

The Right to determine Social Norms ...

by Tony Wirebach, July 2015

The recent Supreme Court decision forcing states to recognize Gay Marriage across state lines has created quite a buzz in the Twittersphere. It appears that if you are a "nice," socially compassionate, "modern" thinker the right of a small but highly organized and vocal minority to do what they want trumps what has been traditionally denied to them, for better or for worse ...

Now it seems that the freedom to do "what feels right for you" in the privacy of your own home is not good enough for this contingency in American politics; individual preference needs to be pushed aside for compulsory collective acceptance of what was previously seen as deviant, socially-UNacceptable behavior. It looks like now, you will be *MADE* to care ...

Here are the two competing interests at play:

INDIVIDUALLY: People engage in pretty much whatever behavior they see fit, so long as participants consent and neighbors do not have to watch it taking place on your front lawn. Privacy, whatever is left of it, trumps "morality." That's probably a good thing. But I don't believe you have a right to "privacy" in and of itself, any more than you have a right to ANYTHING in society; all of this depends on WHAT you are doing and HOW you are doing it. Jeffery Dahmer did not have the "right" to commit murder and cannibalism in the privacy of his own home; if society detects wrongdoing behind closed doors, then society has the right, in fact a duty, to break the door down and to put a stop to it. Individuals have the capacity to do what they want in privacy, because, practically-speaking, society can't stop you if it doesn't know what you are doing.

The million-dollar question is: **Who gets to decide what is socially acceptable behavior?** The many? The few? The weak? The powerful? The State, or the Electorate? The Majority or select, popularly-designated Minorities?

COLLECTIVELY: Institutions, as in countries, corporations, tribes, or families, all have rules that the members are expected to live by in order to maintain a stable, harmonious existence within that sphere of influence. Generally-speaking, the way that the rules are set is either by top-down authoritarianism, or by bottom-up, majoritarianism. Rarely, if ever, does a minority faction who is not in power get to call the shots for the "greater good" of the institution. I guess if they agitate enough, even a small group can have an influence on the rule making process. In the United States, the mechanism for collective rules, for better or worse, is presumed to be a majoritarian process, through our elected officials. It seems to me that this process has been turned on its ear through both Executive and Judicial overreach. So, what do we even need the Legislatures for anymore??

In my mind, this moral hazard was created the moment the State deemed it necessary for couples to get permission from the government to get married in the first place. **ANY process that required "permission" from the state immediately transforms the relationship between government and citizens into that**

of MASTERS and SUBJECTS ... infantilizing the citizen, and giving agents of the state undue influence over the moral autonomy of people. Unfortunately, people tend to use their freedom to assemble and create laws to treat the rest of the world like their own little toy train set, calling the shots, making the rules, moving stuff around and fostering their own inflated sense of self-importance. *Human nature.*

To be honest, I am less concerned with homosexuality than I am with the rate of change in this country, and the method of achieving it, through "mob fascism." In the FaceBook forum, dissenters against the "new normal" are subjected to swift and hostile retribution from the Legion of the chronically-offended. Businesses are destroyed, careers ended, lives even threatened. Is this the Civil Society that we hoped for?

I also object to the necessity to hide behind one's religious beliefs in order to justify not doing what I don't want to do. Religion -- even the absence of one -- is merely the abstract moral framework that helps you make the decisions you make; **The issue is CONSENT.** You either consent to the job, or you don't. The Market (*meaning, all of us who have a choice, rather than a legal obligation to act*) will sort it out. Bakers who are overly picky on the types of work they do will either thrive or not, and society will be unburdened with the time and expense and collateral damage that comes with duking it out through the courts. If I don't want to do something, I don't need to explain it, or justify it based on religious grounds. **A simple "No" should be enough...**

I am a Christian. I would make the cake, not because I'm a wuss, but because it's not my wedding, it's theirs. Their sin will not rub off on me. I've got plenty of my own to deal with. Also: Christians often make the reactionary, counter-cultural mistake of expecting the State to maintain Christian moral values on everyone, not just Christians. That is a mistake, and may be doing more harm than good. But I think that often happens when the "silent majority" starts to push back on the culture war that seeks to change too much, too soon in society, and it tries to restore "virtue" to the country by the force of law -- and often fails in the process. No matter what "the other" tries to do -- the media, academia, and the establishment have control of the narrative, so Christians are going to get bad press, simply for rejecting the authority of the oligarchy and the mob and deferring to biblical history as a guide to human behavior.

Can Christian marriage and non-Christian marriage share the same geographic space? *Of course they can!* And I believe that they should ...

Christian marriage is one thing, but no sub-culture has a complete monopoly on language or meaning; Gay couples have a right to get married; they do not have a right to a "social affirmation" -- for society to condone or subsidize their marriage -- any more than ANY marriage should be condoned, or "allowed" by the state, or have special rights and "privileges" granted to them ... if anything, SINGLE people should object to whatever special benefits are granted to married couples through the state, under the equal protections clause of the constitution.

It does not matter if marriage is the cornerstone of the family, and the family is the preferred socio-economic unit upon which a civil and prosperous society is built. **Social Engineering is NOT in the purview of the State**, contrary to what Hobbes, Hegel, or Plato thought. Government should be a referee between free, morally-autonomous citizens, not a gardener, cutting and pruning and shaping society; the People can, and should tend to their own

gardens, and the State should largely butt out.

But I suspect that this was a manufactured conflict: Gay partners went looking for Christian bakers (not Muslim bakers, not Orthodox Jews, not Amish, not Buddhist) in order to create a show trial for their own agenda. They could have easily found countless other bakers to do the job, but they **CHOSE** religious business owners in order to make this a very public and contentious issue; and in order to make an example of the business owners for not toeing the PC party line. It was and still is a crass and shameful way to get things changed in a country, just because things weren't changing fast enough for them.

I wonder if a straight couple, who went into an Amish bakery in Lancaster PA, could get a pornographic cake made for their wedding? Would anyone claim that the Amish woman behind the counter should be forced to make a penis- or vagina-shaped cake if her personal objections to the subject matter prevented her from taking the order? Christians are arguably *Persona non grata* in today's culture; despite the fact that 83% of the adult population of the United States self-identifies as Christian. What if a single woman wanted a pro-abortion cake made, to celebrate her emancipation from the patriarchy and the oppression of child-rearing? Could someone, objecting to the content, turn down the business because of moral objections? Does running a business, as some would claim, compel you to take anyone's business, at any time, regardless of your personal feelings on the transaction? *Hell no, it doesn't.* **Sorry, mob-fascists, business must be consensual between BOTH parties, not just the buyer and agents of the State and the Media who love them.**

But-but-but -- that's just like "Whites Only" lunch counters in the Jim Crow South!!

People don't have a right to discriminate based on race, so why should they be allowed to discriminate based on subjective moral prejudice?

In the Civil Rights Era, Jim Crow Laws were **State-imposed** restrictions on commerce that **FORCED** businesses to create "separate but equal" accommodations between blacks and whites. Not only were blacks barred from mainstream products and services, they were also barred from having competitive businesses that could offer a choice between segregated and non-segregated restaurants, hotels, and transportation companies. In that case, it was not only appropriate for the Federal Government to step in and overrule State-based discriminatory laws and practices, it was virtuous for them to do so. It is very likely that, had business owners been given the choice to discriminate or not discriminate, that competition and rational self-interest would incentivize them to try and drum up as much business from the market as they could get. The real culprit in the Civil Rights Movement was Democrat-controlled local, county, and state governments that imposed Jim Crow laws that in all likelihood would not have been accepted willingly or lasted for very long if given a choice by business owners looking to profit in their commercial enterprises.

The same thing goes for Same Sex Wedding Services; if given a choice, business owners who would choose to turn business away would not likely be the norm; now that the Supreme Court has sided with the customers at the expense of the business owners in the conflict over the right to do and NOT do business, people are more divided than ever, and both the "homosexual community" and the State are viewed with suspicion and resentment ... nobody likes to be forced to do things. Now the Christian community is on the defensive, and feels

under attack by pop-culture, and support for gay marriage has actually been negatively affected by the recent SCOTUS decision ...

Ironically, most self-contained agencies or systems (INCLUDING the Supreme Court, private businesses, or non-profit charities) have discretion over the "business" they will or will not accept. The Supreme Court decides what cases under appeal merit their consideration. While they enjoy the unquestioned freedom to say "THIS is something we should look at" and "THIS is not" ... How strange it seems that they are unwilling to afford the same luxury to a private businesses, or individual states. This goes as far back as 1905 in *Lochner v. New York*, but no less so in today's decision with regard to marriage, states' rights, and judicial activism.

It does not matter if the buyer, in the this case, a gay couple, finds the OBJECTION to gay marriage objectionable...

To reject a concept implies that VALUES exist (good/bad, allowed/not allowed, fair/unfair).

To make a claim by one party against another implies that a PROCESS exists that tries to have social conflicts resolved through some means *other* than lynchings and riots.

To appeal to legal authorities through the state implies that there is a social HIERARCHY for the legal system to moderate conflicts.

To have these officials of the hierarchy be elected, or appointed by our elected officials, implies that we live in a FREE Society.

To live in a free society implies that all PEOPLE have a say in what is and what is not acceptable behavior, and how that should be institutionalized through the Law. That means that, at least in our system of government, **the Supreme Court may not create rights out of thin air or write laws in a vacuum.** If the pro-gay lobby wants to have a "legitimate" claim on the right to marry, then they should make their case in the public square, and *eventually* that new standard will be accepted. When the court decides to create law through precedent, it creates a lot of problems, as in social unrest created by the soft-on-crime decisions of the Warren Court, not to mention ObamaCare...

Modern society has evolved to accept aspects of the human condition that were once feared and hated by the mainstream. It takes time for "rights" to emerge out of the ashes of old standards into the new paradigm. Where homosexuality was once deemed criminally deviant behavior, now it is almost universally accepted in pop-culture. In the course of a mere generation or two, behavior that used to get you arrested has been permitted and even largely embraced by society -- or, at least you would get that impression through the media. So you won't get thrown in jail for holding hands with your same-sex partner in public, that doesn't mean that you can force people to go "all in" too quickly on same sex marriage and the wave of cultural changes. Force is still force; persuasion is still persuasion. And to use the force of law to push an agenda too quickly for the people to accept, there will be pushback, and consequences, either in the streets or at the ballot box.

Again... that's just human nature.