

Letter to an Evangelical Leader on Exploring “Gay Rights”

by Robert A. J. Gagnon

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In late June 2007 an evangelical leader (whose identity I am not at liberty to disclose, at least at present) contacted me with the following questions about “what rights [I] believe that gay and lesbian people should have”:

Dear Dr. Gagnon,

I read with great interest your statement about the possibilities that you see inherent if a bill concerning “Sexual Orientation Hate Crimes” passes Congress [[“Let the ‘Sexual Orientation Hate’ Bill Pass and Invite Your Own Oppression,”](#) May 2, 2007].

What I would like to know from you is what rights you believe that gay and lesbian people should have. Do you believe that conditions for firing the person on the basis of sexual orientation should be allowed? Do you believe that discrimination in housing should be allowed? Do you believe that gay and lesbian people should be ready to endure slurs and name-calling?

Understanding that you want to express love to gay and lesbian people, how is this done if their dignity as human beings is not protected? I think you would concur that their dignity as human beings should be protected and I would like to know what kind of protection gay and lesbian people could have to that end. I now know what you are against. Could you please tell me what you are for?

I am sure you want the dignity and humanity of gay and lesbian people to be preserved. Do you think there is any need for special legislation to guard them against unfair discrimination and, if so, how would you define unfair discrimination? I would be most interested in what positive measures you could propose to protect their rights as citizens.

When the Civil Rights Bill was passed, there were many who said that the bill was totally unnecessary. However, the argument in favor of the Civil Rights Bill was that local courts and local juries could not be depended upon to deal fairly with the violation of the rights of African-Americans. For instance, a community in the deep South where racism was particularly prevalent might not be able to put together a jury that would condemn a white person for physically abusing a black person, or, as we know historically, killing a black person. The idea of the Civil Rights Bill was that even if the local courts could not mete out justice that the case could be appealed to the federal government to secure the justice that the local government did not provide. Does it not seem reasonable that there are some communities where hostility towards gay and lesbian people is such that a gay person who is physically abused would not be able to secure justice, and therefore, the

prejudice of the community would keep fair judgment from being passed? In such a case, appeal could be made to a federal court. Do you think this is something that should be given fair consideration?

I am most interested in your point of view.

Sincerely,

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Here is the response that I sent on June 21, 2007:

Hi xxxxxx,

So glad to hear from you. In fact, it's very nice to hear from you. Thanks for your questions and thoughts on the subject of legislation. It is so hard to detect tone from written correspondence. I wasn't sure whether you were miffed with my remarks on hate crime legislation but have worked hard to respond civilly (which you have done, by the way) or whether you genuinely aren't sure yourself about what to do with hate crime legislation and are seeking my advice.

Currently we live in a society where the vast majority of citizens who do not want to see the government provide incentives for homosexual practice are already thoroughly intimidated not to say or do anything that might get them labeled a homophobe or bigot, or that might hurt their career, lose their job, or land them in legal action even if they express a view that homosexual practice is wrong in a polite manner. Someone like me is far more likely in today's political climate to face discrimination in the workplace and the educational system, along with weekly (and sometimes daily) verbal abuse than is any gay activist. The last Democratic presidential candidate actually had a piece published in *The Advocate* (Sept. 3, 1996) where he declared opposition to "gay marriage" to be "hatred," "ignorance," and "bigotry" that political leaders must "win the fight" against and "roll over." And he almost got elected. As you know, this has now become mainstream—indeed, virtually mandatory—rhetoric in the Democratic Party and, to a lesser extent, even in some sectors of the Republican Party (certainly in the Northeast).

I don't know of any cases where someone who assaulted or violently attacked self-identified gays and lesbians 'got away with it,' do you?—assuming, of course, the perpetrator of the crime could be identified and apprehended. We're talking about a national media that is so pro-homosex in its orientation that the slightest injury done to gay and lesbian persons would be trumpeted coast-to-coast. Nor do I read of cases of genuine discrimination in the workplace or in housing that go unpunished. Again, it is far more likely in this country that a person will lose his or her job for declaring homosexual practice to be a sin than for having "gay pride" celebrations in the workplace. A child is far more likely to be vilified for not jumping on the GLBT bandwagon than for "coming out" as homosexual.

So I guess I don't accept your main implied premise (if I have understood you correctly); namely, that there is significant likelihood that if we don't pass federal hate crime legislation, then a significant number of homosexual persons are going to be physically assaulted, denied employment, and denied housing without adequate redress from the justice system. The current laws on the books, coupled with today's dominant cultural outrage against any reservation about homosexual "rights" (certainly among society's elite power brokers), are more than enough protection. I do, however, see a tremendous amount of harassment and persecution coming from the government itself against persons and institutions that hold the scriptural position on homosexual practice if "sexual orientation" legislation becomes ensconced in federal law. That's the difference: not only will persons and private institutions do harm to those who take a scriptural position but the government itself will step in to aid the harassment.

You repeatedly ask me below what we should do, legally, to protect the dignity and humanity of persons who not only experience same-sex attractions but also identify themselves as persons who affirm a homosexual life (which is what I take the label "gay" to be). Implementation of federal "sexual orientation" legislation will not enhance the dignity of persons experiencing same-sex attractions. Rather, it will—if we believe the apostle Paul's view of homosexual practice—lead to a further self-dishonoring of the human that God has created them to be and increase the risk for some of not inheriting God's kingdom. Why? For the simple reason that such legislation will promote homosexual practice—starting with heavy indoctrination of children in kindergarten and moving on through the entire educational system and future employment (certainly in any white-collar positions). The church, as you know better than I, doesn't operate in a cultural vacuum. It too will be, and already has been, affected by cultural shifts, further crippling the message of the gospel. Knowing that you are concerned for the salvation of all persons, I ask you: *How should we respond to the threat against the dignity and eternal destinies of persons who experience same-sex attractions?*

And how should we respond to the political and legal threat against the dignity of our children, who when they declare gently their agreement with Scripture's stance on a male-female prerequisite for sexual bonds are told not just by fringe persons but by official channels of authority that they (and the parents whom they love and respect) are hateful, ignorant bigots? And will not this damage to their dignity ultimately extend to an attenuation of their educational opportunities and career advancement?

I don't think anyone should be treated in a humiliating or hateful fashion. I also believe that making "sexual orientation" a specially protected federal category will, over the long haul, reduce the level of dignity for a larger number of persons, and do society far greater harm, than not to have such "sexual orientation" in federal law.

I don't know if you saw my other recent piece on hate crimes (["Putting One's Money Where One's Mouth Is,"](#) *Presbyweb.com*, May 30, 2007) in which I noted the following:

Just a couple of weeks ago two 16-year old girls from Crystal Lake South High School (Ill.) were arrested on felony hate crime charges for posting and distributing at their high

school fliers containing anti-homosex comments and showing two men kissing. A state attorney for McHenry County, Thomas Carroll, is reported as saying: “You can be charged with a hate crime *if you make a statement* or take an action that inflicts injury or *incites a breach of the peace based on a person’s race, creed, gender, or perceived sexual orientation*” (emphasis added). Another state attorney for McHenry County, Lou Bianchi, is reported as saying: “This is a classic case of the kind of conduct that the state legislature was directing the law against. This is what the legislators wanted to stop, this kind of activity.” See reports [here](#) and [here](#) for further information on this story. The [Illinois Hate Crime Law](#) permits prosecution for assault (i.e., a threat or action that puts a person in *apprehension* of bodily harm prior to any actual harm), property trespass, “disorderly conduct,” or “harassment by telephone” or “electronic communications.” “Disorderly conduct” is defined in [Illinois law](#) as a person who “does any act in such unreasonable manner as *to alarm or disturb another* and to provoke a breach of the peace” (emphasis added).

My understanding is that the girls in question were not exactly speaking the truth in love. But which is the greater injustice here? It seems to me that the felony hate crimes charges are the greater abuse here. This is what hate crimes laws with sexual orientation clauses lead to.

Up till now I have dealt generally with your questions. Now I will try to address as best I can four specific issues that you raised:

1. Physical abuse
2. Employment discrimination
3. Housing discrimination
4. Slurs and name-calling

1. **Physical abuse.** Of course we are all agreed that physical abuse of anyone for any reason is wrong. (Here I’m not addressing the right of the state to punish offenders or to protect itself against foreign threats or the right of individuals to protect themselves from imminent bodily harm.) Laws are in place everywhere covering such offenses, with appropriate penalties. As I said above I don’t know of any cases where physical abuse to a “gay” or lesbian person has not been prosecuted. This is not to say that it never happens anywhere anytime; it is rather to say that there is no evidence that a major problem exists in the United States today as regards prosecuting cases where physical abuse of homosexual persons is involved.

2. **Employment discrimination.** This is a less clear-cut situation. For one thing, I think that you would agree that Christian institutions should have the right not to employ, and the right to terminate, faculty and administrative personnel who engage in serial, unrepentant homosexual practice—just as they have the right to do so if such employees engage in active adult incest, polyamory, adultery, or fornication. Now most activists for homosexual unions would argue that this is “discrimination,” bigotry in the guise of religion, and should be banned. They would argue that a religious institution shouldn’t be allowed to fire, or not hire, persons simply because they are female or black; so why should homosexual persons be denied employment in religious institutions simply because they are in a homosexual relationship. Of course, I would respond that this is a different matter, since being a woman or a particular ethnicity is not in the first instance

an impulse to do something, much less an impulse to do something that God expressly forbids. Well, you may say, sexual orientation employment non-discrimination acts could contain religious exemption clauses. But we all know that such clauses would likely be offered only as part of a bait and switch tactic. If “sexual orientation” is to be specially protected alongside race and sex there will be almost immediate repercussions even for private religious institutions—like the withholding of federally funded student loans for Christian institutions that have moral turpitude clauses forbidding homosexual practice.

Even beyond religious institutions I have questions. I believe that Scripture regards homosexual practice with at least as great a severity as, and likely greater severity than, it regards consensual adult incest and adultery, and certainly adult consensual polyamorous bonds (of course, Jesus revoked the exemption that Moses had given men for polygamous arrangements but had never given women). Are there some secular white-collar positions that should be denied to employees who trumpet the fact of having ongoing sexual relations with an adult who is a close blood relation (say, a parent or sibling), or of actively engaging in adulterous affairs? Let’s say you own a small professional business. Do you have the right to terminate someone who brings his sexual partner, who happens to be his mother or sister or mistress, to company gatherings? I don’t know what latitude the states give on such things, do you?

In other words, are there *any* secular employment situations where there ought to be a right to not hire, or a right to terminate, someone who actively engages in, and flaunts, egregious immoral (but not necessarily criminal) behavior? What do you think? You might say that people fornicate all the time and don’t get fired. Agreed. But Scripture doesn’t put homosexual practice merely on the level of sex outside of marriage. It puts it on the level of adult incest and adultery. Probably for most secular positions, especially blue collar positions, virtually anything should go. But I know this: you can be terminated, and certainly won’t be hired, in most Fortune 500 companies if you make overtly racist comments (e.g., being a “skinhead Nazi” would certainly get you disqualified from most upper-level management positions). So there is a moral test of sorts already in place. The question is not whether to have a morals test, it seems to me, but where to draw the line.

If one has in mind a situation of someone who experiences same-sex attractions, who is quiet and doesn’t adopt a high-profile advocacy stance (like pushing for a corporate GLBT advocacy group) and who doesn’t insist that the company give at least implicit validation of his or her same-sex sexual relationship (say, at company gatherings where spouses are invited), then it is easier to be sympathetic to a non-discrimination policy. But if one has in mind the opposite of this—high-profile, abrasive, determined to change the entire company ethos to cater to his or her immorality—then the whole matter becomes more problematic.

In the end, federal employment “non-discrimination” acts with “sexual orientation” clauses will do far more harm than any potential good. The corporate world, like individuals generally, currently participate in a society that at the highest levels generally expresses great intolerance for any anti-homosex message, no matter how caring. I also

don't see a great deal of clear employment discrimination against overtly homosexual persons occurring in society today. But ENDAs (employment non-discrimination acts) with sexual orientation clauses will *endanger* the rights of everyone who is known in the workplace to have strong reservations about the affirmation of homosexual unions. They become, in effect, employment discrimination acts against those who won't embrace a diversity policy around homosexual behavior.

Shouldn't we try to avoid that? Shouldn't an employee have the right to lobby against having GLBT advocacy groups within a corporation? A right not to have "coming out" celebrations at one's workstation? A right not to be subjected to "sensitivity training" that pushes the acceptability of homosexual practice and declares to be bigots those who disagree? A right not consider "homosexual/bisexual orientation" as an affirmative rights category in the hiring process? Yet just to cover their tracks and avoid future sexual orientation discrimination lawsuits corporations will feel the pressure to implement such affirmative action programs. A close friend of mine who is a corporate executive has had his career stalled and even had some veiled threats made regarding continued employment because he refused to allow same-sex sexual orientation to be an affirmative action criterion in hiring junior executives. Is this something you want to see more of in the future? I don't.

3. **Housing discrimination.** The issues here are similar. In cases where there is no problem with active, self-affirming adulterers, polygamists, or participants in consensual adult incest having housing (e.g., in public housing or large privately owned apartment complexes), then there should be no problem in persons participating in self-affirming homosexual practice having housing. But, again, a religious institution should be able to deny dormitory accommodations to students who are known to be engaging in a homosexual relationship (just as with students who are shacking up in a known fornicating, adulterous, or incestuous bond). What if a person is renting a room in his or her own home? Shouldn't that person have some right to deny housing to persons that the renter can reasonably ascertain will be used by the tenants to engage in immoral (if legal) sexual practices? To take a more obvious example: Can you think of any housing situations where it might be appropriate to "discriminate" against a skinhead Nazi? If so, then you have a morals test of sorts. Finally, what was said above about the problems that a sexual orientation law would bring in the area of employment applies here as well.

A number of the issues that I am raising hinge on how bad one defines homosexual practice, even of a committed monogamous sort. If someone thinks it is not a sin, then that person will have one answer. If someone thinks it is a sin, but no worse than, say, a committed sexual relationship outside of marriage (this is, I suspect, where you belong), then that person may have a different answer. And if someone thinks that a committed homosexual relationship is akin in severity to a committed incestuous relationship between a man and his mother or a woman and her brother (this is my position because I believe it is Scripture's position), then that person may have a quite different answer about public policy than the previous two cases mentioned above.

4. *Slurs and name-calling.* I think that we are all agreed that name-calling is wrong. To call a homosexual person a “faggot,” for example, is wrong. But the question here is: Should there be a criminal penalty for doing so? I don’t believe so. Should it be grounds for termination of one’s employment? In many places it already is, which means that many places do have a morals test in place. They are just selective about which moral standards count. I certainly think the use of racial epithets in the workplace is grounds for termination. I’d be surprised if you thought differently. (But, again, is there something incongruous about feeling it is right to fire someone who uses a racial slur but not right to fire someone who is engaged in gross sexual immorality?) Another complicating factor is that there isn’t common agreement about the parameters of what defines slurs and name-calling against homosexual persons. I’ve been accused often of hate speech though I would vigorously disagree with that characterization. So who’s going to draw the line? Most likely persons who think a comparison of homosexual practice with adult consensual incest or adultery is hate speech will draw the line. I guess I would ask you what kind of laws, if any, do you think should be imposed here? Doesn’t this violate free speech protection in the United States? Won’t it eventually lead to prosecution of those who proclaim that homosexual practice is sin?

A complicating factor in all this is that, as I have said, sexual orientation is not quite like race and sex/gender. The latter two are not impulses to immoral behavior, but homosexual orientation is. So a Christian can’t say in simplistic fashion that whatever protections are given race and gender must be given to the full range of sexual orientations. Pedosexuality (pedophilia) is a sexual orientation in the sense that it is a sexual desire for a certain category of persons, intensely felt, sometimes exclusively felt, and never a condition that one would ask for if it were purely a matter of choice. But I don’t hear advocates of “sexual orientation” laws including pedosexuals (pedophiles) in this category—at least not yet. Why not? Clearly, it is because they know that such laws convey societal acceptance for the behaviors that arise from the particular sexual orientation. They exclude pedosexual orientations from sexual orientation laws because they don’t want to validate this orientation and legally harass persons who oppose the expression of this orientation. But isn’t this tacit acknowledgement of the political and social effect that sexual orientation laws will have on validating homosexual, bisexual, and transgendered behavior? I think the answer here is clear. (Note that my point here is not to equate pedosexuality with homosexuality in all respects but rather to point out the inevitable effect that codifying “sexual orientation” in the federal legal code will have on promoting homosexual practice in society and eliminating publicly expressed opposition to it.)

I think the bottom-line on all my remarks above is this:

- 1) Passage of any federal law that lifts up “sexual orientation” alongside race and gender as a specially protected category of persons will ultimately lead to an official government stance in favor of homosexual behavior (all the way up to marriage) and against any persons who express opposition to such behavior as the moral equivalent of racists.

- 2) Already in many sectors of society today one is more likely to experience discrimination and abuse for expressing opposition to homosexual practice than for engaging in it. This will magnify exponentially with the passage of each new piece of federal “sexual orientation” legislation.
- 3) Most of the official channels of society are zealous in exposing and rooting out any perceived oppression of persons who affirm their same-sex attractions and behavior. The current laws on the book, given this dominant cultural ethos, are adequate for addressing genuine oppression of persons who affirm their same-sex attractions and behaviors.
- 4) True love does not work toward reinforcing societal affirmation of behavior that puts the perpetrator at risk in this life and the next; nor does it work toward reinforcing societal persecution of persons who lovingly and truthfully oppose such behavior.

Hope this helps,

Rob

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