

## Disestablishing the Family: *The Adventist Case for Legalizing Same-Sex Civil Marriage* | BY JUAN O. PERLA

From the outset, Adventist pioneers strongly supported the disestablishment of religion, that is, the separation of church and state. The Adventist Church preserves this historic commitment by defending and promoting freedom of conscience for all, not only because it serves our personal interests but also because we believe that's what Christ has called us to do.<sup>1</sup>

Where does this important Adventist value come from? And what can it teach us about marriage and the relationship between the family and the state?

Families are like small churches.<sup>2</sup> They are centers of moral development, nurturing, and support. They instill values and virtues that build our character and shape our conscience. Like churches, families are extra-political sources of authority that challenge and, at times, subvert the power of the state. Yet the government and the church treat these two institutions differently. Why?

In its declaration on church-state relations, the General Conference of Seventh-day Adventists (GC) argues that if anyone in history ever had the authority to establish an official state church, it was Jesus Christ, “[y]et Jesus never used force to advance the gospel.” The church can easily say the same thing about Jesus and the establishment of an official state family. In fact, in the same declaration, the church proclaims that “God is love” and that “[l]ove... is not subject to civil regulation.”<sup>3</sup>

This tenet of our faith and the analogy between the church and the family provide the basis for why Adventists are uniquely positioned among Christians to support the disestablishment of the family, that is, depriving any model of the family of official state status.

### Religious Disestablishment Is an Important Tenet of the Adventist Faith

The story and values behind the church's commitment to religious disestablishment have something to teach us

about familial disestablishment.

When early Adventists adopted their belief and practice of seventh-day Sabbath worship, they became concerned that the Christian establishment would someday be influenced largely by a politically powerful Roman papacy in imposing the mainstream model of Christianity, including Sunday worship, upon everyone.<sup>4</sup> Whether such concerns were legitimate or not is not the point. Early Adventists wisely understood the importance of separating the authorities of the church and the state as a way of ensuring the survival of their new faith.<sup>5</sup>

In short, Adventist pioneers feared the dangers of what political thinkers of their time called the “tyranny of the majority.”<sup>6</sup> About a century later, Italian dictator Benito Mussolini coined the term “totalitarian” to describe a state that “is all-embracing” and that “interprets, develops, and potentiates the whole life of a people.”<sup>7</sup> Today, we still find a variety of authoritarian regimes that officially adopt one set of values over others and try to coerce their citizens to conform to those values, allegedly to protect against political disorder and social chaos.

The Adventist Church's commitment to religious liberty is born out of and intricately connected to antiauthoritarian values because it is embedded in a distrust of a centralized authority that is capable of exercising religious control over everyone's lives. In this regard, the dissatisfaction that same-sex couples feel with the establishment of the heterosexual family as the only official state family can be compared to the anxiety that early Adventists felt toward the possibility that someday the mainstream model of Christianity, including Sunday worship, would be established as the official state church.

Fortunately for Adventists, the framers of the US Constitution understood the risks of centralizing political and religious authorities in the state. Combined with the other freedoms guaranteed by the First Amendment of the US

Constitution (speech, association, and petition), the disestablishment of the church has contributed to a rich fabric of religious diversity in the United States and in other countries with similar values. Where these values are lacking, state-sponsored oppression continues to push religious and other minorities into the shadows.

Although religious freedom had its risks in the American experiment, the framers of the Constitution and the founders of the Adventist Church favored religious diversity over conformity.

## **Familial Disestablishment Is Consistent with Adventist Values**

The arguments in favor of disestablishing the family are rooted in the same democratic values that motivated Adventist pioneers to incorporate the political ideology of religious disestablishment into the Adventist faith.

While the government and the church generally respect and defend religious differences, they have been less receptive toward diversity in family structures. Because marriage has been the traditional means for establishing a family, “[o]ne of the most obvious ways in which states—and the federal government—have established a particular vision of the family is by limiting civil marriage to heterosexual couples.”<sup>8</sup> Not surprisingly, the law has been used to channel people into this established model of the family, sometimes through criminal or other social sanctions (such as laws in our history that prohibited adultery, divorce, bigamy, fornication, and sodomy).

To be fair, the government and society have gradually opened their minds to granting people substantial liberties that amount to what law professors Alice Ristroph and Melissa Murray call “free exercise of the family,” or to what Adventists would characterize as freedom of conscience, such as “rights to marry [including marrying interracially] and to divorce, to procreate or avoid procreation, to direct the education of one’s children, and to cohabit with relatives.”<sup>9</sup> If churches and families are equally worthy of the state’s protection, it is puzzling, then, why the Adventist commitment or, as these two professors ponder, “the liberal commitment to religious disestablishment has never led to any similar call for familial disestablishment.”<sup>10</sup> After all, the basis for oppressing familial and religious minorities is the same.

Just as the disestablishment of the church is not a rejection of religion or an endorsement of an immoral

free-for-all, the disestablishment of the family does not seek to abolish the family or the values for which it stands. On the contrary, it reaffirms the important role that family plays in a stable society.

In this context, the state’s role in family life would be similar to its current role in religious life; it would stay out of the affairs of both with limited exceptions. It would not impose or endorse one model of the family over another, but would seek instead to protect the freedom of all to enter voluntarily into family structures that best suit their needs, just as it protects the rights of all to adopt or abandon a church or religion in accordance with their conscience. Churches would still be free to define marriage and family for themselves, just as they’re free to choose their day of worship. Whether the state continues to perform civil marriages, civil unions, or something different shouldn’t matter, as long as it doesn’t deny access to one class of people simply because one segment of the population doesn’t approve of their model of the family.<sup>11</sup>

As it does with churches, the state would protect against legitimate threats and dangers posed by harmful or destructive forms of familial arrangements (such as laws guarding against domestic violence or child abuse and neglect). The state would continue to respect the rights of churches and families to exclude from their ranks those members who do not embrace their norms and values, such as legal protections for religious employers that prefer to hire only from within their community of believers.

The church’s current theological understanding of marriage and sexuality is not a problem for supporting the disestablishment of the family, in the same way that the church’s theology regarding Sunday worship is irrelevant in the context of religious liberty. If disestablishment were dependent on theology, then the church would necessarily have to oppose the legal right to Sunday worship, because church doctrine teaches that such practice violates God’s law. Quite the opposite, the church affirmatively defends the right of everyone to worship on their day of choice.

If familial diversity like religious diversity is allowed to thrive, future generations of Adventists and other minorities will be less likely to live under the oppression of an authoritarian state that abuses its power by imposing the moral will of the many to the disadvantage of the few. This is a risky undertaking without any guarantees, but if the disestablishment of the church has taught us anything, it is that the potential reward of freedom far outweighs any concerns.

## Adventists Have a Moral Duty to Stand Up for the Legitimate Rights of Others

The church's commitment to freedom of conscience is not purely self-serving. The "Declaration of the Seventh-day Adventist Church on Church-State Relations" states unapologetically that "[f]reedom of religion can only exist in the context of the protection of the legitimate and equal rights of others in society," and cautions that any "[l]imitation of freedom of conscience in order to protect society from...hypothetical dangers or to impose social or religious conformity...are not legitimate limitations on freedom" (emphasis added).<sup>12</sup>

The declaration goes farther and commits the church "to work on behalf of groups whose freedom of conscience is inappropriately impinged by the state," even if it results in "personal and corporate loss," because "[t]his is the price we must be willing to pay in order to follow our Savior who consistently spoke for the disfavored and dispossessed."<sup>13</sup>

Like many other minorities living under the laws of less hospitable governments, Adventists in different countries have suffered discriminatory treatment, criminal penalties, and violent aggression, simply because they believe and behave differently than the religious majority in those places. Even in the United States, Adventists have had to resort to the courts for protection of their freedom to exercise their beliefs without being subjected to discriminatory treatment by the state.<sup>14</sup> As a result, the church has earned a well-deserved reputation for standing up against the efforts of oppressive governments abroad and special interest groups at home that seek to stifle the freedom of conscience of religious minorities.

Today, the leaders of the church have the same historic opportunity that its founders had—to share God's unconditional love and proclaim freedom of conscience for all. To remain silent would betray our Adventist heritage. ■

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## References

1. General Conference of Seventh-day Adventists, "Declaration of the Seventh-day Adventist Church on Church-State Relations," March 2002, <http://adventist.org/beliefs/other-documents/other-doc8.html>. "The Seventh-day Adventist Church has, from its inception, attempted to follow the example of Christ by championing freedom of conscience as an integral part of its gospel mission."
2. Alice Ristroph and Melissa Murray, *Disestablishing the Family*, 119 Yale L. J. 1236 (2009), <http://scholarship.law.berkeley.edu/facpubs/73> (comparing the family and the church).
3. General Conference of Seventh-day Adventists, "Declaration."
4. Ellen White envisioned a scenario in which "in our land of boasted freedom, a Protestant government should sacrifice every principle which enters into its Constitution, and propagate papal falsehood and delusion," and "[t]he rulers of our nation...shall enact laws to bind the consciences of men in regard to their religious privileges, enforcing Sunday observance, and bringing oppressive power to bear against those who keep the seventh-day Sabbath...." Ellen White, "David's Prayer," *Review and Herald*, December 18, 1888, <http://text.egwwritings.org>.
5. Ellen White, *The Great Controversy* (Oakland, CA: Pacific Press, 1888), 442. "The founders of the nation wisely sought to guard against the employment of secular power on the part of the church, with its inevitable result—intolerance and persecution."
6. See, for example, Alexis de Tocqueville, *Democracy in America* (New York: Literary Classics of the United States, Inc., 1835).
7. Benito Mussolini, *Fascism: Doctrine and Institutions* 11 (1935), cited by Ristroph and Murray, *supra*, note 2, n. 30.
8. Ristroph and Murray, *supra*, note 2, 1240.
9. *Ibid* (internal citations omitted).
10. *Ibid.*, 1251.
11. Excluding same-sex couples from "civil marriage" or excluding heterosexual couples from "civil unions" is an extension of the "separate but equal" policies of the early nineteenth hundreds. Such policies have been firmly rejected in American law. See *Brown v. Bd. of Educ.*, 347 U.S. 483 (1954), and its progeny.
12. General Conference of Seventh-day Adventists, "Declaration."
13. *Ibid*.
14. In the seminal case *Sherbert v. Verner*, 374 U.S. 398 (1963), the Supreme Court overruled the decision of a lower court that denied a Seventh-day Adventist woman her right to unemployment benefits after her employer fired her for refusing to work on the Sabbath.