

FAQs: Transgenderism, Law, and the Culture

Q – Is transgenderism really a serious threat to contemporary America?

A – The Transgender Movement, clearly an ideology, sweeping America today is violating the most revered guarantees of the Constitution and the Declaration of Independence. These violations are an unprecedented threat: “We have underestimated the challenge that we’re facing with [this movement].” “This moral revolution has expanded so rapidly that it throws into question the very existence of biblical Christianity” (eminent American theologian, Dr. Albert Mohler). Law and political science professor Dr. Carol Swain, a leader among prominent Black female scholars, speaks even more strongly: “[The transgenderism movement] is a form of cultural Marxism,” “an aggressive agenda to destroy Western traditions, values and norms . . . one which is especially threatening to the Christian faith.” (This movement is referred to below, for brevity’s sake, as “TM.”)

Q - How are the Constitution and the Declaration of Independence connected to each other in this TM battle?

A – The Declaration and the Constitution are clearly and formally joined to each other by the Subscription Clause of the Constitution (Article VII, cl. 2). The documents’ several guarantees/values are specified in both the Declaration and Constitution. But the Declaration most fully expresses America’s basic philosophy. The Constitution translates that philosophy into practical standards for the nation’s governmental structure and processes.

Q – What fundamental guarantees of the Declaration and Constitution are violated by TM?

A – These five guarantees/values are:

- (1) The Establishment of Justice (Constitution, Preamble):** Defining “justice” is an age-old enterprise; and an excellent succinct summary is adopted by the preeminent Anglo-American legal scholar, **Wolfgang Friedmann**: It is necessary to turn to the field of ethics and morality for a determination of the values . . . that [give justice] a specific substantive content.” **This further links the Constitution to the Declaration, where we find the Judeo-Christian “ethical and moral content” from which to define the Constitution’s terms.** First, TM possesses inherent and immutable religious qualities. **Therefore,** it is unjust for Humanists to invoke a mythical “separation of church and state” doctrine and to deny the rights of the Judeo-Christian community (accused of “animus”) to oppose special constitutional rights for TM. **Furthermore,** “transgenderism” as a practice, even as a term in our language, and certainly as a “right or movement,” has **no** foundation in America’s Judeo-Christian worldview nor language. **Therefore,** justice requires that this Humanists’ “Newspeak” language (George Orwell) as well as its legal demands, be rejected. **Furthermore,** TM’s arguments that “everything is relative” is an absolute assertion. TM asserts its own absolutes in a variety of ways. **Therefore,** this truth demands that TM’s “relativism” be rejected if justice is to prevail. **Furthermore,** in the same way, TM’s protests that “Judeo-Christian positions are ‘values,’ while TM’s positions are ‘facts,’” is itself a “value statement,” i.e., TM’s positions are subjective, biased, subject to constant change, and not scientifically provable. **Therefore,** justice demands the denial of such assertions.
- (2) & (3) The Dignity of Personhood/Sanctity of Life (Constitution, Amendments 1, 5, and 14):** **Closely related, yet separable,** these guarantees inescapably derive from the Declaration’s recognition that (1) man is created by God and (2) endowed by God (3) with certain “unalienable rights” (the highest and most precious of all rights). Furthermore, government’s first duty is to protect man from harm, which duty is severely violated by transgenderism procedures. **The harms of transgenering** are massively documented elsewhere.

These two guarantees also express separate truths:

- a. **“Dignity of Personhood”**: As God created man, he built into man a sexual nature which is – and can be – only biological and binary. **No human being (including the individual himself)** can alter this design. When law divides mankind into binary groups – “categories” – based on biological sex, these **distinctions do not inherently constitute “discrimination.”** **Indeed, TM’s obliteration of categories of “sexes,” is the most extreme attack on the very concept of “categories” ever waged in American life and law.**
 - b. **“Sanctity of Life”**: In asserting that **“all men” are created and endowed equally**, the Declaration recognizes that **men as individuals** are of supreme importance; man’s sanctity **does not derive from membership in a certain group, possessing certain group qualities, etc.** **And the right to life from the point of conception to natural death is the “first right” – prerequisite to all other rights.**
- (4) **The Blessings of Liberty (Constitution, Preamble, plus Amendments): God, not government, is the ultimate source of these preeminent rights – the antithesis of TM’s arguments.** While this is a top-tier right, “liberty” involves assumptions and limits. **It is not equivalent to license/licentiousness.** The Framers assume that men would act rationally and reasonably in exercising their liberties, including obeying God’s Law (“the Ten Commandments” – James Madison), and respecting the rights of others. Furthermore, the Constitution spells out specific liberties covered – e.g., free exercise of religion, free speech and press, etc. **There is no valid source in American law for the transgenderism rights demanded by TM; indeed, TM both inherently and in practice violates the legitimate rights of other Americans (e.g., the free exercise rights of Christians) as well as the Law of God.**
- (5) **The Rule of Law**: Expectedly, both the Declaration and Constitution say much about **“the rule of law.”** (1) **The Declaration recognizes at least three levels of law**: “the Laws of Nature and Nature’s God” – i.e., the Revealed law of Scripture and Natural Law, built into the universe and man by God; and human law. This list prioritizes the authority of the levels, from highest to lowest. (2) **Law is to be effective in its realm; but law is limited to its realm** – as prescribed by the other purposes of the Preamble and the bulk of the Declaration, the latter consisting of a long and detailed list of the government’s abridgments of Englishmen’s rights under the Common Law. **American courts especially have led the Culture War against Judeo-Christian America and must be limited to their constitutional powers.** (3) **If the law violates any of the above truth long enough and severely enough, the entire system will become excessively stressed. This can lead to the very downfall of the entire legal system (leading American political theorist, David Easton). In the name of “tolerance” and “pluralism/diversity,” TM is waging the most intolerant and dogmatic war ever witnessed against American life and law. This, then, is one of the ultimate tragedies of TM – its threats not only in the specific ways described above, but its fundamental threat to the continued existence of the American legal system, which the nation is already experiencing.**

Q – How can Judeo-Christian advocates fight more effectively against the dangerous TM movement in current America?

A – Central to the solution of this dilemma is meeting the challenge issued by Oliver O’Donovan of the University of Edinburgh: America’s Judeo-Christian community must live out “A Christianity which will bear witness to God’s Word in Jesus, [a Christianity that] will be a speaking, arguing, debating Christianity which will not be afraid to engage in intellectual and philosophical contest with the prevailing dogmas of its day.”