



## How Long Before Parents Have to Be Licensed by the State?

March 1, 2018 / in 2018 blogposts blog / by David Fowler

The last two weeks we've talked about hard decisions Christians are going to have to make. If you are a young Christian couple or you have a child or grandchild who someday hopes to be a parent, then you need to read this. In the coming years, Christian couples who teach their child the "wrong" thing could have their parent's license revoked. Never happen you say? Keep reading. The Constitutional groundwork has already been laid.

Last week, a judge in Ohio ruled in a parental rights case. The *Washington Times* headline about the case tells you all you need to know: "Religious Parents Lose Custody of Transgender Teen for Refusing Hormone Treatment."<sup>1</sup>

That headline shouldn't really shock anyone, given

that the following was the very first sentence in the Supreme Court's decision on same-sex "marriage," *Obergefell v. Hodges*: "The Constitution promises **liberty to all** within its reach, a liberty that includes certain specific rights that allow persons, within a lawful realm, **to define and express their identity.**"

As I've said for the past two weeks, the Christian understanding of humanity—as being male and female in the image of God and there being a real and meaningful difference between the two—was decisively rejected in *Obergefell* in the context of marriage.

That necessarily means that *Obergefell's* worldview must now govern all other areas of law that flow from marriage, which necessarily includes parental rights.

What the Ohio case helps us understand is that *Obergefell* changed the rules upon which future debates about parental rights can be made. Parents can no longer argue, as they did in the Ohio case, that certain rights arise naturally out of biological kinship bonds formed through procreation.

Here's why. Those kinds of bonds do not exist for both "parents" in the same-sex model for marriage that has now replaced the male-female model of marriage.

Furthermore, arguments implying that biology or biological kinship matter cannot be allowed because they would undermine same-sex "marriage." If you don't believe me, then you must not have heard about this other case from last week.

In this other case, a biological father tried to obtain custody of his child who was in state custody. His

request was denied, but not because he was unfit. The problem was that he had *only* been the sperm donor who had helped the now derelict adults in a same-sex “marriage” have the child.

The Court said letting the biological father rescue his child would “expos[e] children born into same-gender marriages to instability for *no justifiable reason other than to provide a father-figure for children who already have two parents.*”<sup>2</sup>

In other words, any “two parents” will do and two is enough. A father doesn’t “add” anything to a child’s life, a thought I hope the men out there let sink in until Father’s Day.

*Obergefell means that parenthood can no longer be grounded in biological, procreative realities.*

That is why Yale law professor Douglas Nejaime wrote in the *Harvard Law Review*<sup>3</sup> that the biological model of parentage must be jettisoned and a new model substituted for it based on the intention of a person to parent and the carrying out of functions related to parenting. But this converts parentage to only a *legal* status bestowed by civil government, not a relationship arising out of procreation between a man and a woman.

Moreover, in time, you can bet this power will be abused by the relativists in control, and they will conclude that parental status should only be bestowed on those whom they think worthy of it, namely, those whose style of parenting benefits the state. After all, the good economy we demand will justify it.

From there, it will be a short leap, logically, to the proposition that a state can and should license persons to be parents.

When that happens, don't be surprised if Christian parents have to choose between losing their license or leaving out the Christian stuff the state thinks is harmful to the child, meaning harmful to the state. They shouldn't think that biological kinship ties will protect them from the same type of disciplinary actions that other state licensees face if their Christian convictions become a problem for the smooth functioning of a well-ordered state.

Again, if you don't want to believe me, just ask the "religious parents" in Ohio how their reliance on biological kinship arguments turned out last week. In the words of *Obergefell*, the state thought the right of their minor daughter to "define and express her identity" as a son trumped their rights as parents.

Licensing parents may seem far fetched, but fifteen years ago, people said the same thing about licensing marriages between two people of the same sex.

## NOTES

1. <https://www.washingtontimes.com/news/2018/feb/20/re-parents-lose-custody-transgender-teen/>  
[<https://www.washingtontimes.com/news/2018/feb/20/re-parents-lose-custody-transgender-teen/>]
2. <https://www.usatoday.com/story/news/nation-now/2018/01/30/sperm-donor-denied-parental-rights-child-same-sex-parents/1077662001/>  
[<https://www.usatoday.com/story/news/nation-now/2018/01/30/sperm-donor-denied-parental-rights-child-same-sex-parents/1077662001/>]

3. "Marriage Equality and the New Parenthood,"  
*Harvard Law Review*, Vol. 129, No. 5, March 2016

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