

## **ISSUES IN PERSPECTIVE**

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### ***Polygamy: The Next Frontier of Human Sexuality***

What was once unthinkable, becomes debatable, and gradually becomes acceptable. That proverbial statement captures more than anything else what has been occurring in the realm of human sexuality over the past few years. Once personal autonomy and self-gratification take center stage in all matters sexual, most boundaries fall. The next boundary being tested in American culture is that of polygamy. This stunning and rapid cultural transformation did not begin with the same-sex marriage boundary falling; it began with the culture's embrace of sexual libertinism. Theologian Albert Mohler explains: Sexual libertinism "demanded (and achieved) a separation of marriage and sex, liberating sex from the confines of marriage. So sex was separated from marriage and then sex was separated from the expectation of procreation and child-rearing. Marriage was separated from sex, sex was separated from reproduction, and the revolution was launched. Adding to the speed of this revolution, then, was the advent of no-fault divorce and the transformation of marriage into a tentative and often temporary contract." Thus, if marriage is redefined in terms of gender (i.e., same sex marriage), it logically can be redefined in terms of number. As a culture, we have now crossed that threshold. Indeed, after the Supreme Court decision declaring the Defense of Marriage Act unconstitutional in the *Windsor* case, Justice Antonin Scalia declared that he will wait "for the other shoe to drop." It has dropped!

The TLC television network has been airing a reality TV show entitled, "Sister Wives." It is a reality show featuring Kody Brown, his four wives and 17 children—the "new face of polygamy" in the US. Brown has written a book about his life and sued the state of Utah in federal court challenging that state's polygamy ban. He and his wives are members of the Mormon fundamentalist movement, the Apostolic United Brethren. According to Jonathan Turley, professor of law at George Washington University, "they have one marriage license and three 'spiritual' marriages among them." Turley was the lead counsel in the "Sisters Wives" polygamy case and has written that "The case was never about the recognition of multiple marriages or the acceptance of the religious values underlying this plural family. It was about the right of consenting adults to make decisions for themselves and their families. . . . Across the country, the era of morality codes is coming to an inglorious end. This year, the Supreme Court struck down part of the Defense of Marriage Act barring the federal recognition of same-sex marriage . . . another federal judge in Utah struck down the ban on same-sex marriage in those states—bringing the number to 18 states (plus the District of Columbia) where same-sex couples can marry. Meanwhile, Virginia recently repealed its 1877 cohabitation law and Colorado repealed a criminal adultery law from the 1850s—both relics of a time when states used their criminal codes to force citizens to comply with the religious values of their neighbors." Inconsistently, Turley still believes that "rightly on the books are laws against bestiality, which involves an obvious lack of consent as well as manifest harm. Likewise, incest bans are based on claims of medical, not moral harm."

How did this kind of logic about human sexuality develop, where the emphasis is no longer on sexuality as an ethical issue, but sexuality as a manifestation of personal autonomy? In early December 2013 Judge Clark Waddoups of the US District Court in Utah ruled that Utah's anti-polygamy law is unconstitutional. He argued that the ban violated the free exercise clause of the First Amendment as well as the guarantee of due process. The legal rationale for this line of argumentation really began with Justice Anthony Kennedy's opinion in the 2003 *Lawrence v. Texas* in which he argued that the US Constitution recognized "an autonomy of self that includes freedom of thought, belief, expression and certain intimate conduct." Kennedy has written several times that the Constitution mandates that liberty be understood as "liberty of the person both in its spatial and more transcendent dimension." In other words, human sexuality is a dimension of personal freedom and personal autonomy. Framed in that way, there are few, if any, boundaries for human sexuality. Indeed, after Judge Waddoups handed down his decision, Kody Brown, husband of four wives and father to 17 children in "Sister Wives" declared: "While we know that many people do not approve of plural families, it is our family and based on our beliefs. . . Just as we respect the personal and religious choices of other families, we hope that in time all of our neighbors and fellow citizens will come to respect our own choices as part of this wonderful country of different faiths and beliefs." Brown's attorney, Jonathan Turley, also wrote that "homosexuals and polygamists do have a common interest—the right to be left alone as consenting adults. . . There is no spectrum of private consensual relations—there is just a right of privacy that protects all people so long as they do not harm others." Therefore, according to this logic, human sexuality is not an ethical issue about which society, parents, communities should be concerned. Human sexuality is singularly a matter of consent. If the partners consent (regardless of gender, number, etc.), then it is legally acceptable and Constitutional—and it is also ethical. Given this new test of consent, then is consensual sex between a child and a man acceptable? Between a woman and a young boy or girl—if it is consensual?

Make no mistake here. A radical Postmodern autonomy is intersecting with the radical pluralism of Postmodernism to produce a new sexual paradigm in America: Human sexuality is no longer a matter of ethics; it is solely a matter of privacy and consent, which are protected by the free exercise clause of the First Amendment and by due process guarantees defined in the Bill of Rights and the 14<sup>th</sup> Amendment. Framed by such legal, libertarian logic, human sexuality is merely a matter of freedom, privacy and consent. Virtually no moral/ethical code is needed. In other words, there are no ethical absolutes when it comes to human sexuality.

But our God who created us will have none of this. He created humanity male and female and declared it "good." Good, according to Genesis 1 and 2, is that which brings order and structure to life and that which is conducive to life. As our Creator, He established an ethical framework that is also "good." His Creation Ordinance in Genesis 1-2 firmly established marriage as monogamous and heterosexual. In a sense, humans have the freedom to violate this Ordinance, but God has also established an ethical framework in His world and established consequences if His image-bearers choose to violate His "good" Ordinance. Genesis 4-6 illustrates the disorder, dysfunction and disaster that followed the defiant disobedience of His ethical framework. Further, Romans 1:18-34 details the downward spiral of evil as God "gave them over" to the natural consequences of defiance. God's standards are not arbitrary nor are they confining. His standards are established for human good and human fulfillment. We may choose to defy those,

as the “Sister Wives” lawsuit has done. But, in doing so, our culture will also need to live with the consequences of such defiance. For those of us who take God’s Creation Ordinance seriously, we can only fall on God’s grace and cry out for His mercy.

See John Schwartz in [www.nytimes.com](http://www.nytimes.com) (9 January 2014); Jonathan Turley in [www.washingtonpost.com](http://www.washingtonpost.com) (9 January 2014); and [www.albertmohler.com](http://www.albertmohler.com) (16 December 2013 and 13 January 2014).