

Should Government Prohibit Certain Sexual Behaviors

A Biblical Perspective

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Is there a role for government in the legislation of sexual morays and behaviors for society? This is a big question in both the philosophical and political arenas. Yet, in spite of what some people might believe, this issue is nothing new. Sexual conduct has long been an issue of social/legislative interests and concerns in societies throughout history and throughout the world.

This is not an issue of interest limited to societies which are Biblical based. By these I include all Christian, Jewish and Muslim societies. Islam proclaims a relationship to Abraham and has its own definition of relationship with the Biblical characters. Like Christianity, Islam proclaims its own replacement theology. Therefore, Christianity and Islam both claim to wear the mantle of G-d's people and to be the caretakers of G-d's Word. As such governmental legislation in these societies, ruled as they were (are) by religious beliefs, always incorporated sexual laws in their codes.

When Jews had a state that was governed by Judaism, as it was in the days of the Second Temple, it too embraced such laws. The modern State of Israel, in spite of calling itself a Jewish nation has nothing to do with the laws of the Torah and the religion of Judaism. So in fairness, maybe it is better to call it a State for Jews, but not necessarily a Jewish State. One might be surprised to learn that even in societies of non-Biblical origins, issues of governmental legislation curtailing certain sexual contacts is not unheard of.

The Biblical position on homosexuality is well known. It is categorized as a sin and equated with such sins as the violation of the Shabat or the eating of leaven (hametz) on Passover. In non-religious eyes, this does not mean much, if anything at all. However in religious eyes, this equates homosexuality with some of the most grievous sins outlined in the Torah code.

This being said, one has the choice, as with all things, to embrace religion and live by it or not. Yet, regardless of one's choice of practice, we are left with the issue of how we are to treat and interact with those of the opposite school. From a religious point of view, we are obligated to "love our neighbor" even and if when such neighbor violates such serious commandments. Never is it taught in any Jewish religious circle to treat with disrespect and to abuse those who violate the Shabat or those who do not keep the Passover. I must then learn from this religious example that while from our religious point of view we do not accept homosexuality as an acceptable lifestyle choice for a righteous Torah observant individual, nevertheless, those choosing to embrace this lifestyle, be they Jewish are not, are not to be subject to any kind of prejudice, scorn or mistreatment, for this type of behavior is prohibited by our religious law and we cannot act in this fashion.

If we were to violate the laws of the Torah by acting contrary to its edicts, then we would be equally guilty to those who we point fingers at, to condemn. While we reject the behavior, and

condemn the practices, we still otherwise extend respect and dignity to such non-religious individuals, who may in all other areas of their lives may be considered righteous in accordance to Torah law.

The Torah relates the story of the destruction of the cities of Sodom and Gomorrah Prior to their destruction the Torah relates a tale how when the two angels came to the city to extract Lot and his family how they were surrounded and subject to attack and sexual assault by a mob that the Bible makes clear was intent on homosexual rape. Now, the angels were sent to the city by G-d to judge for themselves the evil of the place, which is apparent with the story of the attempted mob rape. Homosexuality has thus become synonymous with the city of Sodom, with anal intercourse to this day being called sodomy, after the name of this Biblical town. With this being said, let us take a closer look at this Biblical story.

True, the Bible says that a mob encircled Lot's house seeking to homosexually gang rape the visiting "men." This is indeed a great evil. Now, who would object to this being defined as evil? Even in the modern day homosexual community, who amongst them would condone and promote homosexual gang rape? What different is there between homosexual rape and heterosexual rape? None, in my opinion! Both are crimes of violence and not acts of sex. I cannot believe that even the most radical homosexual agenda would condone the practice of gang rape in whatever form it took. Therefore the evil perpetuated in Sodom was an act of violence against innocent men. The fact that the homosexual aspect of it is mentioned, I believe is only peripheral to the story. Even if the attacking mob were not homosexual, I believe they still would have attacked and expressed themselves violently in whatever other forms they chose.

Sodom was therefore not destroyed because of their homosexuality, but rather because of their rampant violence and other social injustices. For what sane and safe society would tolerate rape gangs in their presence, regardless of whether such gangs were hetero or homosexual? Indeed, Torah legends about the evils of the city of Sodom abound. All of them mention the cruelty and injustice of the place, but none of them make mention of the homosexuality therein. Torah legend therefore concludes that Sodom and Gomorrah were destroyed because of their lack of justice and their other evil way. The presence of rape gangs in the streets not confronted by the towns people, the kings guard or the city police is indicative of the level of evil tolerated in the city. This then was the reason for G-d to shower down on it fire and brimstone. A fitting punishment for such evil people who so flagrantly disregarded the public safety and needs of others.

Now that the one issue of homosexuality has been addressed, let us turn our attention to some others. There are those who wish to proclaim that government should make absolutely no laws or prohibitions regarding any types of sexual relations between consenting adults. Do these libertarian minded individuals then wish to condone incest? Do they turn a blind eye to sexual relations between parents and their adult children and between brothers and sisters?

I cannot speak for the Libertarian point of view, however, I still consider incest, however consensual, to be an immoral and bad thing. I do not know of any modern culture or any religion today that condones such behavior. Therefore, in my opinion I do believe that there are certain sexual practices even between consenting adults that are universally considered as wrong, immoral and bad. I also believe that in almost every case adultery is considered an immoral and evil act. How many of us would condone our spouses having consensual sex with other parties? As liberal as some may be, if it was their spouse having an affair, I believe we would see a fair amount of conservative indignation, if not outright biblical style, fire-and-brimstone rage and anger.

While we can acknowledge that there are certain types of sexual relations that we consider to be abhorrent, unnatural or immoral, still, is it the role of government to enforce these morays, or should enforcement simply be left up to society to police for itself, without overt government intervention? This is a good question, one which I am sure can stir up lively political and social debate. However, the Biblical stand on these matters is simple. That which the Bible defines as immoral is also defined by the Bible as illegal.

Now, today, there is no government on Earth that imposes law in accordance to the Biblical standard. Therefore, Biblical laws are at most either honored as moral obligations or disregarded in accordance to one's own religious beliefs. Yet, the call for such governmental involvement in these matters is clearly a Biblical directive. In Biblical times, violations of sexual prohibitions were often punished by execution. Adultery was certainly punished. This is known by both Jewish and Christian Biblical example.

For centuries adultery was considered a crime and punishable under law. Homosexuality and other Biblically prohibited sexual practices were equally illegal and violations were equally punishable under the law. In modern times, much of this has changed. But not all of it! There is still a rather arbitrary application of sexual law on the books, that when viewed with the eye of scrutiny can be seen as having no real validity.

Presently our laws books contain a statute prohibiting what is called statutory rape. This is defined as sexual intercourse between an adult and a minor. A minor is considered anyone, male or female under the age of 18. Now, where on earth did this law come from? Granted I recognize the wisdom is prohibiting sexual intercourse between adults and children, but who is to say that a person is an adult on the day of their eighteenth birthday, whereas the day before, just a mere 24 hours previous they were a child. What magically happens at the age of 18? We all know that the answer is nothing. So then, why 18 and not 17, why 18 and not 19? The answer is that someone somewhere made an arbitrary decision, applying it across the board, when in fact no such arbitrary position is ever applicable to everyone everywhere.

Is 18 the true age of an adult. At 18, one can legally have sex with an adult, still such a one cannot legally go into a bar and buy a drink. An 18 year old can join the military, receive a rank, lead fellow soldiers into combat, take lives and save lives, operate military equipment worth millions of dollars and still after a hard day of combat and military service cannot join his fellow soldiers, even those under him in rank for a legal beer at the local bar. The legal age to drink is 21. Is this also not just another arbitrary decision applied across the board, which anyone with eyes can see does not always apply equally to everyone.

Ages that define adulthood are patently arbitrary and often unfair. The law is supposed to be fair and proper. Yet, when we see its applications, we find some that are applicable and many others that are not. As such, members of society recognize the hypocrisy of the law and many times ignore it. This leads to all kinds of law enforcement activity for minor technical offenses. Law enforcement officers are supposed to be working for the protection of society from real and actual harm, and not acting as technical bureaucrats focusing on enforcing arbitrary laws, which can be changed at will through the electoral process.

Ultimately, all law that is arbitrarily based upon the whims of the moment have no essential authority, value and morality. For as the opinions of the people change so too do their laws. This is no way to establish and maintain a stable and prosperous society.

The Bible claims itself to be the Word of G-d, a Higher Authority that knows the ways and needs of humanity better than humanity itself. G-d has instructed His creations, defining for them good and evil and right and wrong. G-d's Word is supposed to be law, imposed by government. However, this is not now nor has it ever been in modern times the case. In many Christian countries, Vatican law reigned supreme for centuries and today, Sharia, Islamic law is the law of the land in many countries. In these societies both modern and ancient prohibited sexual relations are punishable under law. Only today in secular societies that have discarded ancient religious authority have such prohibited sexual activities become not subject to prosecution.

It is clear that every religious society has regulated certain types of sexual behavior. This has always been considered the norm. Our present society is an anomaly. Who knows whether in years and decades to come as societal morays swing back along the conservative slant if such prohibited sexual activities will again become prosecutable offenses. Time will tell.

Regardless of social morays and the ebb and flow of societal permissiveness and conservatism, the Bible proclaimed certain moral values and declared them to be universal, obligatory and normal for all humanity. These are inalienable obligations of nature and nature's Creator. This is how the Torah views sexual morays and behaviors as outlined in the Bible. These were considered obligatory long before Mt. Sinai.

Although Sodom was not destroyed because of homosexuality, nonetheless, the practice is still portrayed in a negative light, foreshadowing its prohibition later in the Torah. Abraham feared violence because others would have killed him in order to steal his wife Sarah. Interesting, how people were willing to murder and to steal another man's wife. Apparently murder and theft did not deter them. Would it just have been easier to solicit sexual immorality? Apparently, Abraham did not fear attack on Sarah but on himself.

We learn a lesson from Abraham's great grand-daughter Dinah, that she was indeed kidnapped and raped. Her brothers rose up and destroyed the entire town that did nothing to stop this crime nor punish its perpetrators. Although this act, led by Dinah's brothers Shimon and Levi, was condemned by their father Jacob, the episode is not necessarily portrayed in a negative light by the Biblical narrative. The Bible commentators state that the reason why Shimon and Levi felt justified in their attack was because the local government was to have in place laws to prevent such kidnappings and sexual assault and that when government does not act to uphold the natural inalienable rights of the people, then it is up to the layman to execute vigilante justice.

Apparently the Biblical message is that there is supposed to be governmental legislation prohibiting forbidden acts (such as kidnapping and rape) and that vigilante justice is not only permissible but commendable when government fails to act to safeguard the rights of its citizens and to properly punish violators. Social justice is Biblically considered to be a collective obligation, incumbent upon each individual to enforce if and when government fails to do so.

Government legislation prohibiting certain sexual practices should follow the Biblical directives. In those societies where this has been the case, social order has always been more stable. And the opposite is also true, in those societies where the Biblical morays were not adopted and/or ignored such societies proved themselves to be terribly unstable. One of the universal codes for all humanity is that there needs to be some form of governing authority whose job it is to ensure the safety and welfare of the public. Certain sexual prohibitions can therefore serve this purpose and thus are indeed included within the Biblical cannon and are considered the obligations of government to enforce.