

Witherspoon Lecture

By Dr. J. Budziszewski

Advancing a Heterosexual Public Ethic With Grace, Wit, and Natural Law

The talk these days among activists who want to keep the "hetero" in "sexuality" is that we need a "public philosophy" about it. What does that mean? Well, in its finest sense "philosophy" is love of wisdom, so a "public" philosophy would be a way to speak wisely to the people. It has to be wise or it isn't philosophy, but it has to be plain or it isn't public.

One way that people try to speak wisely in the public square is to quote from the Bible. Now, I am a Christian; I believe the Bible is both true and authoritative; but I have noticed something about this approach. The "something" is that not even the Bible recommends it. Although the Bible recommends itself supremely, not even the Bible recommends "beginning" with the Bible. On the contrary, the scriptural precedent is to begin with such truth as people know and believe already. When St. Paul spoke to people who already believed in the Scriptures, then he did begin with the Scriptures. But in every case in which he spoke to people who didn't believe in the Scriptures, he set the Scriptures aside. For example, once when he spoke to pagans, he quoted the pagan poets.

A theologian would say that when Paul adopted this method for speaking to the pagans, he was appealing to "general revelation." The Bible is special revelation--what God has made known to the community of faith. By contrast, general revelation is what He has made known to everyone--Jews, Christians, Muslims, Hindus, pagans, and even modern secularists. Yes, and even modern secularists. For that reason, we who want to keep the "hetero" in "sexuality" can appeal to general revelation too. Philosophers call the moral part of general revelation the natural law. You can think of the natural law as the most basic of all moral rules--moral rules that are not only right for all, but even at some level known to all--moral rules we "can't not know," because our minds have been made to know them. There isn't a man alive who doesn't know the good and right of neighbor-love, the evil and wrong of murder, and so on, and this knowledge doesn't just come from socialization. Mind you, I'm not saying we can't lie to ourselves about what we know--we can. But what I'm saying is that we can only lie about it--we cannot be genuinely ignorant. People who defend immorality are not morally naive; they are only in moral denial.

I am a defender and practitioner of the theory of natural law, and it's what I have been invited here to talk about. Yet I can't help but notice that by itself it doesn't get you very far either. Though the theory is true, its apparatus is abstract and academic. To most people it seems more like particle physics than like real life. It's hard to unpack, easy to challenge, and hard to defend quickly. Let me give you some examples of what can happen when you try using it in the public square.

Perhaps you remark, "Same-sex union is against the natural law." Before you can say "Joe Biden," someone replies "But I believe in a 'different' natural law that respects the right to choose."

Perhaps you avoid the phrase natural law and just say, "Same-sex union is against nature." The next thing you know, someone answers "Gay is just as natural for some people as straight is for others"--a claim, by the way, that is also made by pedophiles about pedophilia.

Perhaps you avoid both the phrases natural law and nature, instead simply pointing out, as natural law philosophers do, "Sex has two purposes, to unite the spouses and to procreate children, and homosexual unions frustrate them both." Now you're really in trouble. One fellow doesn't agree about the purposes--he says, "The purpose of sex is just pleasure." Another accepts the unitive purpose, but says, "How dare you demean gay union?" A third one pretends to accept the procreative purpose, but says, "If sex is for making babies, then infertile couples shouldn't be allowed to marry either."

Don't misunderstand me--there are good and convincing answers to each objection. The problem is that the objection takes five seconds, the reply takes a hundred and fifty, the attention of the audience lasts only twenty, and the sound bite lasts only ten. Whose point do you think is remembered? Who is understood? Who gets on the evening news?

Here is the mistake in this approach to public philosophy. Everyone feels weight, but few people know the theory of gravity that explains it. You don't have to teach them the theory of gravity to explain to them why there is something wrong with letting things fall on their heads. In the same way, everyone feels conscience, but few people know the theory of natural law that explains it. You don't have to teach them the theory of natural law to explain to them why there is something wrong with thinking two men can be married. Making use of natural law doesn't mean teaching people the "theory" of natural law; it isn't necessary and cannot succeed. Instead, we ought to be putting them in touch with what the theory tells us they know deep down already. That's what it means to speak wisely to the people; that's what a proper public philosophy is all about.

So let's try a different approach. I'm going to present a simpler explanation of what it means to rely on the natural law. I said earlier that natural law includes all those things that human beings know about right and wrong already.

Now first let's get clear about what it means to say that they "know" them. Take a subject like marriage and sexuality. We can distinguish between three areas of knowledge. First, there's what people not only know, but also know that they know. A wise statesman reminds people of what knowledge they know. For example, he reminds them of how much they already cherish the love of husbands and wives, and the bringing of children into the world, and by reminding them of this love, he reinforces it. Second, there's what people know latently, but haven't quite pieced together. What a wise statesman does here is connect the dots--he talks in such a way that latent knowledge "clicks" and becomes real knowledge. For example, he mentions that a true union between spouses requires the difference of man and woman, because otherwise people are just loving themselves in a mirror. Click! Third, there's what people know but pretend to themselves that they don't know. Here, what a wise statesman does is boldly blow away the smokescreens when he unmasks gay ideology.

Now here's another thing it means to rely on the natural law. You see, it helps to know not only that people know some moral truths already, but also to know how they know them already. We said we

were going to talk about things God has made known to people even apart from Bible. However, the Bible itself mentions at least four or five different ways in which God has made his basic moral requirements known outside of the Bible. Whether or not they have heard the expression natural law, they have felt the law pressing upon their inward parts.

How then have they felt it? With what kind of pressure have their inward parts been pushed?

First is the witness of conscience. In the New Testament, Paul says that even the pagans know God's basic moral law because it is "written on their hearts, their consciences also bearing witness" (Romans 2:14-15, RSV). If they don't live accordingly, it isn't because they don't know any truth, but because they "hold the truth [down] in unrighteousness" (Romans 1:18 KJV)--they "suppress it by their wickedness" (NIV). It's interesting that immediately after these remarks about how people hold down what they really know, Paul goes on to speak about how they turn to homosexuality, which is our concern today. But held-down knowledge is not the same as ignorance; the knowledge you hold down isn't happy being held down. Lesson one, then, is that we can count on the fact that deep down even our opponents have a burdened conscience. They are not in genuine moral ignorance, but in denial.

Second is the witness of Godward longing. You and I know that the gay life is based on idolatry. For example, a lesbian might make an idol of relationship, and a male homosexual might even make an idol of its absence. Author David Loovis describes anonymous sex as "an irresistible experience of beauty in the person of the stranger . . . one of the most mysterious and awe-inspiring in the entire homosexual galaxy of experience." [1] But we know something about idolatry. The New Testament's Acts of the Apostles records that the Athenians built an altar to a god they could not name (Acts 17). At some level they knew their idols could never save; moreover, they had an intuition of a Holy One who could. Christian tradition has considered this intuition universal. This isn't just a theological intuition; it is a moral intuition, because it tells us that we were not made for the invented gods that we serve. Lesson two, then, is that we can count on the fact that deep down, even our opponents know the emptiness of their rhetoric and lives. The music of their celebrations is just whistling in the graveyard.

Third is the witness of the harvest. The meaning of wrongdoing is brought home to us through consequences; whatever we sow, we reap. [2] It isn't just the big things like AIDS that make the gaiety of the "gay" life like the merriment of a danse macabre. A hundred other bizarre and terrible things tell the same tale. Did you know, for example, that medical reports of things like pieces of broken glass lodged in the colon and rectum, which used to be rare, have now become so common that several large studies of the subject have been published? One researcher says, "These articles are remarkable, not only because of the relatively large number of cases presented, but also because of the increasing incidence of homosexual violence and criminal assaults reported, which resulted in severe anorectal injuries and recto sigmoid perforations." [3] Homosexuals aren't naive about such things. Their own literature talks about it. [4] Lesson three, then, is that deep down, you can count on our opponents knowing the harvest of their way of life. There is a difference between playing dumb and being dumb.

Fourth is the witness of our design. Our whole physical and emotional design speaks to us of God's purposes. Interestingly, at the only place in the whole Bible where the expressions natural and unnatural

are used, they're used in reference to normal and perverted sexuality (Romans 1:26-27). When Paul calls homosexual union contrary to nature, he's not banking on the fact that his readers have studied natural law; he's banking on the fact that our very bodies speak to us. For example, when a man puts the part of himself that represents life into the cavity of another man that represents decay and expulsion, there is just no way to make the act mean something different from "Life, be swallowed up in death." We know this in our very bones. The final lesson, then, is that although our opponents may deny the human design in their ideologies, we can count on their knowing it actually. Their hearts know better than their minds.

Now let's see how we can put all this to work. Last year, Senator Trent Lott (R-Miss.) made a famous fumble by stating during a talk show that homosexual behavior is a sin, comparing it with alcoholism, kleptomania, and sex addiction, and suggesting that people need assistance dealing with this problem. At a news conference, Rep. Dick Armey (R-Texas) backed up his colleague by citing Scripture. "The Bible is very clear on this," said Armey. "Both myself and Senator Lott believe very strongly in the Bible." Before the meeting, Armey had looked up some scriptural verses and written them on a piece of paper, which he pulled from his pocket and showed to reporters.

Was this the right way to talk about a moral issue in the public square? No, it was the wrong way. I commend these men for having had the courage to speak up, but they made several serious mistakes. What were they? How could they have done better?

Mistake number one was to play into stereotypes about religious people by using religious language and talking about the Bible. Instead of talking about the Bible, they should have followed its example. That example is to begin, not with the Bible, but with what people know already.

Mistake number two was to confuse moral problems with psychological problems. Instead of talking about the classification and treatment of neurotic compulsions, which only a few people know about, they should have stuck with what's good for individuals, families, and society, which almost everyone knows something about.

Mistake number three was to be apologetic. I think that perhaps the shift from moral to therapeutic language was meant to show compassion. Instead it suggested that Senator Lott lacked confidence in the public conscience. Here is an axiom: The public conscience is real. But here is another: If you're afraid to count on it, it will always let you down.

Let me suggest some other ways that Senator Lott, Representative Armey, or you and I could have spoken about homosexuality in the public square. Just to liven things up, let's suppose the good guys are under attack, and let's see how they can turn defense into offense. Notice that these one-liners and two-liners aren't intended to prove our case to our opponents, and why not? Because deep down, they already know most of what we are trying to prove! A more realistic strategy is to refuse to take their posture of ignorance seriously, to blow away their smokescreens, to remove the mask from their self-deceptions and bring to the surface what everyone really knows. With hardened advocates, of course, we won't often get through, because they are even more invested in their self-deceptions than other homosexuals are. But that's okay. In the first place, most homosexuals are not hardened advocates.

In the second place, in every public encounter we are speaking to two audiences: not only to homosexuals, but also to people who are merely confused about homosexuality. Blowing away the gay movement's smokescreens will be helpful to them as well.

Attack 1: You're intolerant--you reject me just because I'm different from you.

Reply: Let's be honest with each other. We both know you're the one who rejects what is different from yourself. You reject the challenge of the other sex.

Attack 2: I have a committed gay relationship.

Reply: The committed gay relationship is a myth. Research shows that homosexuals with partners don't stop cruising, they just cruise less.

Attack 3: You're demeaning my dignity.

Reply: I respect your dignity as a human being, but when you practice acts you'd be ashamed for heterosexuals to know about, you demean your own dignity.

Attack 4: There's nothing wrong with gay love.

Reply: Tell me what's loving about sex acts that cause bleeding, choking, disease, and pain. You might start by explaining the meaning of the medical term Gay Bowel Syndrome, or how people get herpes lesions on their tonsils.

Attack 5: By what right do you tell me whom to love?

Reply: I'm not telling you whom to love; I'm telling you that there is nothing loving about mutual self-destruction.

Attack 6: You're demeaning my love for my partner.

Reply: I respect friendship wherever I find it, but sex doesn't make every friendship better. It distorts the friendship of two men, just as it distorts the friendship of a father with his daughter.

Attack 7: Gay is just as natural for some people as straight is for other people.

Reply: Homosexual union is a kind of narcissism. You are trying to unite with yourself in a mirror.

Attack 8: You hate people like me.

Reply: You seem to think that love for you requires not telling you the truth. I think love for you requires telling you the truth.

Attack 9: Attitudes like yours killed Matthew Shepard.

Reply: I deplore the violence that killed Matthew Shepard, and I mourn the perversion that caused him to be sexually attracted to strange violent men.

Attack 10: When are you going to stop hating me?

Reply: Of course I don't hate you, but a pretty good case could be made that you hate yourself. Perhaps you could tell me why sadomasochistic violence is so highly celebrated in gay culture.

Attack 11: How dare you oppose hate crimes legislation?

Reply: Murder and beating are already illegal. It's hard to see how murdering for hate is worse than murdering for fun or for greed.

Attack 12: I believe in equal treatment for every sexual orientation.

Reply: I thought you might, but sexual lust for kids, sexual lust for the dead, and sexual lust for animals are sexual orientations too. The North American Man-Boy Love Association has been marching in gay pride parades for years.

Attack 13: I can't see why marriage should be restricted to a man and a woman, not two men or two women.

Reply: Then where do you stop? How about a man and two women? Or a woman and two men? Or a man and a boy?

Attack 14: It's wrong to discriminate according to sexual orientation in employment.

Reply: It all depends on the job. If employment discrimination means not letting sodomy advocates near kids, you bet I'll discriminate. I think people should be left to make these decisions for themselves, don't you?

What I've sketched is a natural-law approach to keeping the "hetero" in "sexuality," not in the sense that it teaches people the academic theory of natural law, but in the sense that it relies on the knowledge that the theory says people have already. They already know the witness of conscience. They already know the witness of Godward longing. They already know the witness of the harvest. And they already know the witness of their design. We have the four witnesses on our side. Our opponents don't. We don't have to play from weakness. We can play from strength.

THE ISSUE IS MARRIAGE

David Orgon Coolidge, Respondent Thank you for the opportunity to respond to Professor J. Budziszewski's remarks. Jay has focused upon homosexuality. My focus will be different, though complementary. This is because I believe that to frame the topic correctly, we must remember that the key issue at stake in the debate about homosexuality is not homosexuality. Instead, the key issue is marriage.

I think the central contribution of the Family Research Council to the policy debate in this country has been this: that the marriage-based family is a unique and pivotal social institution that law should preserve, protect, and promote. Therefore, policy debates about marriage and family should not be

reduced solely to questions of individual rights and governmental interests. Marriage (and the marriage-based family) should be treated as an independent institution, a "mediating structure," indeed as the cornerstone of civil society.

Yet this point of view is hardly unique to Family Research Council. It is shared by many others who might not know much about FRC, including many evangelicals, Catholics, Orthodox, Latter-day Saints, Jews, Muslims, people of other religions, and "seculars" of good will. These persons care about homosexuals, and the issue of homosexuality, because they care about marriage and family, the proper home of sexual activity. This consensus reflects the reality of moral law.[5]

MORAL LAW AND HUMAN LAWS

The topic before us today is not just the morality of sexual behavior, or homosexuality in particular. We are talking about law and public policy about marriage and sexuality. In the realm of law and policy, those who believe in moral law--and who agree that moral law should be reflected in human laws--may still reasonably disagree about what our human laws should be.

While we fight for human laws that reflect moral truth, we have to concede that there is no one-to-one equation between moral law and human laws. While moral law gives us guidance for public life, it will not do our policy work for us. As Professor Russell Hittinger puts it, "Natural law won't tell you the price of a dollar in Tokyo." But why? For at least three reasons.

First of all, government has limited jurisdiction. It is not meant to be a substitute for families, schools, churches, or individual consciences. Each institution and each person has a calling in the overall social order, and the state's role is only to recognize, protect, and assist those callings.

Second, law making involves prudential judgments. That is why our arguments appeal not only to principles, but also to traditions, to social-scientific data, to the experience of people on the ground, and--last but not least--to the feasibility of our proposals in the current situation. There are many judgment calls and tradeoffs involved in law. These cannot be avoided.

Third, law is a limited tool. Laws can prohibit, permit, or promote. The prohibitions are important; we often focus our efforts in this area. But the other two tools are just as important. The zone of permission is where most social life takes place--where the law says, "We have no official policy here. Use your own best judgment." The zone of promotion (policy and pennies) is what most of Washington fights over. Which legal tool is best? How should it be used? None of this is pre-ordained.

I'm not telling you anything you don't know already. Indeed, it has always been true, because it is the nature of human law. I'm drawing your attention to it, however, because it has implications for how we handle questions of marriage and homosexuality. Let's look first at some of the conceptual implications. Then we will consider some practical implications as well.

CONCEPTUAL IMPLICATIONS

The question with which we are wrestling is this: If it is the proper role of government to support the institution of marriage, what laws should it enact (of whatever kind) in order to offer that support? Then, within that framework, how should issues related to homosexuality be addressed? How do we preserve laws that recognize and encourage male-female marriage, and discourage laws that injure marriage, in a society that is morally disordered in many ways?

To say it slightly differently, the task of law is to do justice to marriage. The law must define what marriage is. This means naming what it is, and, therefore, what it is not (either explicitly or implicitly). Once marriage is defined, the law must establish rights and duties of married persons. Then the law may promote marriage in a variety of symbolic and concrete ways. None of this is hypothetical; this is how we actually legislate marriage and family law.

Given this baseline, it seems to me that our current agenda should have two dimensions: First, we must advance the passage of marriage-centered laws and policies. Second, we must oppose the passage of sexual orientation- or "sexuality"-centered laws and policies.

The proactive agenda is built around reaffirming the definition of marriage as the union of one man and one woman. Here are some specific items, in a suggested order of priority:

1. Preserve the definition of marriage as only between a man and a woman.
2. Preserve the priority given to marriage where children are involved.
3. Preserve official policies, including professional standards and educational curricula, that advance these first two goals.
4. Preserve the freedom of private institutions to live by these definitions, including groups that contract with the government. The responsive agenda follows from the proactive one. It is built around stopping attempts to enshrine the ideology of "sexual orientation" (or "sexuality") in our laws. According to this ideology, each person has a "sexual orientation" or "sexuality" that is a valid basis for his or her identity, speech, and behavior. Laws and policies that favor sex within marriage, for instance--or that merely favor marriage as such--are seen as "discriminatory." As these "anti-discrimination" policies advance, marriage-centered policies retreat. The Marriage Law Project focuses its efforts on the proactive agenda--and even more "narrowly," on reaffirming the legal definition of marriage. But I think we can all see policies that interfere with this agenda, which, for that reason, should be opposed. Among them are the following:

Oppose the insertion of "sexual orientation" into civil rights laws, child-related laws, hate crimes laws, and other official policies, such as professional standards and educational curricula. These will be used to silence supporters of marriage.

Oppose the enactment of domestic partnership policies that endorse extramarital sexual relationships, whether they apply to same-sex and/or opposite-sex couples.

Oppose sex-education programs that treat homosexual sex as a moral good.

Oppose blanket attempts to overturn sodomy laws, because a blanket repeal, without qualification, assists the view that all sexual behaviors are morally equal.

Our agenda is centered on marriage. Our goal is not to persecute our neighbors who define themselves as "gay" or "lesbian," but to reaffirm marriage. Their agenda is centered on "sexual orientation" (or "sexuality"). Policymakers need to understand that "sexual orientation" does not refer to an identity; it refers to an ideology. Advocates of that agenda say their goal is to affirm a group of people, but their effect is to silence an opposing point of view. Marriage is to be trumped by "orientation," "identity," "privacy," and "choice." To them, giving priority to marriage jeopardizes the rights of individuals to pursue their sexual journeys.

Policymakers need to decide if they really believe that all "sexualities" are created equal, or if they support marriage as the time-honored home for sexual relationships of enduring value. If they support marriage, they should oppose pro-gay initiatives that negatively impact marriage for the sake of marriage--not to "bash" a group of people, but to advance a constructive agenda. If more policymakers understood this to be the real choice, I think their responses might be different. They might be less reticent and more positive about our issues on a regular basis.

PRACTICAL IMPLICATIONS

We all know that policymakers are loath to address issues related to homosexuality or sexuality generally. In part this is because there is a powerful lobby that will pounce on them for being "homophobic." In part it is because many legislators, like many of those they represent, are morally compromised. But I think their reticence also has legitimate roots, which we need to understand. I think that people who make laws on a day-to-day basis understand several things:

First, they know that legislators have no special moral insight. On the other hand, they more than anybody know that they are more accountable than courts or bureaucracies.

Second, they know that passing a law is a waste of time unless you really need it.

Third, they know that once passed, laws fall into the hands of courts and bureaucracies where, in the process of implementation and interpretation, they take on a life of their own.

Fourth, they know that a good law is not a token piece of symbolism for an interest group. Rather, a good law responds to an urgent need with a specific, positive response.

We should respect these truths born of experience. In the long run, they work for us.

The moral of this story is this: If you can convince legislators that they are the men and women for the job, that the law is genuinely needed, that it is unlikely to be subverted at later stages, and that it represents a specific and positive response to a problem, you may actually catch their attention. This is, in fact, what has happened in Congress, as well as in Hawaii and Alaska and many other states, including the thirty that have passed laws reaffirming their view of marriage.

I think we can draw further lessons from recent events in Hawaii, Alaska, and Vermont. These are my own observations based on my own experience "on the ground" in these states.

First, the campaign for same-sex "marriage" succeeded, for a limited time, while it emphasized the following themes: (1) treat individuals fairly; (2) don't harass them for their private sexual choices; and (3) don't support "bigots" who want to impose their morality on you. What is noteworthy about these themes is that they have nothing to do with affirming homosexuality. Indeed, the other side's ads did not feature or talk about same-sex couples at all. The ads just played on otherwise potent themes in American public life: support for fairness and privacy, and suspicion of policies advanced by groups connected with religion and morality.

Second, the campaign for traditional marriage in Hawaii and Alaska succeeded, when all was said and done, because it emphasized the following themes: (1) support marriage, (2) support democracy, and (3) oppose the manipulation of ordinary people by activists and courts. What is noteworthy about these themes is that they have nothing to do with opposing homosexuality. Instead, they echoed classic American themes: support for marriage and democracy, and a popular distrust of lawyers and elites making law apart from ordinary people.

The issue of religion cuts in both directions. I think most religious people involved were conservative, but they did not advertise their religious beliefs as part of their campaign. On the other hand, there were liberal religious believers involved, who organized an explicit clergy campaign and advertised their beliefs all the time. This irony was not lost on any of us. The moral of this story is probably that the clergy are not that important in these cases, but religiously minded citizens, functioning within well-organized broad civic coalitions, can be the key to success.

This last point has been critical to the success of the coalitions in Hawaii and Alaska, and also is true of the coalition in Vermont. A broad coalition with a narrow goal is what you need. This is also true of the coalition that Matt Daniels has assembled in Massachusetts. The evangelicals, Catholics, African-American churches, Jews, Latter-day Saints, and Muslims who are involved have not tried to resolve all policy questions related to homosexuality in order to act. They have focused on marriage, the "narrow" goal, and left other issues to sort out later.

CONCLUSION

Let me try to sum this up, and consider what it tells us about what we need to be doing. First, once we're clear about the reality of moral law, we've only started. A crucial task for groups such as FRC is to formulate basic public policy principles that can guide our efforts. As you do this, I encourage you to continue to draw on the wisdom of our finest moral traditions, the best available scholarship, and the most experienced practitioners. Then test-run those policy principles in broad coalitions with narrow goals. In these efforts we can hone our insights, and forge the fellowship, clarity, and skills needed for the long haul.

Yet, secondly, it is not enough to grab this issue or that and form periodic coalitions, where we agree on only one central policy question. To make headway over the long run, we must sit down, reflect

together, and forge wider-ranging visions and proposals. These proposals need to include three components: relationship-building, strategic research, and action projects. The institutions we have, especially colleges and universities, must be partners in these tasks.

Third, while we are called to love our opponents, there is much to learn from them too. The advocates of "sexuality" have grassroots groups linked nationally; they have caucuses in every scholarly discipline and professional association; and they have lobbyists and lawyers advancing their agenda in courts, bureaucracies and legislatures. So even though they have internal disagreements (and they have many), and even though nobody is particularly "in charge" (the organizational rivalries are intense), there is a logic amid the chaos. The same should be true of us. We need a strong network, good research, and a practical agenda to move forward.

If we keep in mind first of all what we are for--marriage--rather than what we are against--the promotion of homosexuality as a positive moral choice--then I think many issues will sort themselves out over time. Our ability to explain ourselves to one another and to others will improve. Our teamwork will increase. Our effectiveness will blossom. America will become a better place for everyone, even for those who so deeply disagree with our goals.

I'll conclude with a story and a quotation. They highlight our challenge to stir the consciences of our neighbors in the realm of marriage, and reconnect their consciences to laws.

Several summers ago I had a conversation with a young woman that has stuck in my mind. We were talking about marriage. She was saying that she didn't believe in marriage, because her parents had divorced; she didn't believe in sex only within marriage, because that was unrealistic; and she didn't believe marriage related to kids, because so many kids are born outside marriages. In this, she was accurately reflecting many people's view of our situation.

At some point, I asked her this question: "Let's grant that life is like this for many people. But if you could, would you want a society where men and women entered into lasting marriages and raised children together, who in turn married and raised children and linked the generations?" Her response was immediate: "Of course I would!" I continued, "Then don't you want a legal order that encourages this?" She balked. No, she said, that was "too judgmental."

There is the challenge: to rebuild people's confidence in the link between morality and law. In terms of this issue, we must convince the American people to actively reaffirm marriage as the proper moral and legal norm for sexual relationships. It can be done! Just remember the example of Hawaii. The experts told us marriage had no chance to win. Instead, marriage won in a landslide. People in Hawaii know we can affirm marriage and be tolerant at the same time.

We can be realistic and hopeful. God is not mocked, history is full of surprises, and we're all in this anyway for the long, long run. As Michael Novak has recently written:

We will have to endure the present age, as Christians have had to endure many others like it in the past. Our best hope is that there are cycles of decadence and rebirth, rotating slowly from principled

standards to rebellion to permissiveness, and then from decadence to a renewal of conviction. For us too, one day, cultural renewal will return. Meanwhile, the best strategy is to burrow in and to endure. Whatever others do, one retains one's liberty to seek a different way, and to hope for better times.[6] As citizens of this democracy, we retain our liberty to seek a different way, while we hope for better times. Let's live in a way that commends what we affirm, and use those liberties wisely!

*Dr. Budziszewski is an associate professor in the departments of government and philosophy at the University of Texas at Austin. His most recent books include *Written on the Heart: The Case for Natural Law* (InterVarsity Press, 1997) and *The Revenge of Conscience* (Spence Publishing, 1998).*

*Mr. Coolidge is the director of the Marriage Law Project, affiliated with both the Columbus School of Law at the Catholic University of America and the Ethics and Public Policy Center. He wrote "The Question of Marriage," a chapter of *Homosexuality and American Public Life*, edited by Christopher Wolfe (Spence Publishing, 1999).*

1. David Loovis, *Straight Answers about Homosexuality for Straight Readers* (Englewood Cliffs, New Jersey:Prentice-Hall, 1977), pp. 130-131.
2. Proverbs 1:31, Jeremiah 17:10, Hosea 10:12, Galatians 6:7.
3. Alexander Nehme Kingsley, "Colorectal Foreign Bodies," *Diseases of the Colon and Rectum* 28 (1985): 941-944.
4. See for instance R. E. Penn, *The Gay Men's Wellness Guide* (New York: Henry Holt and Company, 1997).
5. I use the term moral law synonymously with natural law. Today, people often think of "natural law" as something physical, like gravity. Yet as Professor Budziszewski has so cogently reminded us, natural law is "natural" in the sense that it fits our nature as moral beings.
6. Michael and Jana Novak, *Tell Me Why* (New York: Pocket Books, 1998), 220.