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TIME — Is Same-Sex Marriage Inevitable?

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The past two weeks have brought new cogency to a question many have been asking for some time — Is the legalization of same-sex marriage now inevitable?

The question may not make sense to those who focus only on the fact that, as of last November, no less than 26 states had adopted constitutional amendments or similar measures prohibiting same-sex marriage. But while big news was made last November when Florida and Arizona adopted constitutional amendments defending marriage and the voters of California approved Proposition 8 defining marriage as the union of a man and a woman, the news since has been disheartening, to say the least.

In the course of the last two weeks, Iowa's state Supreme Court ruled that same-sex couples have the right to marry, and that the state has not right to limit marriage to heterosexual couples. In Vermont, the state's legislature was able to override a veto from the Governor in order to become the first state to legalize same-sex marriage by legislative, rather than by judicial means. The District of Columbia's governing council voted to recognize same-sex marriages performed elsewhere, and in New York the Governor announced in advance that he would sign legislation legalizing same-sex marriage, if such a measure should reach his desk.



The Iowa decision is singularly ominous in terms of its legal argument. The Iowa court was unanimous in the ruling, ordering the state to issue marriage licenses to same-sex couples by the fall. The court also argued that the only real opposition to same-sex marriage is moral opposition based in religion, and the court's opinion is decidedly hostile to those religious arguments.

The Vermont development represents a massive shift in the same-sex marriage debate. It is beyond debate that a legislatively enacted provision for same-sex marriage is a far cry from a judicially imposed mandate. Same-sex marriage advocates are shopping other legislatures — particularly in New England — to find other opportunities.

The move by the District of Columbia allows for Congress to intervene, and many same-sex marriage advocates hope that some member of Congress will — thus potentially throwing the issue back before entire Congress. This past week, a same-sex couple filed a challenge to the Defense of Marriage Act [DOMA], charging that it violates the equal protection clause of the U.S. Constitution.

When Michael A. Lindenberger of TIME magazine asked me how I read the situation, I spoke of my sense that something big was changing in terms of momentum and direction. As he reports:

The sense that something big is happening has been felt by the other side of the battle too. "The momentum seems to be now on the side of those pushing for the legalization of same-sex marriage," the Rev. Albert Mohler told TIME on Wednesday. "The Vermont and Iowa developments seem to signal the fact that, as many of us have sensed for some time, the legalization of same-sex marriage is taking on a sense of inevitability." Mohler is president of the nation's flagship Southern Baptist seminary in Louisville, Ky., and one of America's most respected Evangelical thinkers.

This sense of inevitability is not new, but it is newly urgent. It seems that this society has adopted a radically different understanding of marriage and sexual morality from that common just a couple of decades ago. Even where same-sex marriage has been (thus far) effectively opposed, it may well turn out that the underlying opposition is thinner than hoped.

One additional dimension of concern is the fact that an entire system of laws and regulations and moral customs — first established to protect citizens from racial discrimination — is already in place in the event that discrimination on the basis of sexual orientation is ruled to be equally abhorrent. The logic of same-sex marriage is the logic of a legal and moral revolution . . . but this revolution is already well underway. Those of us who must oppose same-sex marriage are fooling ourselves if we do not understand that this logic is already well embedded in contemporary arguments.

More from TIME:

The implications for society are enormous. “We are watching the moral and social landscape of the nation be transformed before our eyes,” Mohler said. “The institution of marriage is so central to human society and, at the same time, so central to Christian theology that it is almost impossible to calculate the magnitude of this challenge. This is a deeply troubling and sobering moment.”

Indeed, it is virtually impossible to calculate the moral significance of the redefinition of marriage. I am indeed deeply troubled and sober minded.

But I am not ready to throw in the towel. As Michael Lindenberger reported:

“I am not giving up on this issue, nor assuming that the debate is over,” Mohler told TIME. “Clearly, it is not. Yet I do sense that the ground is moving under our feet.”

There is much for us to do, and one crucial responsibility is to frame arguments that make the significance of this issue more evident to the public.

Do you not feel it too — the moral landscape moving under our feet?

