

Obergefell v. Hodges: Questions for Orthodox Christians

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Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

—United States Constitution, First Amendment (1791)

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

—United States Constitution, Fourteenth Amendment (1868)

Introduction

On June 26, 2015, the nine justices of the Supreme Court of the United States issued a slim-majority decision that is profoundly reshaping American law and society. In a vote of 5 to 4, the court ruled in *Obergefell v. Hodges* that same-sex marriage is a legally protected right throughout the United States.¹ This brief essay will deal with a few of the issues stemming from the Supreme Court decision with the aim of contributing to discussion within the Orthodox Church. While

this article concerns the United States, Orthodox Christians in other parts of the world will recognize their own analogous situations.

For Orthodox living in the US, two perspectives come into play simultaneously: (1) how Orthodox Christians as *church members* assess and react to *Obergefell* as a development in civil society that affects people in our churches; and (2) how Orthodox Christians as *residents and citizens of the United States* see the US Constitu-

¹ *Obergefell v. Hodges*, 576 U.S. __ (2015), https://www.supremecourt.gov/opinions/14pdf/14-556_3204.pdf.

tion, the protection of minority rights, and equal protection under the law. Given these two broad contexts—membership in the Orthodox Church and residence/citizenship in the United States—the *Obergefell* decision brings to the fore two key questions for Orthodox Christians: (1) What can the Orthodox Church say to LGBT people and their families? and (2) How will the constitutional right to the “free exercise of religion” be affected?

These will be examined in the course of reviewing the *Obergefell* decision. But both these questions in turn have layers of other questions and personal stories that need careful unpacking if we as Orthodox Christians are to face them fairly and completely. How have our people and clergy experienced these issues in their families, work-

places, churches, and schools? What do we say about the restrictions, outright persecution, and violence that LGBT people face in many countries with large Orthodox populations and de facto state churches? Do we believe our churches can be in some sense be welcoming to people who are LGBT while also maintaining Orthodox teachings?

Two Principles of Decision-Making: The Church and the US Constitution

From the start it is necessary to draw a clear distinction between what one might believe is right according to the US Constitution and what one believes is right according to the Church. The Church has its own approach to all matters. Indeed, in the mind of the Church everything, including mar-



United States Supreme Court, Washington, DC. Carol M. Highsmith Archive, Library of Congress, Prints and Photographs Division.

riage, must be seen in the light of the eternal Kingdom that is not of this world: “For in the resurrection they neither marry nor are given in marriage, but are like angels in heaven” (Matt. 22:30).

The Court’s decision does not affect the way the *Church* views marriage. We should be careful not to identify the Supreme Court or the United States government with the Church. It is unfortunate that many Christian critics of the decision make this identification (knowingly or unknowingly) and therefore see the *Obergefell* decision as a kind of national apostasy. G. K. Chesterton observed that the US is “a nation with the soul of a church,” and many conservative American Christians still think of the US as essentially a Christian nation and the Founding Fathers its saints. In their eyes, the Supreme Court’s decision is thus a betrayal of that inheritance. In this view, by blessing same-sex marriages—something that the writers of the Constitution would never have imagined—the Supreme Court has abandoned the faith once delivered to the saints.

Orthodoxy takes a broader and less exalted view of state sanctity. Throughout history, governments ebb and flow in their relationship with Christianity. They sometimes violently persecute the Church and other times seek to co-opt the Church for their own purposes. Even in the most “symphonic” periods of Byzantine and Slavic church history, the Church at its core remained free, and ordered its life according to its own principles as the body of Christ. Sometimes those principles coincided to with government policy. Often they did not. Sometimes

the Church could support the government in its policies, and other times it had to oppose it. Indeed, the most zealous monks and nuns were often the ones in opposition, insisting that the kingdom was not of this world, no matter how “churchly” that world appeared to be. Nationalism and patriotism can be healthy, but only when they neither eclipse the freedom of the Church nor promote idolatry of the nation. But a basic premise of this essay is that the Church needs to temper its expectations of the state. The state will never govern exactly according to the principles, canons, and ethos of Christ and the Church.

That said, the Church in the United States must carefully study this Court decision for two important reasons. First, because it will have wide-ranging effects on many aspects of church life. And second, because Orthodox Christianity is not an apocalyptic, world-rejecting sect, but the “one holy, catholic, and apostolic Church.” As such we have a responsibility toward the world in which we live. We recognize all human beings as created in the image and likeness of God, as fellow children of God, brothers and sisters with whom we share our country and planet. We are members of this society and this world, and must not abdicate our role in shaping it toward the common good, whatever the difficulties of collaborating with people of very different views about what constitutes “the common good.” As citizens of the United States we share a commitment to live under the commonly agreed principles of the US Constitution. Whatever private beliefs we may have—including Orthodox Christian faith—it is the US Constitution which, as the basis of law, binds us together legally as Americans.

² “Statement of the Holy Synod of the OCA on Sincerely Held Religious Beliefs Regarding Marriage,” June 16, 2016, <https://oca.org/holy-synod/statements/holy-synod/statement-of-the-holy-synod-of-the-oca-on-sincerely-held-religious-beliefs>.

One Question, Two Answers

In the *Obergefell* case we have a single question—is it legitimate to ban same-sex marriage?—but two different sets of principles by which that question can be answered: the Church’s and the Constitution’s. And it is therefore possible for an Orthodox Christian who is also a US citizen to come up with two answers to the same question.

The Supreme Court’s majority opinion was based largely on a reading of the Constitution as fundamentally committed to protect all citizens from harm and provide equal protection under the laws of the United States. Evidence that same-sex couples were being harmed because they were *not* being given equal protection persuaded the majority justices that same-sex marriage must be permitted. However, the dissenting justices brought forward a number of alarming observations about the decision. Both the majority and dissenting opinions therefore need serious attention as the Church and the nation continue to reflect on the decision.

It goes without saying that the Orthodox Church in the United States needs expert review of this decision by Orthodox legal specialists who can carefully consider the implications *Obergefell* might have for our churches. Based on such a legal review, the Holy Synod of Bishops of the Orthodox Church in America issued a statement of “sincerely held religious belief.” Known as the SHRB (pronounced “shrub”) document, it aims legally to protect dioceses, parishes, and church institutions under the US Religious Freedom Restoration Act of 1993. Asserting the rights of the Orthodox Church in America under the “free exercise of

religion” clause of the United States Constitution, the SHRB document insists that no activities contrary to the church’s sincerely held religious beliefs are to be permitted on church property:

Under no circumstances will such activities include those contrary to and incompatible with the sincerely held religious beliefs of the Church, including, but not limited to, events, services or receptions related to non-Orthodox sacraments (including weddings between persons of the same sex and related receptions), non-Orthodox worship services, and political activities.²

If parishes and church institutions include in their governing documents SHRB language that secular courts can understand without delving unconstitutionally into matters of church teaching, then (so the theory goes) they will be able to protect themselves in some measure from lawsuits targeting churches that refuse to rent their hall to same-sex couples for wedding receptions (to give just one example). Without going further into the issues around SHRB, my point here is that legal expertise is necessary to unravel the implications of *Obergefell* and to assess the extent to which SHRB can protect the Church.

But analysis of *Obergefell* is not an arena where legal expertise alone is called for. As the dissenters on the Supreme Court underlined, having five lawyers make the decision robs the country of the broad discussion and debate that such a monumental change in the state’s understanding of marriage deserves. That discussion is all the more essential for how the

Church responds to the Court's decision, precisely because the subject of marriage is so much broader than its legal and civic dimensions.

The Majority Opinion

The Court's majority acknowledged that their decision breaks new ground. This in itself was alarming to the dissenting justices and to critics of the decision. However, the very purpose of the Supreme Court is to resolve novel questions and thus to break new ground every time it renders an opinion. So breaking new ground is in itself unsurprising. The interpretation of the Constitution over more than two centuries has cleared successive patches of new ground as eyes opened to protect new classes of poorly treated minorities. As the majority said, "The nature of injustice is that we may not always see it in our own times."³ Whether as individuals or as a nation, seeing our own sins is never easy, as the Civil War and its aftermath most egregiously demonstrated. Michelle Obama once pointed out that she, the wife of the first African-American US president, woke up every day in a house built by slaves. But we know that slaves were not the only mistreated minority in US history. Native Americans, succeeding waves of immigrants, laborers and union organizers, children, women, LGBT persons: all of them have gradually won protection under broader interpretations of the Constitution. And none of these protections came without a fight. Only after bitter records of suffering were brought into the open, and after vigorous debates, court cases, demonstrations, and civil disobedience did these protections win the force of law.

Many of our own Orthodox native Alaskans and immigrants lived with second-class status for long periods of their history. But over time there is no question that Orthodox Christians have benefitted profoundly from the freedoms and protection of the United States. Indeed, persecution overseas made the US a refuge for immigrant Orthodox as it did for millions of others. Orthodox history is stamped with oppression and persecution, some of it centuries long, some short and sharp. The Roman Empire, the Ottoman Empire, the Turkish genocide of 1915, the Austro-Hungarian Empire, the Soviet Empire. This history alone ought to sensitize us to the sufferings of minorities.

In 2015, for American Independence Day, in a message to the faithful of the Greek Orthodox Archdiocese of America, Archbishop Demetrios rightly extolled America's freedom:

The annual celebration of Independence Day in this country is an opportunity to reflect on the value of freedom, its role in the history of the United States of America, and the opportunities it provides for relationships, life and well-being. The value and priority of freedom is evident in the history of this country, both through the struggles to achieve it for all persons as well as in the great accomplishments and progress that have been made in terms of the freedom to think, speak, move, invent and succeed.

As Greek Americans and Orthodox Christians we celebrate this freedom. We recognize the blessings that freedom has provided to our families and ourselves as we live, work, and worship in this country.

³ *Obergefell*, 11.

⁴ Archbishop Demetrios, "Encyclical for Independence Day," July 4, 2015, <https://www.goarch.org/-/encyclical-of-archbishop-demetrios-for-independence-day-july-4-2015>.

⁵ "Response of Assembly of Bishops to *Obergefell v. Hodges*," July 2, 2015, <http://www.assemblyofbishops.org/news/2015/response-of-assembly-of-bishops-to-obergefell-v.-hodges>.

We also recognize the value of freedom in emphasizing our heritage and identity. We are free to share this cherished heritage in an environment that values freedom of expression and the open sharing of ideas and diversity.⁴

Archbishop Demetrios goes on to say that Orthodox Christians also have much to offer this country, including a broader image of freedom, for "we know we are truly free when our pursuits and goals are not for ourselves but for the benefit and spiritual well-being of others and for the honor and glory of God." He ends his letter with a prayer "that the Liberator God and God of freedom be with you always."

Contrast this paean to freedom with the statement two days earlier on July 2, 2015 from the Assembly of Canonical Orthodox Bishops of the United States, reacting to the *Obergefell* decision:

It is immoral and unjust for our government to establish in law a "right" for two members of the same sex to wed. . . . We call upon our nation's civic leaders to respect the law of almighty God and uphold the deeply-rooted beliefs of millions of Americans.⁵

Yet isn't the task of civic leaders to protect *all* and to "uphold the deeply rooted beliefs" of *all*? Naturally, these beliefs may come into conflict with each other and with the views of the various entities of the US government, but the courts are and ought to be committed to protecting *everyone* from harmful unequal treatment under the law. And in this duty to protect, the courts must be especially attentive to

minorities. In *Obergefell*, the Court accepted the premise that the minority to be protected is the population of same-sex couples. But in some other case the victimized minority could be religious believers.

The Court's majority was doing what it deemed necessary to uphold the freedom and protections of a minority, no less than earlier court and legislative decisions over the past 200-plus years did the same for other classes of minorities who experienced discrimination, oppression, or persecution. Indeed, Archbishop Demetrios's July 4 letter explicitly references "the struggles to achieve [freedom] for all persons."

Note, however, that *Obergefell* was not about legalizing homosexuality as such. That had already been done. Over the past twenty-five years, laws against homosexual practice were repealed, and social acceptance of same-sex partnerships is now widespread. Canada accepted same-sex marriage as the law of the land fifteen years ago (in 2003) and most European countries have done the same. Professional bodies of physicians, psychologists, and psychiatrists dropped homosexuality as a mental illness in the 1970s. Prior to the Supreme Court decision, thirty-eight states had already legalized same-sex marriage, and many of the remaining states were on their way to doing so. And in 2015, Mississippi became the final state to permit same-sex couples to adopt children. The weekly Styles section of the *New York Times* publishes marriage announcements of both heterosexual and homosexual couples. *Modern Family* is one of the most popular shows on television and features a married gay couple who adopt a baby daughter. All of this re-

flects the social acceptance of sexual minorities in families, workplaces, schools, and community life. Even the Court's dissenters recognized this and were objecting primarily on the grounds that the democratic process should have been allowed to run its course, to complete the civil recognition of same-sex marriage through state legislatures and not through the courts.

The radical change in social acceptance of homosexuality left the majority on the Court with a dilemma. If homosexual partnerships are legal, then prohibiting homosexuals from having the full civil benefits of marriage enshrined in law would seem to be discriminating against them and therefore doing them harm, since the laws of the US are riddled with references to marriage. This is a point that the Legal Committee of the Rocky Mountain Deanery (Orthodox Church in America) rightly underlines in its study of *Obergefell*:

Changing the legal term "marriage" is not one change in the law, but

rather amounts to thousands of changes at once. The term "marriage" can be found in family law, employment law, trusts and estates, healthcare law, tax law, property law, and many others.⁶

The lawyers of the Rocky Mountain Deanery cite this usage to argue for the pervasive negative change that same-sex marriage will now represent, but this fact could equally be used to show just how pervasive the discrimination against homosexual couples would be if they were *not* recognized as married under the law.

Two Questions

The majority and the dissenting justices in the *Obergefell* decision both raise important and difficult questions for Orthodox Christians who live in the United States. They force us to think about our own response to the incredibly rapid acceptance of same-sex relationships and what this means for our churches and society. As I noted at the start of this paper, two basic questions arise. The major-

⁶ Memorandum, August 30, 2015, 1.



James Obergefell, right, plaintiff in *Obergefell v. Hodges*, with John Arthur, his terminally ill husband.

ity prompts us to ask how we as Orthodox relate to the LGBT people now in our families, parishes, schools, and places of work. The dissenters prompt us to think about the as-yet-unknown effects of all this on the Constitution's protection of "the free exercise of religion."

1. What Can Orthodoxy Say to LGBT People and Their Families?

The facts of the personal cases of James Obergefell and others were compelling evidence to the majority of justices that same-sex couples were being harmed by the patchwork of state laws permitting or prohibiting them from being married. In the view of the majority, the decision to permit same-sex couples to marry was therefore not an abstract vote in favor of same-sex marriage as such, but an effort to protect real people from the real harms imposed by inconsistent laws between the states. The majority cited the three cases below in their decision:

James Obergefell, a plaintiff in the Ohio case, met John Arthur over two decades ago. They fell in love and started a life together, establishing a lasting, committed relation. In 2011, however, Arthur was diagnosed with amyotrophic lateral sclerosis, or ALS. This debilitating disease is progressive, with no known cure. Two years ago, Obergefell and Arthur decided to commit to one another, resolving to marry before Arthur died. To fulfill their mutual promise, they traveled from Ohio to Maryland, where same-sex marriage was legal. It was difficult for Arthur to move, and so the couple were wed inside a medical transport plane as it remained on the

tarmac in Baltimore. Three months later, Arthur died. Ohio law does not permit Obergefell to be listed as the surviving spouse on Arthur's death certificate. By statute, they must remain strangers even in death, a state-imposed separation Obergefell deems "hurtful for the rest of time." He brought suit to be shown as the surviving spouse on Arthur's death certificate.

April DeBoer and Jayne Rowse are co-plaintiffs in the case from Michigan. They celebrated a commitment ceremony to honor their permanent relation in 2007. They both work as nurses, DeBoer in a neonatal unit and Rowse in an emergency unit. In 2009, DeBoer and Rowse fostered and then adopted a baby boy. Later that same year, they welcomed another son into their family. The new baby, born prematurely and abandoned by his biological mother, required around-the-clock care. The next year, a baby girl with special needs joined their family. Michigan, however, permits only opposite-sex married couples or single individuals to adopt, so each child can have only one woman as his or her legal parent. If an emergency were to arise, schools and hospitals may treat the three children as if they had only one parent. And, were tragedy to befall either DeBoer or Rowse, the other would have no legal rights over the children she had not been permitted to adopt. This couple seeks relief from the continuing uncertainty their unmarried status creates in their lives.

Army Reserve Sergeant First Class Ijpe DeKoe and his partner Thomas Kostura, co-plaintiffs in the Tennessee case, fell in love. In 2011,

DeKoe received orders to deploy to Afghanistan. Before leaving, he and Kostura married in New York. A week later, DeKoe began his deployment, which lasted for almost a year. When he returned, the two settled in Tennessee, where DeKoe works full-time for the Army Reserve. Their lawful marriage is stripped from them whenever they reside in Tennessee, returning and disappearing as they travel across state lines. DeKoe, who served this Nation to preserve the freedom the Constitution protects, must endure a substantial burden.⁷

These personal stories should alert us as Orthodox Christians to the people in our own churches who face a wide range of pastoral issues related to sexuality and gender. We need a lot more data than we currently have in order to understand better the pastoral challenges facing us and to inform pastoral guidance. What is the experience of these people in our parishes, both those who have grown up Orthodox and those who have come to Orthodoxy later in life? What is the experience and pastoral practice of clergy dealing with them? How have our people experienced these issues in their families, workplaces, churches, and schools? What are the prevailing attitudes toward these people among our parishioners of various ages? What are the attitudes in other Orthodox jurisdictions, both in North America and abroad? What do we say about the outright persecution and violence that LGBT people face in many countries with large Orthodox populations? How do we anticipate welcoming, teaching, and giving pastoral care and counsel to parishioners and their family members and friends who are LGBT, who are married and

have children, who encounter the Orthodox Church and wish to deepen their life in Christ and in the Church? Can we recognize the positive value of faithful long-term relationships over serial couplings, whether homosexual or heterosexual? If same-sex couples are married, will we expect them to divorce their partners? What do we say ought to happen to the children of these marriages? What do we tell our children about the whole subject? Already our children are attending schools where having two mothers or two fathers is fully accepted, where toleration is actively promoted, and any hint of disapproval is unacceptable. Do we believe our churches can be welcoming to LGBT people while also maintaining Orthodox teachings? How can the Church remain welcoming to all those in need of the healing and salvation offered in Christ and the Church—and give them time for repentance and healing—when they (like most of us) may not as yet fully recognize or be willing to address areas of their life still in need of healing? Or do we concede—despite the fact that we claim to be the one holy, catholic, and apostolic Church—that we are unprepared for this and suggest that they go elsewhere for healing and growth in Christian faith?

It needs to be said that even homosexual Christians who are committed to celibacy find “traditional” churches less than welcoming. For example, Wesley Hill, a Roman Catholic, in an important article in *First Things* just after the Orlando killings in the Pulse bar, asked, “What if the church were a haven?” What if churches could openly reject hostility, moralism, persecution, and violence toward the LGBT community? Hill said that he

⁷ *Obergefell*, 4–6.

⁸ Wesley Hill, "If the Church Were a Haven: Reflections on Orlando and Obergefell," *First Things*, June 27, 2016, <https://www.firstthings.com/web-exclusives/2016/06/if-the-church-were-a-haven>.

⁹ *Obergefell*, Alito, J., dissenting, 7.

understood why gay people often prefer bars to Churches.

As a gay man myself, albeit a celibate one owing to my Christian ethical convictions, I know my own feeling of relief and calm when I'm with my gay friends. I can breathe more evenly and let go of some of my self-consciousness. In their company, I can assume so much shared history, and I can count on empathy. . . . But the question that haunts me in Orlando's wake is this: What if Pulse—what if even *Obergefell*—hadn't needed to be a haven in quite that way? What if gay and lesbian people, despite always being a minority population, had never needed to face bullying, discrimination, and hatred? What if their loves had not been scorned or overlooked for not being marriage, so that not having marriage wasn't the liability it so often is in our contemporary culture? . . . What if, in other words, any club could have been a haven and a sanctuary? What if sanctuaries themselves—the Christian churches—had been the havens? . . .

Whatever the actual record of our churches—and, as I know from my decades as a gay churchgoer, it is often abysmal—we have a gospel that categorically condemns bigotry and violence and that celebrates loves other than marriage and parenthood in the strongest possible terms. It was our single Savior, after all, who said, "No one has greater love than this, that a man would lay down his life for his friend." We Christians have our theology of self-giving love, our saints' examples, and even recent Christian heroes' memories to point the way forward

in a post-Orlando world. Would that we would seize on our own best treasures and offer them afresh to a grieving population.⁸

2. *How Will the Constitutional Right to the "Free Exercise of Religion" Be Affected?*

Under the Constitution's First Amendment right to the "free exercise of religion," one could argue that those who disagree with *Obergefell* on religious grounds ought to be entitled to conscientious objector status. If the Supreme Court is committed to protecting the rights of minorities, then the Court must also protect the rights of religious believers to exercise their faith freely and not suffer discrimination and harm for doing so. While this argument might be defensible in theory, the dissenting justices were pessimistic that the social climate would permit this leniency. As Justice Samuel Alito wrote, "I assume that those who cling to old beliefs will be able to whisper their thoughts in the recesses of their homes, but if they repeat those views in public, they will risk being labeled as bigots and treated as such by governments, employers, and schools."⁹

Examples of legal challenges against those who object on grounds of religious conscience are multiplying in the US. One of the earliest was in 2015, when Kim Davis, a Kentucky county clerk, refused to sign marriage certificates for same-sex couples and thus tested her right to the free exercise of religion as an elected public official. Even many opponents of *Obergefell* felt she had crossed the line, and that as a public official she should either have carried out the law of the land or resigned from her position. But

the United States has a long tradition of allowing conscientious objectors in other spheres of government service—most notably in relation to military service—and it seems that on this social question, where there is still massive polarization, some creative work-around should be found. More recently and even more alarmingly, lawsuits have been brought against private citizens and businesses, such as florists and bakers, that in the free exercise of their religious values have declined to offer services to assist in same-sex marriages, even when they offered alternative providers.

In this climate, the Court is protecting one minority from hostility while another minority simultaneously sees its religious rights under threat. Increasingly, Orthodox Christians (regardless of whatever nuances we may wish to express) are being lumped together with all those who oppose same-sex marriage and can expect to be challenged, misunderstood, and vilified as homophobes and haters. In North America, as a minority in the rapidly-forming new normal where religious opponents to same-sex marriage are pariahs, Orthodox Christians will inevitably have to stand up to defend their religious rights under the Constitution.

Obergefell and the Rights of Children

In addition to these two questions, the widespread acceptance of LGBT families' adopting, begetting, and raising children raises another uncomfortable but unavoidable question: *What effect, if any, will Obergefell have on the rights of children?*

Obergefell has been compared to the US Supreme Court decision in *Roe v. Wade* (1973) that permitted abortion throughout the US. That decision in effect upheld the protection of *some* human beings—mothers—against the protection of others—unborn children—who were thus effectively declared to be non-persons without rights to be protected, or at least whose rights others could routinely overturn. If in the past the Supreme Court extended the protection of persons to include African-Americans, Native Americans, women, and homosexuals, in *Roe v. Wade* the Court narrowed it down, leaving millions of unborn human beings without legal protection.

The protection of children, and especially unborn children, is also an issue in *Obergefell*. Here again, the Court's majority has given protection to some—same-sex couples—but it is unclear what implication this has for the protection of children, who ideally ought to have the love and care of a mother and a father. True, there are many exceptions to this ideal in the real world. Millions of single parents are doing an extraordinary job under difficult circumstances. Children can be left with a sole parent through sickness, incapacitation, war, death, divorce, or imprisonment. Or a parent may abandon a child. I have no doubt that a loving, caring same-sex couple will give a better upbringing to some children than many foster homes, orphanages, or abusive families. But should same-sex couples have a free hand in making decisions to have children? Is this in the best interests of the children and of our society? And should same-sex couples have equal rights in this regard? The majority decision is partly based on the rationale

of protecting the children of same-sex couples from discrimination. While that is a worthy aim, it remains to be seen what impact the decision will have on children—and on unborn children especially—as more same-sex couples adopt or seek to have children through alternative methods of fertilization. The social change of same-sex marriages is too dramatic, rapid, and new to have enough experience to make final judgments in this area. And this is precisely why the dissenting justices argued that the majority was being precipitous

Conclusion

While it is just one court decision in one country, I believe that *Obergefell v. Hodges* reflects the rapidly chang-

ing and widely accepted social conditions in which Orthodox Christians are being called to witness and serve in many parts of the world. It raises essential questions about how we live in our societies not only as faithful Christians but as citizens, how we contribute to the common good, how we exercise and defend our rights to the free expression of our religious faith, how we defend the rights of others and speak out against abuse, and how we treat members of the LGBT community and their families whose new civil rights conflict with the teachings and discipline of the Orthodox Church. This decision presents scores of practical pastoral questions that we as Orthodox Christians have barely begun to discuss, let alone answer. ✱

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