have in mind? What ancient historical document bears witness to that Creator's act of creation? Genesis 1-2 is the only possible candidate for background to the Declaration's reference to a Creator.

*ought* to act if we wish to achieve our goals. To illustrate this, Goodrich offered examples from agriculture, engineering, and architecture:

He who neglects the cultivation of his field, and the proper time of sowing, may not expect a harvest. He, who would assist mankind in raising weights, and overcoming obstacles, depends on certain rules, derived from the knowledge of mechanical principles applied to the construction of machines, in order to give the most useful effect to the smallest force: And every builder should well understand the best position of firmness and strength, when he is about to erect an edifice.

To ignore these principles is nothing short of denying reality, like jumping off a roof imagining that one can fly. "For he, who attempts these things, on other principles, than those of nature, *attempts to make a new world*; and his aim will prove absurd and his labour lost." By making "a new world," Goodrich meant denying the nature of the world in which we live. He concludes: "No more can mankind be conducted to happiness; or civil societies united, and connections, which the Almighty Creator has established for the government of the moral world."

I would quibble with a lot of the language here, but it is clear that interpreting natural law as God's creational design was common at the time of our country's founding, and this view of jurisprudence continued to inform most of our nation's lawyers and judges into the early twentieth century (with Oliver Wendell Holmes certainly marking a turning point at the level of the Supreme Court). When preachers like Goodrich called on civil leaders to govern according to the laws of nature and nature's God, they were insisting that their leaders use practical wisdom derived from a study of Scripture and the created order in order to promote human flourishing. For them, the public good was inseparable from an ethical system derived from and compatible with the Scriptures. Natural law, at least in that cultural context, was not merely theistic, but distinctively Christian.

With these things in view, let us to turn to some issues that arise from the *Obergefell* ruling. How does all of this bear upon the issue of homosexual practice in general and homosexual "marriage" in particular? How should the church respond to same sex "marriage" now that the highest court in our land has ruled in their favor and imposed the legitimacy of these unions on all fifty states? How do we publicly address the issue of homosexuality in a way that is wise, winsome, and effective? What should we do about the issue of homosexuality, politically and culturally, now that orthodox Christians are a definite minority in America? What are the best arguments against homosexuality, its widespread acceptance, and the very existence of homosexual "marriages"?<sup>16</sup>

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<sup>16</sup> I need to say a word about terminology here, before going further. When I use the term "homosexual," I do not mean merely someone who has certain desires (e.g., same sex attraction) which may or may not be wanted, but someone who actually *practices* same-sex sexual acts, the same way a drunkard is someone who practices excessive drinking. In other words, I am using the term "homosexual" as shorthand to describe a person who acts in a certain way, not as a label for a certain "orientation." Homosexual = actively practicing sodomite. The whole concept of sexual orientation is highly problematic. [Michael Hannon points out just how novel and tenuous our concepts of "heterosexuality" and "homosexuality" are, and urges us to do away with them:](#)

Contrary to our cultural preconceptions and the lies of what has come to be called "orientation essentialism," "straight" and "gay" are not ageless absolutes. Sexual orientation is a conceptual scheme with a history, and a dark one at that. It is a history that began far more recently than most people know, and it is one that will likely end much sooner than most people think.

Over the course of several centuries, the West had progressively abandoned Christianity's marital architecture for human sexuality. Then, about one hundred and fifty years ago, it began to replace that longstanding teleological tradition with a brand new creation: the absolutist but absurd taxonomy of sexual orientations. Heterosexuality was made to serve as this fanciful framework's regulating ideal,

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preserving the social prohibitions against sodomy and other sexual debaucheries without requiring recourse to the procreative nature of human sexuality.

On this novel account, same-sex sex acts were wrong not because they spurn the rational-animal purpose of sex – namely the family – but rather because the desire for these actions allegedly arises from a distasteful psychological disorder. As queer theorist Hanne Blank recounts, “This new concept [of heterosexuality], gussied up in a mangled mix of impressive-sounding dead languages, gave old orthodoxies a new and vibrant lease on life by suggesting, in authoritative tones, that science had effectively pronounced them natural, inevitable, and innate.”

Sexual orientation has not provided the dependable underpinning for virtue that its inventors hoped it would, especially lately. Nevertheless, many conservative-minded Christians today feel that we should continue to enshrine the gay-straight divide and the heterosexual ideal in our popular catechesis, since that still seems to them the best way to make our moral maxims appear reasonable and attractive. These Christian compatriots of mine are wrong to cling so tightly to sexual orientation, confusing our unprecedented and unsuccessful apologia for chastity with its eternal foundation. We do not need “heteronormativity” to defend against debauchery. On the contrary, it is just getting in our way.

Michel Foucault, an unexpected ally, details the pedigree of sexual orientation in his *History of Sexuality*. Whereas “sodomy” had long identified a class of actions, suddenly for the first time, in the second half of the nineteenth century, the term “homosexual” appeared alongside it. This European neologism was used in a way that would have struck previous generations as a plain category mistake, designating not actions, but people – and so also with its counterpart and foil “heterosexual” ... “The nineteenth-century homosexual became a personage,” “a type of life,” “a morphology,” Foucault writes. This perverted psychiatric identity, elevated to the status of a mutant “life form” in order to safeguard polite society against its disgusting depravities, swallowed up the entire character of the afflicted: “Nothing that went into [the homosexual’s] total composition was unaffected by his sexuality. It was everywhere present in him: at the root of all his actions because it was their insidious and indefinitely active principle.”

The imprudent aristocrats encouraging these medical innovations changed the measure of public morality, substituting religiously colored human nature with the secularly safer option of individual passion. In doing so, they were forced also to trade the robust natural law tradition for the recently constructed standard of “psychiatric normality,” with “heterosexuality” serving as the new normal for human sexuality. Such a vague standard of normality, unsurprisingly, offered far flimsier support for sexual ethics than did the classical natural law tradition.

But emphasizing this new standard did succeed in cementing these categories of hetero- and homosexuality in the popular imagination. “Homosexuality appeared as one of the forms of sexuality,” Foucault writes, “when it was transposed from the practice of sodomy onto a kind of interior androgyny, a hermaphroditism of the soul. The sodomite had been a temporary aberration; the homosexual was now a species.” Sexual orientation, then, is nothing more than a fragile social construct, and one constructed terribly recently...

Jonathan Ned Katz...nicely captures the contemporary queer-theory consensus in *The Invention of Heterosexuality*, where he explains, “I speak of heterosexuality’s historical invention to contest head-on our usual assumption of an eternal heterosexuality, to suggest the unstable, relative, and historical status of an idea and a sexuality we usually assume were carved long ago in stone.” As he goes on to argue, “Contrary to today’s bio-belief, the heterosexual/homosexual binary is not in nature, but is socially constructed, therefore deconstructable.”

My own prediction is that we will see this binary thoroughly deconstructed within our lifetimes. But in my view, we proponents of Christian chastity should see the impending doom of the gay-straight divide not as a tragedy, but as an opportunity. More than that, I want to suggest that we should do our best to encourage the dissolution of orientation within our own subcultural spheres wherever possible.

For the purposes of this discussion, I find it almost impossible to do away with the terms “heterosexual” and “homosexual” but they should be recognized as a shorthand way of referring to persons who have ordered (or disordered) their sex lives in particular ways. For Christians, I think there is added danger in using these terms too much, in that we should not find our ultimate identity in our sexual desires or practices (thus, even a celibate Christian who fights against same sex attraction should not identify as “gay Christian” since his gayness does not define him). Rather than identifying ourselves in terms of our sexual interests, we should identify ourselves in the categories God gives us in his Word, namely our union with Christ and our membership in his kingdom. Again, Hannon:

Of course, given our immersion in a culture for which these categories seem as connatural as the English language, uprooting them from our vocabulary and worldview will not be anything like a simple task. So why bother? As long as we do not succumb to sinful acts, why does it matter if people – even we Christians – continue to identify as homosexuals or heterosexuals?...[W]ithin orientation essentialism, the distinction between heterosexuality and homosexuality is a construct that is dishonest about its

## 1. From the “As one of your own prophets has said...” department:

Advocates of the gay rights movement have sought to build momentum off the civil rights movement of the 1960s by linking their cause with that of another mistreated minority, African-Americans. While I do think the current jurisprudence that gave us the *Obergefell* ruling largely flows out of the civil rights movement, in reality, the rhetoric and values of the gay rights movement are very, very different. I do not mean merely that skin color (a creational given) and sexual practices (a behavioral choice) are not analogous when it comes to rights. [The point that “gay is not the new black” has been made over and over.](#)<sup>17</sup> What I mean is this: The civil rights movement was very comprehensible within the original American project in a way that the gay rights movement is not. The civil rights movement largely (though admittedly not completely) functioned within the “nature’s laws and nature’s God” paradigm (bequeathed to us by the Declaration of Independence and presupposed by the Constitution). Indeed, the Declaration, whether intentionally or not, had already planted a time bomb next to the institution of race-based slavery when it declared all men are created equal. These doctrines of creation and creational law eventually became the cornerstones of the civil rights movement.

Martin Luther King, Jr. is undoubtedly the hero of the civil rights movement, to those on the left and even to many on the right. But what has been largely forgotten is that King’s appeals and arguments were very often based directly on a heavily Christianized version of natural law, and even biblical teaching (which was expected to cohere with nature). King quoted Amos and Augustine and Aquinas. He relied on the words of Jesus and Paul. He was a thoroughgoing theocrat and certainly did not believe that the Bible (or theological commitments) should be kept out of the public square.

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identity as a construct. These classifications masquerade as natural categories, applicable to all people in all times and places according to the typical objects of their sexual desires (albeit with perhaps a few more options on offer for the more politically correct categorizers). Claiming to be not simply an accidental nineteenth-century invention but a timeless truth about human sexual nature, this framework puts on airs, deceiving those who adopt its labels into believing that such distinctions are worth far more than they really are... If homosexuality binds us to sin, heterosexuality blinds us to sin... I am not my sin. I am not my temptation to sin. By the blood of Jesus Christ, I have been liberated from this bondage. I will have all sorts of identities, to be sure, especially in our crazily over-psychoanalytic age. But at the very least, none of these identities should be essentially defined by my attraction to that which separates me from God.

<sup>17</sup> Not only is gay not the new black, but homosexuals who have not been allowed to marry under the law should not compare their situation to slaves in ante-bellum America. Slavery cannot be treated in the same way as sexuality and marriage, which were ordained by God and are rooted in creation. Slavery is not a creation ordinance and thus falls into a different category. It was a cultural convention that arose sometime in history after the fall. God regulated slavery, but did not institute it as such, and it is not grounded in the nature of things (just the opposite, in fact). While it is not a sin per se to own a slave, provided the master follows biblical directives, the slavery that existed in America up through the mid-19th century was hardly biblical in any form or fashion. It was racist, it broke families, it did not aim at ultimate liberation, the slave trade usually relied on forcible kidnapping, etc. The freeing of slaves is a major biblical motif as the book of Exodus demonstrates. The trajectory of the biblical narrative makes slavery seem more and more irregular and unnatural, culminating with the book of Philemon, where Paul basically emancipates the Christian slave. The New Testament does not outlaw slavery because the early Christians were not social revolutionaries, but it most certainly set a ticking time bomb beside the institution. Any culture that is being shaped by the gospel is going to be moving progressively towards more and more freedom, not looking for ways to justify holding men in bondage. Frankly, I think this why the South lost the War as a judgment of God; apparently, even though you can make a good case the Confederacy had the better constitutional/political arguments, God saw Southern racism and abuses of slavery as a bigger evil than Northern statism. For most of church history the church has been very down on slave holding and slave trading, and has worked to end slavery, especially in situations where slaves were mistreated.

[King was a very flawed man](#) (no need to rehearse his failings here),<sup>18</sup> but I do think he was sincere, smart, and shrewd. His failings were not just moral, they were theological – but that does not mean he got everything wrong, and in some areas he was profoundly right. We should learn from him and honor him when and where we can. His “Letter from a Birmingham Jail” is a good example of his intensely theological project. The whole letter pivots on natural law, understood Christianly; for him terms like “equality,” “justice,” and “liberty” have objective meaning, rooted in nature, and therefore nature’s God. He pled, “We have waited for more than 340 years for our constitutional and God given rights.” According to King, the laws of the state (including Supreme Court rulings!) were not ultimate; they could be evaluated as just or unjust by a higher law, the law of God. Thus, even his grounds for practicing civil disobedience were rooted in a theological conception of nature. He wrote,

Since we so diligently urge people to obey the Supreme Court’s decision of 1954 outlawing segregation in the public schools, at first glance it may seem rather paradoxical for us consciously to break laws. One may well ask: “How can you advocate breaking some laws and obeying others?” The answer lies in the fact that there are two types of laws: just and unjust. I would be the first to advocate obeying just laws. One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. I would agree with St. Augustine that “an unjust law is no law at all.

Now, what is the difference between the two? How does one determine whether a law is just or unjust? A just law is a man made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law. To put it in the terms of St. Thomas Aquinas: An unjust law is a human law that is not rooted in eternal law and natural law...

In no sense do I advocate evading or defying the law, as would the rabid segregationist. That would lead to anarchy. One who breaks an unjust law must do so openly, lovingly, and with a willingness to accept the penalty. I submit that an individual who breaks a law that conscience tells him is unjust, and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for law. Of course, there is nothing new about this kind of civil disobedience. It was evidenced sublimely in the refusal of Shadrach, Meshach and Abednego to obey the laws of Nebuchadnezzar, on the ground that a higher moral law was at stake. It was practiced superbly by the early Christians, who were willing to face hungry lions and the excruciating pain of chopping blocks rather than submit to certain unjust laws of the Roman Empire...

In our own nation, the Boston Tea Party represented a massive act of civil disobedience.

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<sup>18</sup> My point in citing King is not to claim he was a true Christian (as John Richard Neuhaus argued). Scholars disagree as to exactly where King falls on the liberal/conservative spectrum. He was a complex figure and it’s best to not make a hard judgment. King certainly had a tenuous relationship with biblical and historic orthodoxy (as do many other famous Christian or semi-Christian political philosophers, including Hugo Grotius, John Locke, Thomas Jefferson, etc.), though there are also legitimate reasons to think he clung to (or returned to) the faith of his conservative Baptist father. In dealing with King, it is important to separate the man from the myth, which is not always easy. Those who would vilify him are as likely to distort his legacy as those who would lionize him. My main point here is that King actually does not fit that neatly into 21<sup>st</sup> century versions of liberalism. He used too much Bible, too much natural law, and too many explicitly theological arguments. And much of what he argued for really does not comport with the presuppositions of contemporary liberalism at all. Relativists and secularists need to know that King’s legacy does not belong to them!

We should never forget that everything Adolf Hitler did in Germany was “legal” and everything the Hungarian freedom fighters did in Hungary was “illegal.” It was “illegal” to aid and comfort a Jew in Hitler’s Germany. Even so, I am sure that, had I lived in Germany at the time, I would have aided and comforted my Jewish brothers. If today I lived in a Communist country where certain principles dear to the Christian faith are suppressed, I would openly advocate disobeying that country’s antireligious laws.

[Sidenote: I certainly intend to quote this section in my own letter from a Birmingham jail if the rainbow jihad ever gets me thrown in the slammer for not going along with their unjust and tyrannical aims!]

King’s point is that human laws are always subject to scrutiny, revision, and even rejection depending on their conformity to divine law (found in both Scripture and creation, and reflected, however imperfectly, in the founding principles of the American system). King insisted that human laws should be informed by morality; all human law is, after all, the legislation of *someone’s* morality, so why not make it God’s? Who can give a better law code than God (cf. Deut. 4:6-8)? For King, the moral law must be understood as the law of nature, which in turn is rooted in nature’s God (and thus in God’s nature). Since we all descended from one man, King knew that a civil government that treats people differently because of the color of their skin is acting against nature and against justice. If there is a God, he has the same law and provides the same rights for blacks and whites. Blacks share in *imago Dei* just as much as whites, and so must be given equitable treatment under the law. Equality before the law is both natural and biblical (Exod. 12:49) – and, of course, all in step with the genius of the second paragraph of the Declaration of Independence as well, even though it took Americans a couple of centuries to figure it out! Both King’s end (equality for blacks before the law) and means (non-violent protest and justified civil disobedience) were rooted in theological concerns.<sup>19</sup>

King’s legacy is not just to teach America that civil rights belong to all men regardless of skin color, but to remind us that the rights promised Americans in the Declaration and the Constitution are gifts of God. *There is no secular basis for human rights; all rights will be lost if theological considerations are driven from the public square.* But because those rights derive from natural law (that is, they are embedded in God’s creational design), that same natural law

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<sup>19</sup> More should be said about King’s form of civil disobedience as a strategy of standing boldly and unapologetically against evil (we might have occasion to copy it someday, after all). Briefly, King was not a revolutionary, but practiced non-violent protest within the system as a way of slowly calling attention to injustices. There is no doubt that Jim Crow-style racism was unjust and out of accord with natural law. Of course, it was out of accord with the gospel, since it created a kind of social and political Galatianism (Galatianism is the heresy of segregating believers from one another based on cultural or ethnic or racial distinctives; cf. Galatians 2:11ff). Indeed, King rightly believed that Jim Crow laws actually promoted sin by making it virtually impossible to love and serve neighbors of a different skin color. When King violated unjust laws, he gladly suffered the consequences. I think much of what he did could be seen as standing in the biblical tradition of “prophetic drama,” since everyone involved knew that his disobedience was something of an act, not willful rebellion. His protests were symbolic gestures intended to bring about lawful change, not acts of outright defiance. When King went to Birmingham (before he penned his famous letter), he *wanted* to get arrested and had already planned to write a letter; he was acting out a script, not taking some wild, revolutionary course. He knew exactly what he was doing and was very deliberate each step of the way. Theoretically, the American system provided justice for all; King’s actions were aimed at calling attention to the hypocrisy of American practices at a time in which systemic justice was invisible to many. Of course, King also had many “lesser magistrates” on his side (a point which should not be lost on Calvinists!) and he was always careful to explain his pattern of action in terms of the Christian natural law tradition, especially when he engaged in civil disobedience.

allows us to determine certain moral wrongs in other areas. Thus, we can take the same natural law (by which all human laws are judged) that King appealed to in making the case for treating African-Americans with legal equality and apply it to the issue of same sex marriage. In fact, we can let King do the work for us because in at least one place King explicitly applied his view of natural law to homosexual practice. In response to an inquiry from a boy experiencing same sex attraction, King responded that such attraction was a "problem" and a "habit," probably "not innate" but "culturally acquired." It was good the boy recognized there was something wrong with same sex attraction because it required "careful attention" but now he could now work towards a "solution" with help from a counselor. King is morally firm yet pastorally sensitive. [Here is the full exchange:](#)

**Question:** My problem is different from the ones most people have. I am a boy, but I feel about boys the way I ought to feel about girls. I don't want my parents to know about me. What can I do? Is there any place where I can go for help?

**Answer:** Your problem is not at all an uncommon one. However, it does require careful attention. The type of feeling that you have toward boys is probably not an innate tendency, but something that has been culturally acquired. Your reasons for adopting this habit have now been consciously suppressed or unconsciously repressed. Therefore, it is necessary to deal with this problem by getting back to some of the experiences and circumstances that led to the habit. In order to do this I would suggest that you see a good psychiatrist who can assist you in bringing to the forefront of conscience all of those experiences and circumstances that led to the habit. You are already on the right road toward a solution, since you honestly recognize the problem and have a desire to solve it.

To think that King had the audacity to recommend conversion therapy to a gay boy! To think he denied the boy was "born that way"! I suppose King was actually a bigot. At least he's in good company.... [sarcasm alert off].

King's legacy should help supporters of the *Obergefell* ruling understand why conservative/evangelical Christians who are committed to biblical authority will never cave in on the same sex marriage issue. Yes, many conservative Christians (sadly) had to change their mind on civil rights issues in mid twentieth century. Conservative Christians had to repent of their racism en masse and we did so (and, indeed, that repentance continues down to the present). But the reason evangelicals were persuaded on the race issue is because the arguments that were made by King and other leaders had the ring of truth -- biblical truth. Thus, they pricked conservative consciences. Traditional Christians may have been slow to jump off the racist bandwagon and onto the civil rights bandwagon, but they were persuaded to do so because the arguments (and songs and sermons) resonated with them. They were shamed for being hypocrites, for violating plainly revealed truth, for contradicting the gospel they professed to believe. They realized the biblical creation account meant blacks were just as much *imago Dei* as whites; the narrative arc of Scripture required legal equality. They realized that if Christ died for blacks as well as whites, they could no longer treat blacks in a condescending, dehumanizing way. They realized that if they were supporting mission work in Africa they could not consistently keep African-Americans out of their churches at home. Conservative believers responded not to secular or progressive arguments but to exegetical and creational arguments. In other words, they were persuaded on theological grounds, especially the emphasis King and others put on man as *imago Dei*. Proponents of same sex marriage seem to think that, given enough time and cultural/political pressure, evangelicals will cave in to the LGBT rights movement, just as

they changed their minds of the civil rights issue. But the analogy does not hold because the arguments for each movement have virtually nothing in common. The gay rights agenda does not carry biblical credibility. It does not make appeals based on biblical truth (except for when it is obviously twisting and contorting the Scriptures to suit a prefabricated agenda).<sup>20</sup> Evangelical believers are simply not going to find it persuasive because, unlike the civil rights movement, the premises on which it is based are utterly foreign to the Christian faith.

But those of us who continue to oppose same sex “marriage” can also learn from King how to counteract current trends. How can King’s legacy help us in pushing back against *Obergefell*? King, for better or worse, is considered a cultural prophet and political icon, almost universally admired and respected (especially by those on the left). His personal sins are often overlooked or forgiven because he boldly fought for justice in the public square; he saw clearly in precisely the area where many Americans had a gaping blind spot. King is in many ways a helpful example. Given his commitment to a God-ordained natural order, I think King would see our current models of jurisprudence as an immoral betrayal of the American project. King reminds us that if we’re going to have success, we should not hesitate to invoke the Christian tradition, inclusive of both biblical and creational arguments. King’s civil protest against injustice can really only be understood and emulated on Christian terms. I do not think King would have gotten very far had his message been divorced from creation and creational law – in other words, if he was a relativist who denied that the world has a built-in moral structure. King knew that his civil rights project had to have an explicitly Christian, as opposed to secular, base. Nor do I think King would have gotten traction if he had substituted sociology for natural law, as is the current trend. The “sociological turn” (largely media-driven, no doubt) has made the poll and the survey the highest moral authority in our culture. But it is impossible to move from the sociological “is” to an ethical and political “ought.” King did not rely on polls because he had truth on his side, and knew that truth would win in the end.

Compare King’s appeals to an objective, God-given moral structure with the jurisprudence of Justice Anthony Kennedy. Kennedy has emerged as the key justice and spokesman for the Supreme Court each time a culturally critical case gets a hearing. His comments are a weathervane for American progressivism. Kennedy utterly denied the very existence of “nature” (not to mention “nature’s law” and “nature’s God”) in his 1992 *Planned Parenthood vs. Casey* decision. Here is his crucial, all-determining statement: “At the heart of liberty is the right to define one’s own concept of existence, of meaning, of the universe, and of the mystery of human life.” Really? According to Kennedy, we no longer need self-evident truths; now the self can create its own truths. According to Kennedy, we are no longer bound by nature’s law or nature’s God. Rather the self is a law unto itself; indeed, the self is now god, creating its own meaning, legislating its own reality. Instead of all men being created equal, all men are equally free to create their own reality. *But of course, we are about to find out that not all self-created definitions of reality, or meaning, or liberty, are equal.* Christian definitions of reality will be less equal than gay definitions of reality; when gay reality clashes with Christian reality, gay reality will win every time, given Kennedy’s principles.

Kennedy has completely trashed the Declaration and Constitution; he has wrecked the legacy of King and the Christian tradition that informed our nation for centuries. Satan

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<sup>20</sup> This is the only real analogy between the civil rights movement and the gay rights movement: those who supported racism and racist policies had to twist Scripture to make their case, just like those who want to refashion the Bible into a proto-progressivist, pro-sodomite document have to contort and disfigure the Scriptures.

himself could not craft a more hellish definition of liberty than the one Kennedy has foisted on us; it is the perfect engine for driving the Mack truck of statist tyranny all over Christian consciences and opening the door to whatever kinds of sociopolitical engineering our ruling class elites want to impose on us – all for our own good, of course.

In Kennedy's worldview, mere feelings and fantasies are enough to overrun any kind of objective reality. Feelings and fantasies take on ontological status, remaking the world in accord with one's whims, fetishes, and desires. Kennedy's law is "I feel, therefore I am;" his definition of human nature is, "I am what I feel." For Kennedy, the self is its own creator and god, and the first and greatest commandment is "I shall have no other gods before ME!" Be your god, do your own thing, and don't let anyone tell you otherwise – such is the gist of Kennedy's *Casey* opinion. True freedom is found in pure autonomy.

Kennedy has essentially reduced each of us to a bundle of imaginations and desires, each with the power to form our own subcreation. "I am what I desire" – and in our present context, the more perverse the desire, the more I must have freedom (meaning legal protections) to pursue that desire. Kennedy has completely unhinged morality from any kind of created nature or teleological order. He has not so much eviscerated God, as he has made each person his or her (or its?) own god. Instead of "one nation under God," we are now one nation of many gods. Kennedy is not an atheist, but a polytheist, with each American as a god unto himself. In terms of the familiar saying, "There are only two choices: theonomy or autonomy," Kennedy gives us autonomy with a vengeance. The new selfgod is a jealous god, brooking no rivals. The self wants what it wants and must have it.

Kennedy's reasoning leads to a world in which perverse desires provide self-definition. Perverse desires get privileged status precisely because they are anti-traditional, anti-natural, and therefore more fragile. Perverse desires now create specially protected classes of persons. Such persons must be protected legally; to speak against the self-chosen lifestyle of another is to commit blasphemy against that selfgod – and, of course, blasphemers must be punished! To point to an objective created/natural order as the basis for morality is to actually show oneself as an unenlightened bigot who is trying to impose his own religion on others. It means you are a dangerous menace to a free society. You are trying to enslave others. That, ladies and gentlemen, is Kennedy's America.

It is easy to see how the reasoning of *Casey* undergirds the whole LGBT rights movement in the public square. The reasoning Kennedy has provided not only underwrites the case for same-sex "marriage," but all kinds of transgender rights as well. We are now beginning to see this play out. In *Obergefell*, Kennedy has simply taken his own autonomous definition of liberty from *Casey* to its logical end and applied it to the case at hand. His ruling not only has direct implications for gays, but also for other forms of sexual autonomy, whose proponents are calling for similar legal protections, such as those claiming to be transgender and wanting access to the public restroom of choice.

Kennedy's ruling not only bears upon the interpretation of American law; it really sets forth a worldview that covers everything from biology to metaphysics. In the key sentence in his ruling in the *Obergefell* opinion, he writes, "The Constitution promises liberty to all within its reach, a liberty that includes certain specific rights that allow persons, within a lawful realm, to define and express their identity." This right to define and express oneself, according to the current zeitgeist, apparently means one is even free to choose one's gender. Sexuality, like everything else, is clay and we are the potters.

But there's a catch, a built-in contradiction in Kennedy's *Obergefell* opinion that he has (apparently) failed to notice: proponents of all things homosexual (including Kennedy) tell us the homosexual orientation is fixed at birth and cannot be changed. This is a key piece in Kennedy's opinion, but easy to overlook. It has astounding implications. According to Kennedy, homosexuals are "born that way," so they cannot be criticized for their same sex desires, nor can they be expected to change, *nor can they change*.

But what does it mean for homosexuality to be a fixed and unchangeable condition? Is that a "natural" limit on one's freedom to define oneself?<sup>21</sup> Perhaps the only natural limit that Kennedy and the gay rights advocates acknowledge? Perhaps an island of objective reality in Kennedy's sea of flux? Are homosexuals *not* free to turn away from homosexuality, to remake and redefine their sexual orientation? Are they *slaves* to their homosexual orientation? Are homosexuals *not free* to become heterosexuals if they so choose?<sup>22</sup>

Out of nowhere, Kennedy's opinion says that the same sex couples seeking to be married in the *Obergefell* case have an "immutable nature." One wonders how this immutability can be squared with Kennedy's definition of freedom. How can a person be free if he cannot change? Further, one wonders how Kennedy can make such a sweeping metaphysical claim when everything else he writes denies such a metaphysic. In Kennedy's world, where freedoms (and presumably humans) are continually evolving, how can *anything* be immutable? According to Kennedy's view of the universe, everything in the cosmos is in constant and total flux, with no fixed nature – apparently except for the orientation of gays! How convenient!<sup>23</sup>

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<sup>21</sup> Is this heterophobia? What if homosexual *wants* to become a heterosexual? Is that immoral because it is contrary to the way he is made? Isn't this an arbitrary limit on human freedom?

<sup>22</sup> Are heterosexuals likewise "immutable" in nature? And if so, does that make it morally reprehensible for homosexuals to try to recruit heterosexuals into their camp? If "conversion therapy" cannot be applied to gays because of their immutability, is it also wrong to try to "convert" straight children to homosexuality?

<sup>23</sup> This claim of gays having an "immutable nature" is simply astounding. It contradicts every known authority, including reason, science, and experience. Of course, it is equally astounding that the United States could end up with a Supreme Court justice whose range of real world experience is so incredibly limited and shallow as Kennedy's so obviously is.

But there is a strategic and legal reason for using the language of "immutability" to describe homosexuality. The Civil Rights Act of 1964 primarily focused on injustices done to women and racial minorities. Congress prohibited discrimination based on race, ethnicity, national origin, religion, and gender. Following the passage of this bill, classes of people defined by immutable physical characteristics (e.g., skin pigmentation or gender) were protected from discrimination (religion was the only non-immutable category included in the civil rights bill). Since civil rights and protections against discrimination were tied to immutable characteristics, homosexuality must be categorized as an immutable characteristic if homosexuals are to be given certain rights and protections as a class of persons. Hence, Kennedy declared homosexuality to be immutable. Kennedy's move here is subtle but critical to his whole opinion. Of course, he had to keep it subtle because it would very difficult to prove that homosexuality is actually immutable. (Indeed, given the transgender movement, it seems that immutability is being claimed for homosexuals at the very same moment transgenders are claiming gender is mutable! These are strange times indeed.) One counter-strategy for challenging Kennedy's opinion is to demonstrate that homosexuality is not an immutable characteristic and therefore cannot serve as the basis for creating a protected class of persons. [This brings us back to Hannon's discussion: the categories of "heterosexual" and "homosexual" are actually fictional and should be eliminated, and indeed will be eliminated;](#)

While our popular culture has not caught up – *yet* – the queer theorists increasingly calling the shots at the elite level already agree with Foucault on this point. Such thinkers echo Gore Vidal's LGBT-heretical line: "Actually, there is no such thing as a homosexual person, any more than there is such a thing as a heterosexual person." True, the firm natural division between the two identities has proven useful to the "gay rights" activists on the ground, and not least of all for the civil-rights-era ethos such power dynamics conjure up. But most queer theorists – and, for that matter, most academics throughout the

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humanities and the social/behavioral disciplines today – will readily concede that such distinctions are fledgling constructs and not much more...

Yet whether we Christians choose to join the campaign or not, over time, sexual orientation will inevitably fall out of fashion – our choice is simply whether we want to fall out with it. One obvious reason for its unavoidable demise is that feeling is considerably more fickle than those early psychosexual movers and shakers believed. The empirical evidence shows their hard-and-fast categories turn out to be radically insufficient.

A second factor in the inevitable downfall of sexual orientation is that these hetero/homo categories cannot logically ground the sexual norms they were made to support anyway. The original orientation essentialists could not even offer a principled reason to prefer heterosexuality over homosexuality, the linchpin of their position. Left with nothing but inherited sensibilities and arbitrary fiat, their heteronormative measure failed where its procreative predecessor had succeeded for centuries, in offering sound reasons for rules.

Philosophical failure has damned the orientation enterprise throughout its existence. Because the inadequate heteronormative standard left opposite-sex instances of lust entirely untouched, sins previously considered mortal – such as masturbation, pornography, fornication, contraception, and male-female sodomy – were progressively tolerated. Yet with all those injunctions lifted, understandably, it began seeming inconsistent and thus prejudiced to keep insisting on same-sex sodomitical proscriptions. The orientation-essentialist structure, which was meant to be a surefire defense against homosexual debauchery, thereby became the strongest weapon in its arsenal. Which brings us to the final, perhaps most surprising, reason that sexual orientation will fall: It has nearly exhausted its political utility, which always had an expiration date. The nineteenth-century moral conservatives' plan for orientation backfired, of course, when what were supposed to be normatively unequal psychiatric conditions evolved into morally indistinguishable psychological identities. Yet neither does liberalism have much left to glean from it, since, between *Romer* and *Lawrence* and *Windsor* and ENDA, very few "gay rights" issues remain to be settled. Orientation might have a few years' worth of political capital still, but many progressives already boast that they could discard the absurd natural-categories myth and be just fine, having now initiated an irresistible liberalizing trend that will continue apace with or without it. Sooner or later, the queer theorists' ivory-tower pronouncements will become cultural orthodoxy as well... In essence, we should happily join our voices to those of the poststructuralist queer theorists in their vigorous critiques of the naive orientation essentialists, who mistakenly think "straight" and "gay" are natural, neutral, and timeless classifications. Their disillusioned historicism makes these sexual genealogists uniquely positioned to see through the deceptions of sexual orientation, and while we Christians do not need them in some essential sense, nevertheless, in an accidental way, they may prove a great asset to us at present. Ironically, these radical leftists may be the only ones who can heal the blindness we have foolishly inflicted upon ourselves of late by uncritically adopting the language of hetero- and homosexuality.

However, while we can and should recommend the queer theorists' diagnosis of the absurdity plaguing our popular sexual categories today, nevertheless we cannot sign on to their plan of treatment... [C]ontemporary queer theorists generally, aim to genealogically explain away the rigid orientation schema precisely because they believe this will give them the freedom and the power to make, unmake, and remake their sexuality as they see fit.

They want to tear down these failed social constructs not so that something better can be constructed in their place – or, perhaps, rediscovered amid the rubble – but because they hope to achieve an even greater degree of sexual libertinism than we have today, even if it comes at the cost of endorsing a wretched sort of sexual nihilism. To riff on Dostoevsky, these radicals would like to believe that if orientation does not exist, then all things are permissible.

The Christian cannot follow them down this miserific road, of course. But neither, I believe, can the Christian remain content in today's deceptive, doomed orientation taxonomy. Mark my words: The queer theorists will have their way in dismantling the thing before long. Even our popular culture is beginning to show signs of stress here. The ever-increasing laundry list of orientations demonstrates the insufficiency of those neat and discrete categories. And the now familiar concept of the "hasbian" suggests that these identities are far less static than we were initially led to believe... The question is, once this sexual-orientation structure collapses, what will come to replace it: the queer theorists' nihilistic anything-goes ethic, or the classical Christian view from which all of this is a departure, the view that takes the marital-procreative as its end and organizing principle, evaluating passions against nature rather than vice versa?

The role of the champion of Christian chastity today, I argue, is to dissociate the Church from the false absolutism of identity based upon erotic tendency, and to rediscover our own anthropological foundation for traditional moral maxims. If we do not wish to be swept away with modernity's

Given Kennedy's definition of liberty, the self is no longer bounded by objective reality; rather, reality is what the self freely chooses to make it. The self can express itself however it pleases. Sexually, this means anything goes. There are no objective sexual laws, and certainly no sexual design, so any constraints on sexual self-expression are irrational. Even biology is no longer a "given." The gay rights movement is not based on appeal to nature or nature's God; indeed, it rests on a *denial* of nature and nature's God. Homosexuality is unnatural (Romans 1:18ff); it is what eventually happens to us sexually when we go to war with nature and nature's God. From the dawn of the sexual revolution up until Kennedy's ruling, our culture was engaged in guerilla warfare against nature and nature's God; the *Obergefell* opinion is the declaration of open war.

If Kennedy's ruling is reflective of the way American culture is trending, where do we go from here? Those of us who are certain that the *Obergefell* ruling is unjust and unnatural should take heart: The whole civil rights movement was aimed at overturning an unjust and unnatural Supreme Court ruling, and it succeeded. It aimed at overturning unjust, tyrannical laws, and it succeeded. Perhaps we can succeed again, if God is gracious. In the meantime, we should find various ways in our vocations to stand against the ruling. County clerks who do not want to issue same sex marriage licenses on religious grounds should not hesitate to use the same strategy as King, rejecting the Court's ruling and disobeying it on account of the fact that it is enforcing something unnatural and therefore unlawful. Of course, they will have to suffer those consequences, but their suffering will become a witness against the injustices being imposed upon us.

One more thought before moving on: Christians, especially some Reformed Christians, reject natural law reasoning of any sort because they fear nature will end up "eating" grace. With secularized or autonomous conceptions of nature, this is a valid fear. But I actually think the problem in our day is the opposite. Grace – a secularized version of grace -- has eaten up nature. (You know grace has gone bezerk when President Obama is [singing](#) and [preaching](#) about grace as if he were an expert. See Jude 4 for an explanation of what is actually happening.) In post-*Obergefell* America, people are most certainly not under nature, but they are under a secularized version of grace. Americans now believe they are free to do anything they want (supposedly without guilt and without consequence) because there is no order or law in the creation. There is no law above us by which we will be measured. There is no "nature of things" we have to respect, no hard edges to reality that will cut us if we disregard them, and so any laws imposed on how we use our bodies are considered irrational. Our culture's postmodern version of grace – a lawless grace if there ever was one – has eaten up nature and left everything in flux. If ever there were a time for reasserting Paul's doctrine of nature in Romans 1:18ff, this is it. In fact, reasserting a Pauline doctrine of nature is necessary to proclaiming a Pauline doctrine of grace.

## **2. From the "What happened to my country?" department:**

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orientation essentialists, then we need to remind the world that our sexual ethics was never really at home in the modern framework anyway, and thus that our forsaking the framework need not lead to postmodern nihilistic libertinism. There is firmer ground to stand on in the classical Christian tradition. Indeed, it seems to me the only place left to stand.

Kennedy's *Obergefell* ruling has the feel of being reverse social engineering. It starts with the desired result, and works backwards towards arguments that ostensibly support it. This is a case of political zeal run amok. If there were really a good case to be made for same sex "marriage," it would be able to make its way through the legislative system and bring about desired change organically, rather than imposing a cataclysmic social change on many states and millions of citizens who do not want it and will not accept it. The fall out of this way of doing things – of winning a war without having to fight fair, or on a level battlefield – makes the victors eager to press their advantage. Dissent has to be crushed, and quickly, because...well, because those who are dissenting actually have good, reasonable points to make and we do not want them to be heard. The result is that those who support the same-sex judicial juggernaut are tyrannizing Christians who oppose it.

How can we defend ourselves in the face of tyranny? We have already seen more Christians than I can count lose jobs, get thrown in jail, face staggering fines, and endure other forms of "soft" persecution at the hands of the "rainbow jihad." This is only the beginning. Our best defense is always the same: Preach the gospel in season and out of season. Live a holy life. Love your neighbor as yourself. Abstain from sexual immorality. Pray and worship faithfully. Get involved in your church community and in serving your city. There may certainly be situations where Christians are accused legally of violating the new pro-homosexual law code. In such cases we may certainly seek to make use of our rights as American citizens to leverage our freedom (analogous to Paul). But it's important to understand how those rights – the rights of religious persons, who oppose homosexual practice and "marriage" on religious grounds -- are understood by the current court. Recent Supreme Court rulings are not encouraging. When gay rights clash with religious rights, what can we expect? Will the First Amendment help us? Will we be scapegoated? If we are branded as "bigots" do we have any chance of getting a fair hearing?

Justice Kennedy's opinion only serves to prove that we have absolutely lost any kind of coherent framework within which talk about rights would make sense. The whole American experiment was based on the notion that humans are made in the image of God (thank you Justice Thomas for acknowledging this truth in your dissent!) and therefore possess certain natural, inalienable rights. These rights are, in the nature of the case, pre-political. In other words, these rights do not come from the state but from the "nature's law and nature's God" (again, looking to the Declaration). These rights cannot be taken away by the state because they were not granted by the state in the first place. The liberty promised in the Constitution is a liberty defined and circumscribed by the natural law; the same God who gives us our rights gives us laws that contextualize those rights. The liberties granted by the Constitution have a theological core and foundation. An atheist can live under the Constitution, but he could never have created the constitutional system. According to that system, the role of the state is simple: the state does not grant rights but protects them; the rights themselves have their grounding in a transcendent (that is, theological) source. I do not think the American system was designed to work apart from that kind of base. The Constitution itself is largely a procedural document; the substance, or moral content, or "values" must be filled in by "nature's law and nature's God," which were taken as a given at the time, as we have seen.<sup>24</sup>

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<sup>24</sup> A couple more examples of this point can underscore its importance. The Constitution contains no system of morals; it is, by design, incomplete, relying on an outside moral authority to inform and animate its procedural principles (which is why the Constitution has to be read in tandem with the Declaration). The founders of our republic believed our laws would come from God, mediated through Scripture and creation. The architects of the American republic appealed to only one Source as the basis of both laws and rights, the Creator. And the only God who fits the description is the God who acted in Genesis 1-2. Alexander Hamilton, who signed the

No, this was not a perfect set up, but its salient features are very compatible with biblical faith. The common law tradition within which the American experiment arose was very rooted in a Christian, Scripturally-shaped framework; even our national founding fathers who were not theologically orthodox were trained in and molded by legal and cultural principles that can really only be found in and supported by some kind of biblically grounded worldview. It is safe to say that the American constitutional system needs Christian faith and morality to operate properly - and when the constitutional system is operating properly, Christians will find America to be a relatively welcoming homeland within which to exercise their faith and fulfill their mission. One does not have to be a Christian to be a true American, and Christians can live faithfully under any kind of social order (and have done so and are doing so), but there is also no question that the United States and Christian faith have a deep historical bond, going back to our colonial period and the time of our nation's founding. This does not mean we were formed as a "Christian nation" - that question is more complex, especially since the term "Christian nation" can be given a variety of definitions, and our nation would fit some of them but not all. It *does* mean that we have been a Christian *influenced* nation from the beginning, and our nation's great success (in terms of both liberty and prosperity) is largely due to that influence.

Obviously, all of that is shot to pieces in our current context. And, yes, it is fundamentally due to a loss of Christian influence on our society, for which we really have no one to blame but ourselves. There are a lot of reasons why the church has been compromised and Christian faith privatized in the American social order. Our denial, or failure to practice, some of those "self-evident" truths (especially with regard to race) has proved costly over the course of our nation's history, and we are being chastened for those sins right now. But that loss of Christian influence also means we have lost the ethos and milieu within which our Constitution was designed to function. I think our nation's rejection of natural law (or creation design) is, in effect, a rejection of the Constitution's system (and its underlying, theological premises). America is now a ship with neither rudder nor compass.

In his *Obergefell* opinion, Kennedy struggles to find any objective basis for our rights:

The right to marry is fundamental as a matter of history and tradition, but rights come not from ancient sources alone. They rise, too, from a better informed understanding of how constitutional imperatives define a liberty that remains urgent in our own era. Many who deem same-sex marriage to be wrong reach that conclusion based on decent and honorable religious or philosophical premises, and neither they nor their beliefs are disparaged here. But

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Constitution, spoke of the law of nature this way: "being coeval with mankind and dictated by God Himself, [the natural law] is, of course, superior in obligation to any other. It is binding over all the globe, in all countries, and at all times. No human laws are of any validity, if contrary to this; and such of them as are valid, derive all their authority, mediately, or immediately, from this original." Another signer, Rufus King, wrote, "law established by the Creator, which has existed from the beginning, extends over the whole globe, is everywhere and at all times binding upon mankind." King said divine law is "the foundation of all constitutional and civil laws." Later, in 1819, King appealed to God's law, revealed in nature, to argue against slavery and the Missouri Compromise: "I have yet to learn that one man can make a slave of another. If one man cannot do so, no number of individuals can have any better right to do it. And I hold that all laws and compacts imposing any such condition upon any human being are absolutely void, because contrary to the law of nature, which is the law of God, by which he makes his ways known to man."

when that sincere, personal opposition becomes enacted law and public policy, the necessary consequence is to put the imprimatur of the State itself on an exclusion that soon demeans or stigmatizes those whose own liberty is then denied. Under the Constitution, same-sex couples seek in marriage the same legal treatment as opposite-sex couples, and it would disparage their choices and diminish their personhood to deny them this right.

The logic – if one can call it that – of this section is bewildering. In past generations, Americans were never vague when it came to stating where their civil rights came from. They came from God, our Creator. The best Kennedy can do is attribute rights to unnamed “ancient sources” (though certainly not the Ancient of Days!) and to a “better informed” court which sees heretofore unnoticed “constitutional imperatives” wherever it pleases. It is scary how Kennedy has slipped in the court itself as the basis and source of our rights – and, of course, what the court gives the court can take away. At the same time, at least he’s being honest. Many of the rights the court has found in recent years (e.g., the right to kill babies in the womb, the right to same-sex unions) are definitely not rights grounded in anything beyond the political preferences of five Supreme Court justices. They do not come from God and they do not inhere in nature. They are rights created by the mere fiat of the court – and so they aren’t truly rights at all in any meaningful sense.

Kennedy is giving us progressivism with a vengeance. The full implications of what he says in his opinion are astounding. Our rights now rest on the whims of nine riders in black (or a bare majority thereof). Legislating new rights (and taking other rights away) from the bench is the now the American way. “Might makes right,” and that might rests with the Supreme Court. As Justice Roberts pointed out, this has nothing to do with the actual Constitution; indeed, it is the contradiction of the Constitution. There is still a great deal of Constitutional inertia that will keep American from coming unglued all at once, but our republic is definitely being torn at the seams.

Ironically, Kennedy’s opinion seeks to make same-sex “marriage” a fundamental right while at the same time eviscerating *all* fundamental rights of any coherent foundation. Kennedy is trying to claim an inalienable right for gays while denying there is any transcendent Source for inalienable rights. [John Rankin’s excellent \*amicus curiae\* briefing, presented to the Supreme Court on April 28, 2015, states very clearly where our most fundamental rights find their basis:](#)

Same-sex marriage is being advanced, without historical precedent, as a “fundamental” or “basic” right. Beginning with *Goodridge v. Dept. of Public Health*, 798 N.E.2d 941 (Mass. 2003), the language of “fundamental” and “basic” syntactically sets itself as a parallel to the language of “unalienable.” This language matters, and since it aims for such a high threshold with cognate affect, it deserves the highest scrutiny.

The unalienable rights of life, liberty and the pursuit of happiness are introduced in the Declaration of Independence, and codified as life, liberty and property in the Fifth and Fourteenth Amendments to the United States Constitution. They are given by the Creator to all people equally, as individual people, regardless of religion, race, gender, sexual identity or other criteria.

Unalienable rights precede and supercede any human authority, and as such, all definitions of human rights are thus derived, however fundamental or basic they may

otherwise be described. By definition, unalienable rights may not be defined, given or taken away by human government – only acknowledged. The only source in recorded history for unalienable rights is the Creator identified in Genesis 1-2. No ahistorical or amorphous Enlightenment “deism” has any such idea, nor does any other religious or secular source. The Source, nature and preservation of unalienable rights is the gravamen question upon which this amicus focuses.

It is also impossible to miss how Kennedy has subjectivized our rights. Essentially his case for the legality of same sex marriage rests on the supposed right of gays to *feel* a certain way. They must feel dignified. They must not feel lonely. They must not have their feelings hurt; they have the right to not feel demeaned, left out, shamed, or offended. But rights to certain feelings are going to be impossible to adjudicate fairly, especially for a class of persons who have turned feeling victimized into an art form. Who can ever insure that another feels the way they think they are entitled to feel? What happens to free speech when a certain class of persons claims the right to never be offended? Compared to Kennedy, Justice Thomas is a breath of fresh air. He defines dignity in an objective way, consonant with the original American system (and the Scriptures):

Perhaps recognizing that these cases do not actually involve liberty as it has been understood, the majority goes to great lengths to assert that its decision will advance the “dignity” of same-sex couples. *Ante*, at 3, 13, 26, 28.8 The flaw in that reasoning, of course, is that the Constitution contains no “dignity” Clause, and even if it did, the government would be incapable of bestowing dignity.

Human dignity has long been understood in this country to be innate. When the Framers proclaimed in the Declaration of Independence that “all men are created equal” and “endowed by their Creator with certain unalienable Rights,” they referred to a vision of mankind in which all humans are created in the image of God and therefore of inherent worth. That vision is the foundation upon which this Nation was built.

The corollary of that principle is that human dignity cannot be taken away by the government. Slaves did not lose their dignity (any more than they lost their humanity) because the government allowed them to be enslaved. Those held in internment camps did not lose their dignity because the government confined them. And those denied governmental benefits certainly do not lose their dignity because the government denies them those benefits. The government cannot bestow dignity, and it cannot take it away.

Thomas’ doctrine of human dignity enables even one who is suffering tyranny and oppression to hold his head high. It is the kind of dignity that empowered men like Booker T. Washington and King to stand against the tide of popular opinion with a graceful strength and magnanimous courage. It is the dignity of the martyrs and heroes of old. Not so with Kennedy’s version of dignity. It is ironic that Kennedy’s vision of human freedom, stemming from the self, is so weak and pathetic that it requires outside validation and approval by the state. Kennedy’s selfgod has as its corollary the stategod. The state must move towards omnipotence to protect its weakling subjects from anything that might lead to hurt feelings (at least for those who are part of the politically correct protected classes). You would think people who are committed to defining their own reality and giving the whole universe a meaning of their own choosing would be strong enough to stand against the tide without getting their feelings hurt if others decide not to agree with them. But, no, Kennedy’s progressive Ubermensch is really no superman at all. He’s a perpetual victim, an insecure, fretful, fragile wimp who has no intrinsic dignity and who needs society to affirm the

identity he has chosen for himself and tell him he's really ok after all (despite that nagging feeling deep down inside that something isn't quite right). The need to feel dignified is a bottomless pit for those who find their dignity solely in the applause and approval of others (even if that approval is coerced). If man will not find his dignity in his intrinsic nature as a divine image bearer, he will never find a satisfying dignity at all. Kennedy thinks he has dignified man by granting him god-like powers of self-definition; he has actually robbed man of his dignity by denying that he bears the image of God.

Kennedy would have us believe that expanding marriage does no harm. But this is a lie. The problem is that marriage *has not* been expanded because in the nature of the case it cannot be expanded in the way the Court wishes to do so. Same sex unions are not marriages, no matter what the Court might call them.<sup>25</sup> And, as the dissenting justices point out, there are many reasons to think this judicial fiction of "same sex marriage" is going to harm those people of faith who refuse to go along. In the words of Roberts:

The majority graciously suggests that religious believers may continue to "advocate" and "teach" their views of marriage. The First Amendment guarantees, however, the freedom to "*exercise*" religion. Ominously, that is not a word the majority uses.

Sadly, I am afraid what we are going to find is that as judicial activism invents new rights that are in not the Constitution, rights that actually are there are going to be lost. Unless the States find ways to push back against *Obergefell* with strongly crafted provisions protecting Christian liberties (or perhaps even getting us a constitutional amendment reinforcing the First Amendment), the American project is in serious jeopardy.<sup>26</sup> America was founded as a sanctuary of freedom for various Protestant Christians seeking to escape persecution; it will be sad if America comes to an end as a sanctuary of freedom for sodomites seeking to persecute Christians all over again.<sup>27</sup>

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<sup>25</sup> I might as well add here that those who have so-called sex-change operations do really change their sex. Sex (in the sense of gender) is God-given and cannot be changed; you are what God made you to be, and you cannot recreate yourself, even with the help of science and technology. Human persons are body/soul unities, and one's maleness or femaleness is not just a matter of "skin deep" biology, but goes all the way down to the soul. A person's DNA remains what it was, no matter what body parts are surgically added or removed, no matter how many chemicals are pumped into the patient. We should show kindness and mercy in ministering to those who experience gender dysphoria, but the most compassionate way to help them is to seek to bring their feelings and desires into alignment with their God-given gender.

<sup>26</sup> A related issue should be mentioned here: In Kennedy's passionate sermonizing about the needs of gays to find companionship only the institution of marriage can provide, he never really gets around to explaining exactly what role state sanction plays in all of this. Surely Kennedy does not want to inadvertently reduce marriage to property and visitation rights, but it is not at all clear why state sanction helps solve the loneliness problem. Doesn't the state have better things to do that to publicly affirm the private sexual choices of unions that do nothing to contribute to the overall well-being of society? It is obvious why the state has a stake in male/female marriages since they produce children. The state is needed to adjudicate issues of custody and property in case the marriage fails. But why can't private contracts do the same for same-sex couples? Why do they need to call their unions "marriages"? Why this psychological craving for legal and cultural approval? Why do they feel the need to be *justified* before men, if not before God?

<sup>27</sup> Much more needs to be said about religious freedom than I can say here, but it is vital that we understand that religious liberty cannot be established on religiously neutral (or pluralistic grounds). The only true possibility of pluralism (which in the nature of the case has to be a limited pluralism) is one that has a secure base in the Christian tradition. Following Ken Craycraft, I tend to think there's no such thing as "religious freedom" because there's no such thing as "religion" in the modern sense of the term. For modernity, "religion" is just private ideology (or a matter of conscience). To say that people have religious freedom is to say they have freedom to *believe* whatever they want (in the privacy of their hearts). But historically (and biblically) religion is not just about ideas, it's about *practice* (in other words, it has inescapable public and social dimensions; older political documents acknowledge this when they safeguard the *exercise* of religious liberties). Here's the rub: when it comes to religious practice, it is impossible to have unrestricted religious freedom. Even in America, where we have prided ourselves on religious liberty, Mormons have not been free to practice polygamy and Neo-pagans

If the sexual revolution is not stopped – if we do not repent of our quest for sexual autonomy, sex without consequences, sex without rules – what can we expect? If our society follows the same path as every other society in the history of the human race, sexual anarchy will mean our civilization burns out. [Bob Burkett, relying on the work of J. D. Unwin, explains:](#)

One of the most impactful changes wrought by high-tech advances is shift in societal views of sexuality. Traditional sexual mores have been dismissed as outdated, especially in an age of artificial contraception and abortifacients that dissociate procreation from a fundamentally life-giving act. Society has reduced sex to a pleasurable pursuit, and as a result, sexual promiscuity and libertinism are increasingly common. Progressives praise the sexual revolution as a period of enlightenment, whereby now people can freely engage in the pleasures of sex divested of its biological consequences. Even today the sexual revolution is viewed by (some) people of all generations as an unquestionably good nexus of beliefs and actions.

So, is the tradition of sexual morality, in the words of Henry Ford, “bunk?”

Oxford-educated anthropologist J.D. Unwin tangentially addressed this question in [Sex and Culture](#), an evaluation of the sexual practices and morality of 86 different cultures. Unwin’s impetus for the project was to test the Freudian theory that civilizational progress was the product of repressed sexuality. This theory of “sublimated sexuality” states that natural impulses and desires require energy to fulfill, and that this energy – though finite – is fungible.

Unwin divided the collective energy of human beings into two categories, “expansive” and “productive.” Activities like exploring territory, conquest, colonization, and commerce were deemed expansive. Productive activities designated an advancement within society or a societal flourishing, such as the development of algebra or the power to harness electricity. Thus, the sexual energy of human beings could be re-directed towards other aspects of civilizational advancement, such as technological progress, art, architecture, or conquering other peoples. (To anticipate an objection: it is worth noting that although [Freudian](#) theory has many shortcomings, one can’t blindly overlook the validity of certain aspects of his theories, sexual sublimation being one of them).

After a careful evaluation a variety of civilizations – including the Romans, Greeks, Sumerians, Moors, Babylonians, and Anglo-Saxons – a clear pattern emerged for Unwin: a perfect correlation between sexual fidelity and civilizational flourishing. Unwin found that discipline in sexual matters appropriated social energy to more civilizational ends, validating Freudian sublimation on a societal level.

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have not been free to sacrifice animals. We don't want Muslims to be free to practice jihad. Surprisingly, [Constantine is actually a good model](#). After his conversion, he secured freedom for all, within certain prescribed limits, grounded in the principles of biblical law and the *imago dei*. Becoming a Christian made Constantine more tolerant, not less; in fact, it was his Christian faith that led him to create the first political order with principled toleration in history. Yes, he favored Christian faith and he did things like ending pagan sacrifice, but he generally did not persecute those who rejected Christian faith. Instead, he found ways to keep social peace in a religiously pluralistic context. There is much we can learn from the “Constantinian model.” Religious liberty is a genuinely Christian concept, but it does not entail the autonomy of anyone who claims to be motivated by religious convictions.

Unwin remarks:

The evidence is that in the past a class has risen to a position of political dominance because of its great energy and that at the period of its rising, its sexual regulations have always been strict. It has retained its energy and dominated the society so long as its sexual regulations have demanded both pre-nuptial and post-nuptial continence. ... I know of no exceptions to these rules.

But what exactly were those strict sexual attitudes and regulations that contributed to societal flourishing? The answer: heterosexual monogamy.

For Unwin, the fabric of society was primarily sexual, and heterosexual monogamy was the optimal arrangement for planning, building, protecting, and nurturing the family. If enough heterosexual partners made a monogamous commitment, civilizational energy was directed toward promoting the firmest societal foundation possible: the family.

Unfortunately, each civilization allowed its success to alter its moral code and actions. Though each civilization's success correlated with strict sexual ethics, attitudes toward sex became increasingly liberalized and loosened. The consequences of the myth that sexual activity and its impacts could be confined to the private sphere soon became apparent. Premarital, extramarital and homosexual relationships proliferated and individuals began placing their individual desires over the common good. An increase in promiscuity corresponded to a subsequent decrease in the social energy required for civilizational maintenance and innovation. Ultimately, each civilization became less cohesive, less aggressive, and less resolute. Civilizations in this liminal phase then collapsed from either 1) an internal anarchic revolution, or 2) conquest by invaders with greater social energy.

Despite the differences between civilizational cultures, environments, and time periods, Unwin saw a clear civilizational cycle throughout:

These societies lived in different geographical environments; they belonged to different racial stocks; but the history of their marriage customs is the same. In the beginning each society had the same ideas in regard to sexual regulations. Then the same struggles took place; the same sentiments were expressed; the same changes were made; the same results ensued. Each society reduced its sexual opportunity to a minimum and displaying great social energy, flourished greatly. Then it extended its sexual opportunity; its energy decreased, and faded away. The one outstanding feature of the whole story is its unrelieved monotony.

#### Others have used Unwin's work to sound the same alarm:

J. D. Unwin [was] a British social anthropologist who spent seven years studying the births and deaths of eighty civilizations. He reported from his exhaustive research that every known culture in the world's history has followed the same sexual pattern: During its early days of existence, premarital and extramarital sexual relationships were strictly prohibited. Great creative energy was associated with this inhibition of sexual expression, causing the culture to prosper. Later in the life of the society, its people began to rebel against the prohibitions, demanding the freedom to express their internal passions. As the mores weakened, the social energy abated, eventually resulting in the decay or destruction of the civilization.

Dr. Unwin concluded that the energy that holds a society together is sexual in nature. When a man is devoted to one woman and one family, he is motivated to build, save, protect, plan, and prosper on their behalf. However, when male and female sexual interests are dispersed and generalized, their effort is invested in the gratification of sensual desires. Dr. Unwin wrote: "Any human society is free either to display great energy, or to enjoy sexual freedom; the evidence is that they cannot do both for more than one generation."<sup>1</sup>

It is my belief that the burgeoning social ills seen in Western nations, including rising crime rates, drug abuse, sexual exploitation of children, and the disintegration of families, can be traced to the disintegration of traditional values and biblical standards of morality.

There is another reason widespread immorality and avant-garde attitudes are dangerous to the stability of nations. Human beings are sexual creatures, both physically and psychologically. Our very identity ("Who am I?") begins with gender assignment and the understanding of what it means to be masculine or feminine. Virtually every aspect of life is related to this biological foundation. Who can deny the hormonal forces and the neurological wiring that shape the way we think and behave? Given this nature and the vast significance it carries, even the most promiscuous playboy should understand the implications of sexual license and the upheaval it can foment. Any revolution of such proportions is certain to have farreaching consequences for the family and the culture in which it exists. How can we expect to preserve social order when the rules governing our sexual behavior are turned upside down?

Obviously, if this is the case, the church has a great deal of work to do to reconvert our nation to Christian faith. Only Christ can save us from ourselves and our sins. Only Christ can redeem and disciple our civilization.

### **3. In the "Where is the social justice crowd when you need them?" department:**

Homosexuality and abortion are practically sacraments for American liberalism.<sup>28</sup> To speak against them is to commit blasphemy. But this is simply because we live in a culture that hates the true God and therefore loves death. Both homosexuality and abortion are forms of bloody death. They are both sterile. Homosexuality cannot produce new life and abortion kills new life. They are both life-denying rather than life-affirming. They are signs God is judicially blinding us. When a culture gives legal approval to men sodomizing other men, or women murdering their own offspring, that culture is clearly in deep darkness. Our culture is blind; we cannot even see the big "E" on the eye chart. Our culture is lost; we have no moral compass and no direction.

Christians oppose both homosexuality and abortion because they contradict not only biblical law but also the biblical gospel. How does homosexuality contradict the gospel? God designed male/female marriage to image the gospel. A man is to picture Christ to his wife. A woman is to take her cues from the church in terms of how she relates to her husband. Together, they are to become an icon of the gospel, a living picture of Christ's one flesh union with his bride. A man/man or woman/woman union preaches a different kind of gospel, which is really no gospel at all. Homosexual "marriage" is actually anti-gospel. We

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<sup>28</sup> I've heard this kind of language used by many before. It is not original with me, but it also seems to have multiple sources.

want male/female marriage preserved because (among many other reasons) we want the greatest living symbol of the gospel we have to be upheld and honored. The structure of marriage derives from and symbolizes the gospel.

What about abortion?<sup>29</sup> At the last Supper, Jesus said to his disciples, "This is my body." But in the pro-choice movement, a woman says, "This is my body" with a meaning diametrically opposed to Jesus' meaning. Before Jesus went to the cross, he said, "This is my body given for you." When a woman has an abortion, she says to her baby, "Your body will be given for me." Jesus gave his body to cover our sins; he said, "I will die for you." In abortion, a baby is sacrificed to cover the sins of the parents; they say to their baby, "You will die for us." Abortion is, in short, an evil inversion of the gospel. It reverses the principle of sacrificial love that stands at the heart of the gospel. It is an evil parody of the Eucharist, the edible, sacramental sign of the gospel. Because of abortion, the sexual revolution is the bloodiest revolution of them all, far more bloody than the American, French, and Russian revolutions put together. In the 1960s, the sexual revolution's slogan was "make love, not war." But what they actually gave us was a war on the products of love-making.

Adding to the wickedness is that fact that our culture cloaks these evils in the language of "rights."<sup>30</sup> Same sex marriage cannot possibly be a right because it does not even exist. Indeed, the whole notion of thinking of marriage in terms of a "right" is highly problematic. If I have a "right" to marry, a right that cannot be deprived without due process of law, is the state obligated to provide me with a spouse? What exactly does a right to marry mean? Rights generally put obligations on others; who is obligated to me by my right to marry? It makes sense to talk about freedom to marry, but not a right to marry. (Indeed, while getting married is an act of freedom, it is actually the relinquishing of rights! The call to marry is always a call to self-denial and self-sacrifice. Those who think of marriage only in terms of rights - of what's in it for me - marry for love, but for the love of self, not the love of the other. Those who approach marriage in this way are not likely to be married for long!) But that's only a small part of our confusion. More to the point, it never makes sense to define marriage in terms that include same sex pairing because marriage is, in the nature of the case, a male/female union. Again, there can be no right to what does not and cannot exist.

Likewise with abortion. Abortion is treated as an aspect of a woman's right to privacy. The decision to abort is between her and her doctor - not her and the man who fathered her child. Legally, all children in the womb are functional bastards under the terms of *Roe*. In our culture's political discourse, we talk about the rights of the mother to her own body and her right to choose what happens to her baby, whether it lives or dies. *But there is no right to consequence-less sex. There is no right to unlimited orgasms.* There is a God-given fundamental right to life that the baby, once created, has (and even scientists have arrived at consensus that life begins at conception). Abortion violates that right to life, which is why it is both a form of slavery (claiming ownership of another person) and murder (taking the life of an innocent person). Abortion is a tragic injustice against society's most vulnerable members. If we are concerned about true justice, we will oppose both same sex "marriage" and abortion.

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<sup>29</sup> I am quite certain I first heard this line of reasoning developed by Peter Kreeft.

<sup>30</sup> Our culture, legally and officially, calls good evil and evil good. Examples of this kind of transvaluation of biblical values are too numerous to catalog. Those who act on homosexual impulses are considered "courageous" while those who fight against such desires are unhealthy. Those who are concerned with "women's health" insist on abortion on demand, while those who oppose abortion are fighting a "war against women." And so on.

Thus, I call on social justice warriors everywhere to put just as much energy and effort into overturning *Roe* and *Obergefell* as they do into helping the poor, stopping sex trafficking, and other great causes. The mark of a true concern for social justice (in the sense of a just society) is a desire to support justice for all across the board. The question for those carrying the social justice mantle is simple: What is justice? Whose definition of justice are you using? And if that definition does not trace back to God and his Word, you are actually promoting social *in*justice rather than social justice. Any program of true social justice has to be comprehensive, which means it must include sexual justice, marital justice, and paedo-justice.

Let's look a little more closely at the issue of justice for children in a post-*Obergefell* America. Just as *Roe* made it legal to sacrifice children for the sake of adult sexual pleasure, now *Obergefell* continues that pattern of ignoring the well being of children for the sake of adult autonomy. The court has communicated to the American people that children do not need a mother and a father to flourish. Once upon a time, our civil government encouraged marriage, and encouraged husbands and wives to have children and raise them together, largely for the sake of the well-being of children (which in turn promoted the flourishing of society as a whole). Now our government actively subverts the natural order of the family, to the detriment of society's weakest and poorest members, namely her children. And so I ask: Where are you, social justice warriors, when we need you? The children of this country are treated with horrible injustice, and yet no one seems to care. Why aren't we doing something to stop welfare payments that actually subsidize and encourage more and more children to be born out of wedlock? Why don't we do something to discourage promiscuity and thus strengthen the family order? Why do we allow for no-fault divorce, which often leaves children to deal with the shattered pieces of a broken family? Why don't we take the baby murdering option off the table and support the mom/dad parental structure that works best? Why don't we minister to women with crisis pregnancies so they have a valid alternative to shedding the innocent blood of the bay in the womb? Why don't we give parents freedom to make the best possible educational and disciplinary choices for their kids? Why does our society seem to *hate* children? Why do we leave the most vulnerable members of society so unprotected? Why do we sacrifice the best interests of children on the altar of the selfish desires of adults?

The court is very much at odds with Jesus. (Interestingly, Kennedy quoted Confucius – we all know how incredibly influential he was on America's founding! – and Cicero, but not Jesus, or any of his apostles. An odd omission, to say the least.) When Jesus addressed matters of family law in his own day, he gave a “creational design” argument and focused on what was true “from the beginning” (Mark 10:1-12).<sup>31</sup> But someone will ask: haven't studies shown that children growing up in same sex households fare just as well? [Mark Regenerus has debunked that, and proved the opposite. The testimony of many children raised in same sex homes also shows the inherent problems with such an unnatural “family” structure.](#) If that isn't enough, [we can add the witness of pediatricians and their observations](#)

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<sup>31</sup> It is vital to notice that Jesus takes the argument over marriage back to the creation account. We really have to do the same thing in our own day because what we are up against is an evolutionary view that makes marriage, gender, and virtually everything else in the cosmos malleable. *All our culture wars really go back to Genesis 1-2.* If we start with “In the beginning God,” everything follows. If we start with “In the beginning time and chance,” we will get a very different result. The church has compromised on its reading of Genesis 1, which is one reason why our weapons in the culture war have so often been ineffective. In Genesis 1, God forms and fills and glorifies his world over the course of the creation week. Either God formed the creation, or it remains formless, waiting for us to form it however we choose. That is the core issue. Either God made man male and female, forming their bodies and souls accordingly, or gender is plastic, waiting for us to form it and design it as we choose.

[of the conditions under which children flourish best.](#) While sociological data is certainly open to manipulation, and not the final authority, in this case it is squarely on the side of the politically incorrect conclusion (which only adds to its certainty). But maybe considering all of this is too much to expect; maybe a nation that is already murdering a million babies a year in the womb cannot really be trusted to do what is best for children. The *Obergefell* ruling is just as blind to the natural design for childhood as it is to the natural use of sex. The chief reason cultures throughout history have put up legal and political boundaries around marriage is to protect the family and preserve it as the natural context in which children are created and reared. A culture that reinforces monogamous, life-long, male/female marriage is a culture that is friendly and favorable to women and children. Any other family structure is ultimately detrimental to woman and children.<sup>32</sup>

Both Scripture and creation make it very plain that God intends for children to have a mom and a dad. Sometimes, in God's providence, one or the other parent cannot be involved in raising the child; we trust God will compensate in those situations. But for all of American history right up the last 10 minutes or so, everyone in our country knew that children do best with a married mom and dad. It wasn't that long ago that [Obama waxed eloquently about the need for fathers.](#) But apparently Obama has evolved; fathers are no longer necessary. The court has ruled that fathers are entirely unnecessary – at least after the sperm is obtained from the lab warehouse. This will bring untold misery and heartache on America. If you want to see what fatherlessness looks like, just review the riot footage from Ferguson, MO and Baltimore, MD over the last year. Yes, racial and class tensions had a lot to do with those scenes, but more than anything they are a tribute to what happens when a culture says fathers are not necessary. Now the court has doubled down on the lie that fathers don't matter. Brace yourselves.

#### **4. In the “Kennedy alluded to the Bible but still got it wrong” department:**

Kennedy tells us that the same sex partners seeking the right marry do so because they have such a high regard for marriage. But in saying this, Kennedy has already assumed the very thing that he is supposed to prove, namely that same sex couples can actually enter into the estate of marriage. Kennedy is mistaken; the plaintiffs in the *Obergefell* case were not seeking to enter into the institution of marriage, they were seeking to change it into something else altogether. Five justices were willing to play the part of their accomplices in this act of social radicalism.

The problem is that natural marriage has an objective shape and structure. Jesus identified these parameters in Mark 10, when he summarized the teaching of Genesis 1-2 on marriage.<sup>33</sup>

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<sup>32</sup> This gets us to another issue. Proponents of same sex marriage have said all along that opening up marriage to gays will not harm heterosexual marriages. In one sense, I suppose this is true: My marriage to my wife remains unchanged since *Obergefell*. But this still misses the key point. The issue is not that I will personally be harmed by same sex marriage being made legal (though if I were a baker or photographer I might claim it's opened me to harm!); the issue is that redefining marriage in this way harms *the institution*, which in turn harms society. Of course, the problem with making this kind of argument is that heterosexuals have already done a pretty good job damaging and dishonoring marriage by widespread premarital sex, no-fault divorce, etc.

<sup>33</sup> Jesus' teaching on marriage unquestionably implies that he rejected same sex practice. Of course, we could also point out that Jesus claimed to fulfill the law of Moses (Matthew 5:17-20), not abrogate it. If anything, he strengthened and deepened its moral demands. If Moses prohibited homosexuality, which he surely did, then Jesus implicitly reaffirmed that prohibition. Of course, Jesus' most prolific apostle, Paul, also reinforced prohibitions against homosexuality. Genesis 1-2 are sufficient to demonstrate that homosexuality is contrary to God's will for man and his design for human flourishing, but there are certainly plenty of other arguments that can be made. The most likely reason Jesus did not mention homosexuality in any recorded teaching is because he

Jesus, in effect, translates God's creational design into ethical precepts. We learn from Jesus, via Moses, that marriage is [A] a male/female pairing, [B] in which each spouse leaves his and her family of origin in order to form a new family, in which [C] this relationship is consummated in a one flesh union, and [D] is intended to be permanent.<sup>34</sup> If we continue into the next pericope (Mark 10:13-16), we can also say [E] that ordinarily flowing out of this union between the man the woman are children. In just a few short sentences, Jesus addresses every aspect of marriage, and deals with every possible error concerning marriage. Can marriage admit more than two spouses? Not without departing from the creational norm. Can marriage involve two partners of the same sex? No, Jesus says God made man male and female precisely for the purpose of bringing them together in marriage. Can one spouse opt out if they get discontent? Nope, Jesus says marriage is a lifelong covenant bond. Is sexual activity confined to the marriage covenant? Yes, because marriage is the only lawful one flesh relationship.

Kennedy admits that marriage is "ancient" in origin, but does not trace it back to God's ordinance. Presumably, he sees it a human invention, and therefore malleable. He is right that marriage has morphed in certain respects over the centuries, but wrong in the implications he draws from this. He considers arranged marriages and voluntary "romantic" marriages, but does not consider the biblical vision of covenantal marriage. If ancient marriages were generally business transactions for the sake of maintaining and enlarging the family estate, and if modern marriages are consumerist relationships entered into and opted out for the sake of pleasure and self-expression, is there any third alternative? Yes, Scripture provides a third way, in which marriage is plugged into the larger purposes of God. Covenantal marriage certainly aims at procreation (ordinarily) as well companionship (whereas homosexual unions, in the nature of the case, sever procreative potential from the institution of marriage and give up on the challenge of coming to know the opposite sex). But more foundational than either of the goals of procreation and companionship are the intrinsic symbolism and life transformation that take place in conjugal marriage. Marriage is designed as an earthly representation of the heavenly mystery, namely, Christ's marriage to his church. Husbands and wives are called to act out a script handed to them in the gospel. Romantic attraction and friendly affection makes these roles easier to fulfill, but the core of a covenantal marriage is always sacrificial love, which is fundamentally more action oriented than emotion oriented. Marriage is also designed to make each spouse more like Christ; in other words, the fundamental aim is not happiness, but holiness (with happiness coming as an expected byproduct of living according to God's intentions).

Kennedy also traces changing views of homosexuality, which gained more and more approval, oddly enough, as the natural law tradition of jurisprudence waned in the courts. The courts continue to find more and more liberties guaranteed under the Fourteenth Amendment, as "new dimensions of freedom become apparent to new generations." In other words, freedom is fluid. But Kennedy never actually articulates the principle that determines legitimate freedoms. The result is that these new freedoms actually threaten the old freedoms (in this case the right of same sex "marriage" directly challenges the right to freely exercise religion). While Kennedy makes it sound as if all the court is doing is coming "to know the

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ministered almost exclusively among Jews and for them it was simply not an issue; first century Jews were universally agreed that homosexual practice was sin, homosexual desire was disordered desire, etc.

<sup>34</sup> There are certainly grounds for lawful, legitimate divorce, articulated by Jesus in Matthew's gospel and by the apostle Paul in 1 Corinthians 7. But these grounds are carefully circumscribed and normally a court of the church has to rule that the covenant has been broken in order to grant the right to divorce. It is not an individual's decision to make.

extent of freedom in all its dimensions,” he fails to reckon with the fact that sometimes freedoms compete with one another, and granting a new freedom to one class of persons means taking away freedom from another class of persons. (The same dynamic was at work in the *Roe* case: A woman’s right to “choose” meant her baby lost his right to live. Her right came at the expense of her child’s. Freedom is often a zero sum game.)

But there is an even bigger problem with Kennedy’s notion of freedom, pointed out by several of the dissenting justices. Thomas writes:

Even assuming that the “liberty” in those Clauses encompasses something more than freedom from physical restraint, it would not include the types of rights claimed by the majority. In the American legal tradition, liberty has long been understood as individual freedom *from* governmental action, not as a right *to* a particular governmental entitlement...

To the extent that the Framers would have recognized a natural right to marriage that fell within the broader definition of liberty, it would not have included a right to governmental recognition and benefits. Instead, it would have included a right to engage in the very same activities that petitioners have been left free to engage in — making vows, holding religious ceremonies celebrating those vows, raising children, and otherwise enjoying the society of one’s spouse — without governmental interference. At the founding, such conduct was understood to predate government, not to flow from it.

Kennedy misunderstands what liberty actually entails, especially in regard to marriage. His right to self-expression and self-definition ultimately ends up including the right to force all fifty states to adopt a particular version of marriage. Further his claims that those who marry “find other freedoms, such as expression, intimacy, and spirituality” is vacuous as Scalia so sharply pointed out. (Just ask the nearest hippie if marriage expands or constricts freedom!) Chesterton put it this way:

They have invented a phrase, a phrase that is a black and white contradiction in two words — ‘free-love’ — as if a lover ever had been, or ever could be, free. It is the nature of love to bind itself, and the institution of marriage merely paid the average man the compliment of taking him at his word. Modern sages offer to the lover, with an ill-favoured grin, the largest liberties and the fullest irresponsibility; but they do not respect him as the old Church respected him; they do not write his oath upon the heavens, as the record of his highest moment.

Continuing, there is nothing inherent in Kennedy’s reasoning that would limit marriage to two persons of a certain age or relation. Nor is there any reason why marriage should be considered normatively permanent. What if five people (two sisters and three unrelated men) want to marry each for the next five years, then go their separate ways? Kennedy leaves us with no answer. His redefinition of marriage does not just alter the institution; it ultimately destroys it. Kennedy rhapsodizes eloquently about the transcendent glory of marriage, but he has actually subverted its very existence. Rank and file supporters of *Obergefell* might not like that conclusion, but some of its sharper proponents no doubt know exactly what *Obergefell* has accomplished and hope to see it worked out to full consistency. For many in the LGBT movement, the legalization of “same sex marriage” is not the end game, but a way station along the path to another destination, which is the total destruction of institutional marriage altogether.

This gets us to the core of the matter: Kennedy completely subjectivizes the meaning of marriage. As pointed out above, Jesus recognized that marriage, as an institution, had certain objective features, grounded in creation. For Kennedy, there is nothing objective about marriage. It has no natural form or order. The meaning of marriage is found entirely in the subjective feelings and dignity of the couple that marries. Marriage is “inherent in the concept of individual autonomy” and included in the “right to privacy” since it is “one of the most intimate [choices] that an individual can make.” “The right to marry thus dignifies couples who ‘wish to define themselves by their commitment to each other.’ Marriage responds to the universal fear that a lonely person might call out only to find no one there. It offers the hope of companionship and understanding and assurance that while both still live there will be someone to care for the other.” This is the closest Kennedy gets to anything biblical. Yes, in the Garden of Eden, God saw that the man was alone and declared it “not good.” So he created a woman, a helper and companion suitable to him. Marriage does indeed provide the closest possible form of human friendship and intimacy. But Kennedy does not explain why same sex couples need the state to recognize their union as a marriage in order for it to solve their loneliness problem. What does state recognition have to do with feelings of loneliness? He also does not provide any limiting principle. If a man marries a woman and finds she “somewhat” alleviates his loneliness problem, but he cannot be fully fulfilled unless he takes a second wife, how will Kennedy, given his own reasoning, object? Who is Kennedy to stand in the way of a man’s desire to define himself as a polygamist and to have to his needs for companionship met by multiple wives? Perhaps he’s afraid that one wife will not answer his lonely calls (what if she’s a really deep sleeper?), and so he needs a second. Perhaps he thinks one woman will not be enough to care for him and he needs another. The court’s reasoning has secured him that right (though whether or not the court will be consistent with it remains to be seen). But we can take it a step further. What if a man’s craving to have his loneliness satisfied can only be met by having intimate relations with a child? What if a man chooses to define himself as a pedophile? Will Kennedy suddenly deny such a man the right to give reality his own meaning? Will he deprive this man of his of his dignity and condemn him to a life of loneliness? If a man wants a child to answer his cries for loneliness in the night, who is Kennedy to deny him such fulfillment? What if a brother/sister pair decide the only way their loneliness can be cured is through marriage to each other? What are we to do with those who self-define in an incestuous way? By stripping away all of marriage’s objective features, not only has Kennedy changed what marriage is, but he also opened Pandora’s Box to normalizing every kind of sexual perversion imaginable. In the name of expanding freedoms, Kennedy has expended and legitimated limitless sexual depravity. Of course, this isn’t freedom; it’s slavery.

But there is further collateral damage to consider. In the process of focusing on marital companionship as the end of loneliness, he robs all unmarried persons of their dignity! He condemns the unmarried to a life of loneliness – as if singles could never have (non-sexual) friends and family members to hear them when they call, care for them in need, remedy their loneliness, and so on. Again, Kennedy is at odds with Jesus. Jesus knew some would be called to be eunuchs for the kingdom of heaven (Matthew 19:11-12), and would find their need for (obviously non-sexual) companionship met in other ways, particularly through the church (Matthew 19:29). Kennedy is right that there is something transcendent about marriage (though he never gets around to telling us exactly what and why), but that does not mean a Christian living a celibate life is left with, at best, a throw away consolation prize. Christian couples and singles need each other, and we need to support one another in our respective and varied callings. Christian marriage and Christian celibacy can and should be understood as distinct but equally dignified callings in God’s kingdom.

The incompleteness and incoherency of Kennedy's reasoning reaches its zenith when he writes, "A third basis for protecting the right to marry is that it safeguards children and families and thus draws meaning from related rights of childrearing, procreation, and education." Kennedy seems oblivious to the basic fact that opposite sex couples are, in principle, procreative, whereas same sex couples are not and never can be. Family can never be a natural right for a same sex couple because they only obtain children in an unnatural, artificial way. Kennedy even has the gall to include "children's best interests" as a rationale for same sex marriage. Again, in the war of competing rights, new rights trump old rights: the right of a same sex couple to a designer family trumps the rights of children to a mother and father.

##### **5. From the "they stole a page from our playbook" department:**

In reading about how we got into this mess, I came across a very interesting couple of paragraphs that I think the church could learn from if we are going to counter the *Obergefell* ruling. Prior to 2009, same sex "marriage" had gone to the ballot box 31 times in the United States and lost every single time. The American people proved again and again they did not want it. Conservatism proved to be pretty stubborn. The most stunning loss came in California in 2008, and it forced the gay rights movement to take an unprecedented step:

[One of the top goals set out in the document seemed achievable: winning a vote in California in 2008. But when Proposition 8, as the state's referendum to ban gay marriage was known, went up for a vote, it passed, shocking advocates and causing a fresh round of soul-searching. If gay marriage couldn't win a vote in liberal California – in the same election that powered Barack Obama to a historic victory – could it win anywhere?](#)

[Part of the problem, movement leaders knew, was the lack of a well-organized political campaign. Multiple groups were trying multiple approaches with no centralized strategy, fundraising, or message. To figure out what needed to change, eight organizations, led by Freedom to Marry, formed a secret collaboration that they called the Marriage Research Consortium. They pooled their resources and held a monthly teleconference to share polling, insights, and ideas in real time. \(The consortium's existence has not been previously reported.\) It was an unprecedented level of cooperation, by groups that were often rivals for money or credit.](#)

After this "unprecedented level of cooperation" began, the gay rights movement began scoring victories in both legislatures and the ballot box. In other words, these gay rights groups practiced a kind of counterfeit catholicity. Their various "denominations" came together in good Tower-of-Babel style, and found they could accomplish just about anything they wanted. Unity led to effectiveness in mission (ala John 17:20-26).

Sure, the *Obergefell* decision is still an example of "social transformation without representation," as Scalia put it. The ruling still short-circuited the democratic process (for whatever that's worth). But there's no question the fighters for gay "marriage" were very much on their way to turning the tide of public and legislative opinion in their favor. That turning of the tide greatly accelerated as soon as they began to practice "unprecedented cooperation" amongst their various groups.

Let's give our antagonists in this matter credit for taking a page out of what should have been our playbook: They put aside petty differences, they united and organized, and they got results. They consolidated power, their leaders pooled knowledge and resources, they worked together across organizational lines, and suddenly progress on their unholy tower to the heavens took off.

I think we should learn the lesson here. There is always power in unity – even in evil unity, but especially in righteous unity. The church in America has lost her influence for many reasons, but near the top of the list is our infighting, our bickering, our separating, our spirit of sectarianism. If ever there was a time to “stand fast in one spirit, contending as one man for the faith of the gospel” (Phil. 1:27), today is that day. Unless we are willing to put aside differences over secondary and tertiary matters not central to the gospel and the essence of the church, we will continue to lose influence and face increasing persecution. Unless we enter into a time of “unprecedented cooperation” amongst faithful churches and ministries, we will have no chance to stand strong on the field of battle against the army that *Obergefell* has unleashed against us.

## **6. From the “love wins” department:**

*Obergefell* makes a mockery of sexual virtue. *Obergefell* does not just add same sex couples to the venerable institution of marriage; it fundamentally changes what marriage is all about. In biblical and traditional ethics, a man and woman are expected to stay pure until their wedding night. They might have varying degrees of success in attaining to that standard, but everyone agrees that chastity is the standard. In gay culture, there is no such standard; in fact, such an expectation isn't even on the map. Homosexuality does not work that way for men or women; no one honestly expects a same sex couple to show up at the altar without significant premarital sexual experience. In biblical and traditional ethics, a man and woman are expected to remain monogamous “until death do us part.” Especially amongst gay men, such an expectation is the exception rather than the norm. In fact, it is normal for gay men to have hundreds of sexual partners. An exclusive, monogamous, lifelong relationship is just not part of the gay lifestyle or gay culture. In biblical and traditional ethics, a man and woman marry with the normative expectation that they will have children; indeed, the procreative powers of the marital union is the main reason the state has taken an interest in marriage. As Bertrand Russell put it, “It is through children alone that sexual relations become of importance to society, and worthy to be taken cognizance of by a legal institution.” (Obviously, there are male/female marriages that are not procreative, but this an accidental, rather than intrinsic feature of the relationship. Physical defect or age may make reproduction impossible, but the male/female union in general is lifegiving in a way Sodomite unions can never be). The only way for a same sex couple to have a child is to have a quasi-adulterous relationship with a third partner of the opposite sex, who is brought in solely for the purpose of providing the “missing pieces” of the reproductive puzzle so a child can be manufactured. Homosexual unions are a violation of the command to be fruitful and multiply; whatever children they “produce” can never be the fruit of an act of love the way God designed.

But *Obergefell* does more than make a mockery of chastity and the overarching purposes of marriage. It is not only bad for sexual virtue and for the institution of marriage; it is disastrous for practicing gays themselves, as well as for those who struggle with (often unwanted) same sex attraction. It is cruel to encourage or approve of a lifestyle that is essentially suicidal.

When we break God's laws, they end up breaking us. When we act in unnatural ways our nature disintegrates. When we go against the grain of creation, we end up getting splinters. When Paul describes homosexual practice in Romans 1:18ff, he does not mince words. He says those who practice homosexuality have "become futile in their thoughts, and their foolish hearts were darkened." God has given them up to their "lusts" and "vile passions," resulting in the "dishonor[ing] of their bodies." As they have "committed what is shameful," they now "receive in themselves the penalty of their error which was due."

There is an old saying, "God punishes sin with sin," and that especially true in the case of sexual perversion. Unrepentant sexual sin is the fast track to hell, and some of those hellish pains can begin in this life. When Paul says that homosexual practitioners receive the penalty due for their errors, he could be referring to any number of ailments homosexual practitioners bring on themselves. Like any sin, same-sex sexual relations bring on all kind of spiritual and psychological damage, though there is reason to believe that in the case of this sin, those effects are particularly acute. [But there are also the physical side effects. What God calls evil and unnatural is almost always going to be bad for us biologically](#), as well as spiritually. [It is not "politically correct" for physicians to talk about these effects, but they are well known inside the medical community](#). As a physician once told me, "There is nothing more obvious than the fact that a man's anus is not designed to be a receptacle another's man's penis. It just doesn't work. It's dangerous and harmful." We all know about AIDS which is still, essentially, a gay man's disease. The other detrimental effects of the gay lifestyle are not as well known, but should be. Not only are gays at very high risk for a variety of STDs, they contract cancers and other diseases at a much higher rate. The expected lifespan of a gay man is significantly lower than straight men. The public health risks have always been enough of a reason for societies and states to discourage homosexuality. Think about all our society does to suppress smoking, and then consider that homosexuality is actually more dangerous and detrimental to one's health. Homosexuals also run high rates of mental and psychological problems, including suicide. Homosexuals are also much more likely to engage in activities that (thankfully) most of our society still views as criminal, such as drug use and pedophilia. In short, homosexuality brings home the truth of the proverb: "All those who hate me love death." This is the creational law striking back with a vengeance – truly the wrath of God revealed from heaven.

[It is an amazing work of propaganda that gays have been able to work their way into the mainstream without any discussion of what the gay lifestyle and gay culture are actually like](#). The one thing gays do not want discussed is gay sex. But it is easy to find reports of the dark, seedy underground that the gay community would like to keep hidden. Sodomites in real life are generally not as happy as they appear on television sitcoms. There is a seedy under-culture that accompanies the lifestyles of most homosexual men. While it is an unpleasant subject, it is vital that we begin to expose this darkness (which I think would still be repulsive to the average American). Just as the ultrasound had a huge impact on the pro-life movement, exposing gay sex and gay culture for what they are could have a huge impact on how the public perceives the morality of homosexuality. Of course, there is really no tasteful way to talk about something so tasteless.<sup>35</sup>

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<sup>35</sup> My point is not that we should be personally disgusted with homosexual practice (though I think we should be and will be if we familiarize ourselves with it). Obviously, God is infinitely more disgusted with our everyday sins as heterosexuals than we can be with the vilest sins of homosexuals. So we have to avoid self-righteous rhetoric that makes it sound as if we are not sinners, or as if homosexuals are nothing but enemies. We cannot treat gays as scapegoats, blamable for our culture's every ill. The reality is that, apart from the grace of God, all of

The point in bringing up these risks associated with homosexuality is not just to help unpack what Paul means in Romans 1. We should also have compassion on homosexuals, treating them with love and seeking to rescue them from a destructive form of life. Treating them with dignity includes calling them to repentance so they can bear God's image properly. The point is not to win a "culture war" by marshalling the best arguments, but to win people to Christ by loving them into his kingdom. But that brings us to the real issue: Is it loving for a society to promote a lifestyle as rife with problems as homosexuality? Or is it even more loving to help lead them to repentance? I think the question answers itself.<sup>36</sup>

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us are in the same sinking boat. Salvation is not found in being "straight;" it is found in being forgiven. [In fact, Hannon points out that our current binary system of identifying people as either heterosexual or homosexual, with heterosexuals as the "normative" group can actually lead to the excusing of heterosexual sexual sin:](#)

Baptizing the homosexual identity is fraught with preventable perils. And yet, when it comes to the gravest evil effected by the sexual-orientation binary, homosexuality is not the culprit. Heterosexuality is – not, of course, as though we can have one without the other. The most pernicious aspect of the orientation-identity system is that it tends to exempt heterosexuals from moral evaluation. If homosexuality binds us to sin, heterosexuality blinds us to sin.

There is no question that some morally self-aware "heterosexuals" exist. Nevertheless, as a general rule, identifying as a heterosexual person today amounts to declaring oneself a member of the "normal group," against which all deviant sexual desires and attractions and temptations are to be measured. Such hetero-identification thus ushers in a pathetically uncritical and – hopefully it goes without saying – unmerited self-assurance, not to mention an inaccurate measure for evaluating temptation. Of course, we do have a model norm for the evaluation of sexual deviancy. But that model is not heterosexuality. It is Christ Jesus himself, the God-man who both perfected human nature and perfectly exemplified its perfection, "one who in every respect has been tempted as we are, yet without sin." For the self-declared heterosexual to displace our Lord in this position is the height of folly.

It is true that homosexuality may be distinguished by an inappropriate despair, accepting sinful inclinations as identity-constituting and thereby implicitly rejecting the freedom bought for us by the blood of Christ. But heterosexuality, in its pretensions to act as the norm for assessing our sexual customs, is marked by something even worse: pride, which St. Thomas Aquinas classifies as the queen of all vices.

But, taking Hannon's point into account, we still need to expose the evil works of sodomite darkness that have been strategically hidden from public knowledge. Pointing out certain features of the lifestyle of the typical gay man is simply a way of telling the truth. I have brought this issue up because it is something that has not been done very often; in fact, the image of the gay lifestyle has been completely whitewashed in the mainstream media and pop culture.

<sup>36</sup> [John Rankin anecdotally shows why normalizing homosexuality culturally and legally is actually cruel. Instead of honoring and resolving the pain that is often involved in someone becoming homosexual, it buries that pain:](#)

It is self-evident that children learn trust or distrust from their earliest years, and the foundational and highest form of trust is the faithful marriage of one man and one woman for one lifetime. When children see this trust modeled, they know they are loved, they learn the nature of trust, and their strength of soul is maximized for whatever life presents. The greatest psychological, physiological, social and economic ills trace to broken trust in sexual relations, that is, sexual intimacy outside the covenantal promises made in the marriage ceremonies of man and woman. These promises are too often and sadly broken, but their presence nonetheless ensures the self-evident equality and complementarity of man and woman, and ensures a far higher degree of success than possible otherwise in pursuit of trust in the social order. What serves trust the best, for what do we all strive, and what should the law serve – trust or broken trust? When doing my post-graduate Th.M. in Ethics and Public Policy at Harvard Divinity School in the late 1980s, I was once approached at lunch by three fellow students in a class on feminist ethics. One of them said that the three of them were lesbian, and that every lesbian they knew had been the victim of "physical, sexual and/or emotional abuse" by some man in her early years. Broken trust at the most disturbing level. This was new and painful information to me (yet no statistical claim is being made here despite such a pervasive reality). When I shared this testimony before the Judiciary Committee of the Connecticut State Legislature in February, 2002, I could hardly hear myself speak as a cacophony of spontaneous groans filled the room. Afterward, a friend told me that all the groans came from women wearing the same-sex marriage stickers. Accordingly, they literally held their breaths until I was done with this thought. I thus realized I had spoken a pain that dares not speak its name, while seeking to affirm the human dignity of those who know such suffering. In the debate over same-sex

It is true that those rare homosexual couples who stay relatively monogamous over the long haul minimize some of the worst effects of homosexual practice. Sometimes the claim is made that Scripture does not condemn same sex relations that are loving, mutual, and consensual, only those that are exploitative (e.g., with a slave or child). But Paul was most likely familiar with consensual same sex relationships, perhaps even gay “marriages” of some sort. But Paul’s language in Romans 1:18ff clearly excludes those relationships from God will. Paul does not merely say that homosexuals have exchanged the opposite sex pairing for exploitative same sex pairing; he says *any* kind of same sex coupling is against nature. His language actually suggests mutual relationships are in view since he speaks of men “burning in their lust for one another.” The fact that he also condemns lesbianism (which is very rarely exploitative and non-consensual) further underscores the point.

Of course, it is not enough to critique the sex lives of gays. We also need to promote the beautiful and healthy biblical vision of sexuality. We need to preach and teach God’s design for sex, which is the surest long term pathway to fulfillment and pleasure. God is not against sex. Indeed, just as God says sex without marriage is sin, he also says marriage without sex is sin (1 Cor. 7). The Bible is very practical and earthy when it comes to matters of sexuality. But is also poetic and alluring, making God’s vision for our sexuality incredibly attractive (cf. Prov. 5, Song of Solomon, etc.). The problem is not that the biblical model for sexuality has been tried and been found wanting; it’s that it has hardly been tried at all. Part of our calling in the culture war is to show the world that God’s way really is the best way. We can do that through stories, songs, and art, all attempts to capture the secular imagination and reconvert it to Christ, as well arguments that seek to capture the secular mind and bring into obedience to Christ. But perhaps our most powerful witness will come in the form of our lived example. Happy and holy husbands, wives, and children are among the best weapons we have in this battle. Our culture is telling satanic lies about sexuality, including sodomy; it’s up to us to tell and embody the truth about sex in all its glory.

## **7. From the “We have met the enemy, and it is us” department:**

The truth is that heterosexuals (including Christian heterosexuals) wrecked marriage long before *Obergefell*. The Supreme Court ruling is just the full harvest of the sexual revolution, growing from seeds planted long ago. While we could look at innumerable ways that we heterosexuals are guilty of subverting the institution of marriage, I want to pick out and briefly discuss one of them.

At the root of many of our problems is that fact that we adopted a romance-based view of what marriage is. Romance, of course is wonderful. C. S. Lewis rightly praised the “spark” of falling in love that gets the engine up and running. But Lewis also pointed out that spark was not enough to keep it running for long. No couple has every been able to sustain honeymoon-level intensity for 50 years – and to do so would be undesirable because there is more to life than romance. In older eras, marriage was defined as a covenant promise; feelings might rise and fall, wax and wane over the course of the couple’s married life, but

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marriage, and as I have seen consistently across the years, it is self-evident that such pain is widespread among men and women alike. Do we honor the integrity of homosexual persons by changing the laws to conform to the image of their understandable and reactive pain? Or do we honor them through the legal and social support of the self-evident nature of proactive and faithful heterosexual marriage and parenting?

their commitment to one another sustained their relationship even when feelings weren't as strong. They would go through the motions until actions reawakened feelings. The romantic view – really, individualistic expressivism applied to marriage – is much more fragile. When feelings go....there is really no reason to stay married, no reason to try to rekindle the flame, no reason to keep going. You simply dump your partner and go find a new “spark.”

Thus the corollary of romance/feelings based marriage is “no fault” divorce. After all, who can be faulted for not feeling a certain way? Feelings are fickle; who can control them? And certainly no one deserves to be stuck with a spouse when the feelings are no longer there. (Never mind that Genesis 2:24 could actually be translated “a man shall leave his father and mother and be *stuck* to his wife, and they shall become one flesh”!)

Romance-based marriages allow eros to call the shots. But when eros is separated from the other forms of love, such as philos (friendship love) and agape (sacrificial love), eros goes berserk. But over time, unconstrained eros actually flames out because God never intended for eros to exist on its own, separated from the other forms of love. Perhaps eros can fuel philos and agape in the initial stage of a relationship, but in the long run, philos and agape must fan the flame of eros or it will die. When eros is undisciplined, it actually dissipates (e.g., internet pornography, where the “law of diminishing returns” ends up killing rather than enhancing a man’s sex drive). When a man’s eros is focused exclusively on his wife, he has boundless energy to conquer and create new worlds. But when he allows his “fountains to be dispersed abroad” (Prov. 5:16ff), not only does his sex drive eventually wither, but his drive for much of anything else withers as well. We are seeing this dynamic play out in our culture right now with the “failure to launch syndrome” among young men, who are really just overgrown boys. They don’t have any drive to marry or motivation to work because they are wasting their manhood on illicit, immature pursuits (porn and fornication, excessive beer drinking and video game playing, etc.).

The church has been complicit in all of this in a multitude of ways. The church has failed to teach and disciple young men and young women so they can embrace the roles God calls them to; instead, we have allowed the world to disciple them into its own corrupted versions of masculinity and femininity. The church stood by silent, for the most part, as state after state adopted no-fault divorce legislation. Much of the church, especially Protestants but also many Romanists, have uncritically accepted birth control, severing sex and eros from procreation.<sup>37</sup> Christians have often been swept away by a naive romanticism. While it is certainly good that the church has broken with the Victorian prudishness of the past, and now talks about sex, there is no doubt that a lot of the church’s contemporary teaching on sex actually does very little to prepare Christian couples for the rigors of married life. A great sex life is certainly wonderful for Christian couples to have, but God calls us to even higher aims

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<sup>37</sup> All things being equal, Scripture clearly calls married couples to be pro-children. Marriage serves God’s command to “be fruitful and multiply and fill the earth.” Deliberate childlessness is not a legitimate option for Christian couples who are healthy and of child bearing age. Perhaps an exception could be made for couples who serve in dangerous mission fields, but as a general rule, to be married is to be open to little ones. That being said, we cannot categorically forbid all forms of birth control at all times because to do so would be to go beyond Scripture. We most certainly must prohibit abortifacient forms of birth control. But being open to children does not mean having as many as you biologically can produce. It is certainly wrong to sever the link between marriage, sex, and children, but it also wrong to insist that every act of intercourse must be procreative (even hard core Roman Catholics get fuzzy at this point, with natural family planning). Using the technology at our disposal to prevent conception is not categorically wrong, provided a couple is fully committed to being fruitful. I should add here that I am not a fan of “the pill” at all because of its effects on the woman and the environment. I do not forbid it, but I do warn against it when I do pre-marital counseling.

in married life. Celebrating God's gift of sex is great, but making marriage primarily about our own private pleasures is very dangerous. Marriage requires sacrifice both inside and outside the home. Marriage must be connected to the mission of the church and must be subservient to the Christian pursuit of holiness.

All of this means the church has been compromised, and is therefore unable to stand against, much less shift, the culture's direction. Once our culture gave in to a feelings based view of marriage, same sex marriage became virtually inevitable. Since homosexuals can get romantic tinglings too, why should they be denied the dignity and benefits of marriage? Since marriage has been reduced to eros, with the other divinely ordained purposes of marriage attenuated or shaved off altogether, why shouldn't homosexuals be able to marry? The romantic view of marriage, in principle, opens marriage to anyone who can "fall in love."

The point of reviewing this background is that it helps us know the shape repentance should take. We must recover a fully biblical view of marriage, in all its covenantal dimensions. We cannot just oppose same sex marriage; we have to rebuild a healthy and holistic culture of marriage in our own churches.

#### **8. From the "There ain't no such thing as religious liberty anyway" department:**

As it appears the next cultural battleground is going to be the free exercise of religion, it is important for us to understand exactly how religious freedom works. In truth, there is really no such thing as "religious freedom" because there is no such thing as "religion" in general, only *particular religions* with widely varying practices. Various religions will have varying degrees of freedom in a given society, depending on how much influence they have on public policy, how much their practices align with the general ethos of a culture, etc. America has never handed religious people a blank check to practice religion however they please. The First Amendment has always operated under certain constraints. Thus: Indians were not allowed to use peyote. Mormons were not allowed multiple wives. Satanists are not allowed to sacrifice cats. The specific question forced on us by *Obergefell* is whether or not Christians will be able to dissent from the definition of marriage it has thrust upon all fifty states. Will Christians have the freedom to write about their sexual views? A fire chief in Atlanta did not. Will Christians have the right to not use their artistic and creative gifts to glorify a same sex ceremony? The Kleins in Oregon have not. Will Christian schools and universities be able to refuse same sex couples married housing? Will churches be able to determine which services their pastors provide and which ceremonies their buildings host? We face an uncertain future.

My hunch is that for quite sometime, the worst effects of the *Obergefell* ruling will be mitigated, largely because the American culture wars operate in a pendulum swinging fashion. As soon as one side wins a big cultural/political victory, there is usually some kind of backlash amongst the squishy American middle. Right now, I am quite confident that the moderate "middle" of the American populace is not really interested in seeing churches shut down by the thousands, and pastors jailed by the thousands. If the past patterns of American "culture wars" hold true, the pendulum is actually about to swing back in a more conservative direction, especially if liberals try too hard to press their current advantage. But we should also recognize that relying on the squishiness of the low-informed American electorate, or the inconsistency of the courts, is not going to last forever. A day of decision will come upon us. What should we do in the meantime?

One thing we should not do is give up – though in some ways it is tempting to do so. For example, many Christians think the best “solution” is get the state out of the marriage business altogether. That way we can avoid many of our present (and forthcoming) cases of conscience. This is certainly an attractive route in many ways and could have certain advantages. For example, if all marriages become civil contracts filed with the state, the dilemma for the Christian county clerk is solved. It might also give churches and pastors the opportunity to create legally binding marital contracts that much more closely approximate biblical norms than what we have right now, with “no fault” divorce laws in all fifty states. Right now, virtually any legal contract is more binding than marriage; it is far easier to get out of marriage than just about any other kind of contract since no other category of contract has a “no fault” provision for breaking its terms. Ironically, making marriage a matter of contract (a kind of comprehensive prenuptial agreement) could actually end up making divorce much harder to obtain (as it should be). So the “libertarian” solution of essentially “privatizing” marriage seems like an attractive workaround. It may be that we will someday find ourselves in a situation where we should advocate such a pathway, and drop out of civil marriage altogether, but I think to do so now would be premature. I think we must also consider the reality of unintended consequences, e.g., if some states start dropping out of the marriage business altogether, the federal government may be more than happy to step in and take over the legal dimensions of marriage. [Doug Wilson explains why it is important to try to reform the state’s marriage laws rather than do away with state regulated marriage altogether:](#)

The Bible teaches that mankind bears the image of God sexually. “So God created man in his own image, in the image of God created he him; male and female created he them” (Gen. 1:27). The attempt therefore to disregard all this in the “recognition” of same sex mirage is not just an act of immorality, but also an act of theological defiance. It is heresy; it is apostasy.

The image of God borne by a man and women together is therefore a creational reality, not dependent in any way on the definitions that a secular state might want to come up with. Marriage exists prior to, and independent of, any determinations by any civil magistrate. The magistrate did not create marriage and therefore has no authority to define it, or recreate it in *his* own image.

The civil magistrate is a steward, entrusted to guard that which God has determined. In Romans 13, the magistrate is repeatedly identified as God’s “deacon,” God’s servant, entrusted with rewarding righteousness and punishing wrongdoing. He has no authority to invert this, and to define as *up* what God has named as *down*.

Now this does not mean that the civil magistrate has nothing to do with the definition of marriage; he does have a solemn responsibility to *recognize* the way the world is, and to discharge his related obligations accordingly. It works this way.

Because heterosexual unions are fruitful – not inherently fruitless the way same-sex copulations are – they are unions that bear, not only children, but also civic responsibilities and challenges. The issues of property and custody and inheritance are in principle woven into every heterosexual relationship, and are woven into no homosexual relationship. They can be nailed onto the side of a homosexual incident, but that is all. They can be arbitrarily assigned to a homosexual partnership, but do not flow out of the creational nature of that partnership.

If two people go into farming together, with one contributing the fertile ground and the other the seed, there will be questions of responsibility and ownership that grow out of the ground. What shall we do with the 30, 60 and 100 fold? But if two people

form a partnership in which they plant pebbles instead of seed, the same kind of issues do not and cannot arise. The magistrate does not have to adjudicate *anything* with regard to the harvest.

So when the civil magistrate starts demanding that we recognize pebble planting as being of the same nature as seed planting, you may depend upon it – there is a method in their insanity. They are not trying to give a new status to pebble planting, which is kind of a dead-end enterprise. They are in fact trying to create a new status for the seed planting, *a new relationship between the state and the fruitful ones*. They are trying to wrest control of the harvest away from those who live fruitfully. Depend upon it – follow the money. The real problem here is not the lust of homosexuals, but rather the lust of *government* to rule, manage, and control. These people hate any institutions that are older and more honorable than they.

In the face of this government lust for control, this *libido dominandi*, the libertarian temptation is a pressing one. Many Christians think that we should just get government out of the marriage business altogether. Wouldn't that simplify everything? No, not at all.

The civil magistrate is the authority established by God for sorting out and adjudicating issues of property, inheritance, and custody. Therefore, it is their responsibility to know beforehand how they will adjudicate such things. Solomon knew beforehand that the baby needed to go to his natural mother....

So we come back to our question: *What should we do?* We should do several things, all at once preferably.

First, we should trust in our sovereign God. Rebellion against nature can't work in the long run. We will end up on the right side of history *and* eternity. Love will win – and it will be the love of Christ, a pure and holy and sacrificial love.

Second, read up. We need to study the Scriptures and the works of great theologians so we can intelligently and wisely navigate the challenges we will face. Big, thorny, complicated questions confront us, and simple-minded “know nothings” will be caught flat-footed. What should the Christian photographer do when asked to work at a gay wedding? What options does the county clerk have with regard to issuing marriage licenses? Under what circumstances should Christians drop out of civil marriage altogether? Or should we keep working from within the system as much as possible to bring legal and political reforms? What lines cannot be crossed? How do we respond to accusations of hate speech? What kinds of protests can we launch against the statist and sexual tyranny we face (or will face)? When does civil disobedience become necessary? In such cases, what is the role of the lesser magistrate? Some of these questions are easier than others, but we need to know how to deal with all of them. We need wisdom.

Third, practice the central Christian virtue of love. Love opens doors. Love makes way for the gospel. Love breaks down opposition to Christ and his kingdom. Our kindness can actually lead others to repentance. Remember that showing kindness does not equate with approval. You can be generous and respectful towards those you disagree with; you can befriend (to a point) those who live anti-Christian lifestyles. We should find ways to minister the gospel more effectively than ever, especially to those who would consider themselves our staunchest opponents. What have you done lately to show a gay person the love of Christ? Perhaps Christians should move into neighborhoods where gays are clumped together in order to show hospitality and service. Perhaps we should staff AIDS hospices.

Find counter-intuitive, surprising ways to manifest Christ's kingdom. Don't do what they expect, which is to be shrill and self-righteous. Get to know some gay people....and invite them to dinner instead of church. Love them into the kingdom. Nothing softens resistance to arguments like love; very often our arguments are not effective because those we are opposing do not see our humility or compassion. The truths we speak will sound strange and harsh, which means we have to always be willing to go the extra mile to get a hearing.

Fourth, prepare for a period of suffering. We want to avoid the victim mentality. We're Christians; we should be joyful when we are counted worthy to share in the sufferings of Christ. We should recognize that being considered uncool or unpopular is not the same as really suffering for Christ the way the martyrs of old suffered. Yes, "soft" forms of persecution hurt, especially when reputations and money get stolen or jobs get lost, but many, many believers throughout history and throughout the world today have endured and are enduring far worse. Pray for those who persecute you and forgive your enemies. Remember the words of Jesus in the Sermon on the Mount and live fearlessly. Understand the times and plan accordingly. Yes, there are some who will look for an easy way out by compromising or going silent. Others will take a "batten the hatches, circle the wagons" approach and try to hide, hoping the threat goes away. But those who refuse to back down and who take their stand on the Bible and on Christ are not going to be able to avoid some kind of suffering. Brace yourself. Be ready to suffer loss, but know Christ will more than make up for it.

Fifth, find your courage. You are going to need to it. Can you bear to be uncool for Christ? Can you endure being called a bigot? Can you stand to be hated for doing what is good? Can you endure persecution and mockery and scapegoating? Can you stand up to sodomite bullies and the rainbow jihad? Can you suffer loss without losing your faith? Can you trust God when your job is on the line, or when you might get sued, or when your kids might get attacked? The gay rights movement has accomplished its primary objective way ahead of schedule. But the movement is not finished. It has money, it has access to centers of cultural power, it has clout. Leading political figures, the mainstream media and entertainment centers, the inertia of pop culture, and, yes, the Supreme Court are now all aligned squarely on the side of the LGBT movement, and against faithful Christians. Our list of allies is growing shorter and shorter. We are being squeezed, marginalized, and pressured. What are we going to do? Gays want to bully and intimidate us into approving of them. Short of that, they want us cowed into silence. They will try to silence us by law, but if that doesn't work, they will try to use cultural shame to make it unbearably embarrassing to be a faithful Christian. It is vital that we not go dark on this issue. We cannot ignore it, we have to engage it. And we have to do so right now. Are you ready?

### **Conclusion: A Parting Shot**

Times are changing. Culture is shifting. The future is uncertain. We live in a different America. Post-*Obergefell* America is going to present new and difficult challenges to the church. But as Doug Wilson has pointed out, we live not just in post-*Obergefell* America; we live in post-resurrection America. And in the long run, the resurrection of the Lord Jesus Christ will determine the shape and course of history far, far more than *Obergefell*. We are not only on the right side of eternity; we are on the right side of history. The faithful will be victorious, because Christ has already won the victory. America has declared war on God, but God is going to win. America can either surrender and kiss the Son, receiving his peace, or can continue in rebellion and face the wrath of the Lamb (cf. Ps. 2). So long as America is

at war with nature and nature's God, America is engaged in a conflict she is bound to lose.<sup>38</sup>

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<sup>38</sup> If America loses, the church can still win. In other words, the church does not depend on America. One of the biggest mistakes we can make right now is thinking that somehow the fate of the church or the well being of the kingdom of God is tied to America or to the project of somehow "saving" America. God can grow his kingdom with or without America, as he sees fit. If America refuses to repent, our nation will go the way of other once-great imperial superpowers and will be nothing more than a footnote in history. It is crucial for Christians to find their deepest identity in Christ and his church, not in America. Heavenly citizenship trumps earthly citizenship. The church has her own story, her own identity, her own mission, her own culture. It is racist and self-centered to think that the ongoing existence and prosperity of America is somehow vital and necessary to the church's success. If America continues down her present path, we will have to more and more become the "loyal opposition," standing against America for the sake of the American people. We must be willing to speak truth to power. We must be willing to be regarded as bad Americans so we can be good Christians. If American and the Christian faith fully part ways, we know what we must choose and where we must stand. That being said, we should not give up on America prematurely. If American collapses tomorrow, it will on the whole be a big setback. It will make things more difficult and will probably bring with it short term catastrophe for American churches and ministries. Christians in America have more wealth and freedom than any other group of Christians in the world, and in many ways this allows us to serve our global brothers and sisters well. We are, relatively speaking, in positions of influence and have the resources to help. Ministry and mission work around the world largely depends on the generosity, support, and involvement of American Christians. This is true, even as the center of Christendom shifts geographically to the global East and the global South. So, circling back around to where we began this essay, it is worthwhile fighting to reverse current cultural trends, preserving and expanding religious freedoms, and seeking to shape America into a disciplined nation. Keep fighting the culture wars. No, this is not our highest aim or central priority, but it is part of our vocation as twenty-first century American Christians. To whom much has been given much will be required.