

ON “EVOLVING STANDARDS”

By Dub McClish

Introduction

The Associated Press began a news story a few years ago as follows:

The Supreme Court ruled Tuesday [March 1, 2005] that the Constitution forbids the execution of killers who were under 18 when they committed their crimes, ending a practice used in 19 states.

The Political Liberal-Conservative Dichotomy Demonstrated

Much could be (and is being) said concerning whether or not the ruling itself makes sense and is in the best interest of our nation. Laying that issue aside, the **bases** the liberal majority of the court gave for making the ruling are my concern just now. Writing the majority opinion, Justice Anthony Kennedy, to a great degree, justified the ruling by making the following assertions:

- Capital punishment for under-eighteen killers constitutes “cruel and unusual punishment,” thus violating the Eighth Amendment
- The court must consider the existence of “evolving standards” in deciding such matters
- Most other nations have discontinued this practice

On the last point, Kennedy wrote: “It is proper that we acknowledge the overwhelming weight of international opinion against the juvenile death penalty....” Have I missed something along the way? I thought these august adjudicators swore to deliver their decisions **based solely on the laws of the United States** [particularly the Constitution], rather than on the opinions, practices, or laws of other nations. Our nation is in great jeopardy when the laws of nineteen states can be overturned by one man or woman, in this case by Justice Kennedy, who cast the deciding fifth vote.

In the blistering dissenting opinion, Justice Antonin Scalia correctly laid bare what the court was actually doing and saying in this judgment:

The court says in so many words that what **our people's laws** say about the issue does not, in the last analysis, matter: [It says in effect:] “In the end **our own judgment** will be brought to bear on the question of the acceptability of the death penalty.” ...The court thus proclaims itself sole arbiter of our nation's moral standards (emph. DM).

As those who follow such matters (and more U.S. citizens had better follow them!) know, the Supreme Court has increasingly, over the past one-third century, felt the need to hear and decide cases that involve fundamental moral and cultural issues. These judgments have very often strongly favored immoral, indecent, abominable, and even criminal and terrorist behavior in the struggle for control of the very soul of our national fabric. These decisions have done such

things as (1) give doctors and pregnant women the right to kill babies (both in and out of the womb) and (2) declare the state law of Texas against sodomy “unconstitutional.” Scalia’s last-quoted sentence above ought to haunt every citizen.

Let us now back up to two of Justice Kennedy’s words that especially caught my eye—*evolving standards*. Imagine going into a hardware store, shopping for a yardstick, only to hear the clerk say that he has yardsticks in several lengths, all the way from 30 inches to 40 inches. “After all, the length of a yardstick is an evolving standard, depending on how long the evolving standard of an inch is at any given moment.” This splendid oxymoron—*evolving standards*—is a clue to the liberal attitude toward our Constitution that views it, not as a set of laws written in stone, but as a “living” document, subject to updating in relation to changing ideas of justice, morality, freedom, privacy, and such like. It strips naked the liberal judicial activism of our courts that has become commonplace in recent years. We should not be surprised, however, for the nature of liberalism is to ignore and/or violate any standard, rule, or authority that dares to restrict its disciples.

A “standard” is fixed, static. That which is “evolving” is fluid, changing, and therefore cannot serve as a “standard.” The Kennedy admission that he and his fellows based the capital punishment ruling (at least in part) on a concept of “evolving standards,” while not surprising, is still disturbing. It is a blatant concession that, at least in this ruling, a majority of the most powerful court in the land (perhaps on earth) has become fully immersed in humanistic, relativistic, postmodern philosophy. **There are no standards with this crowd!** The ruling vividly demonstrates that five—only five—**unelected** and **unaccountable** jurists have all 296,000,000 American citizens at their mercy. They have proved that they are not reticent to impose their personal subjective wills on the nation, based not upon established law, but upon their interpretation of society’s fickle “evolving standards.” Ironically, many of the High Court’s decisions in recent years have helped create and encourage cultural and ethical “standards” to “evolve” to their present corrupt status.

The respective majority and minority opinions in the March 1 ruling demonstrate the distinctions between liberal and conservative approaches to the Constitution, government, the rule of law, and (as Justice Scalia accurately noted), ethics. On the one hand, five judges admitted their penchant for ignoring the law and relying on their interpretation of cultural trends (both here and abroad). On the other hand, four judges warned that our nation has a fixed standard—in its Constitution and laws—that must be upheld, regardless of the volatile cultural scene.

The Theological Liberal-Conservative Dichotomy

Liberals will be liberals, whether in the courts or in the church. Judge Kennedy's contorted effort to justify the unjustifiable is the same tactic theological liberals employ. He did not care what laws were on the books of nineteen states, how many fellow-citizens had died defending the rule of law, or how many generations had deemed those laws just. Liberals in the church behave the same way. They do not care what laws God has had in **THE** Book for twenty centuries, with strident warnings not to tamper with them (Gal. 1:6–9; 2 Tim. 4:2–4; Rev. 22:18–19; et al.) They do not care how many barrels of tears, sweat, and blood godly men and women have sacrificed in defense and propagation of those laws (Acts 5:28–42; 7:54–60; 8:1–4; 12:1–4; 2 Cor. 11:23–27; et al.). Like many of the judges have done concerning the Constitution, theological liberals magically seem to “find” things in the New Testament that simply are not there. These discoveries run the gamut from instrumental music in worship to observance of the Lord's Supper on Thursday night.

The *evolving standards* phrase struck me as particularly descriptive of liberalism in its theological garb. If I have not missed it, every liberal in religion (whether in or out of the church) views religion as a liquid, fluid stream, subject only to “evolving standards.” We hear them say, “We don't need a first-century church; we need a twenty-first-century church.” The first time I heard these words, a young Presbyterian preacher friend uttered them to me in 1961. Now apostate brethren are babbling the same blather.

The Disciples of Christ Christian Church has openly stated for decades that it believes that it is neither possible nor necessary to even attempt restoration. False brethren in our ranks are now trumpeting the same sounds. They have made it plain that they have no concern for restoring primitive Christianity or keeping it pure once restored. How long will it be before they go whole-hog with the Disciples and declare Alexander Campbell to be the founder of the denomination they are trying to make of the church? One can already see this mentality in some of what they write and say. This kind of non-thinking has produced the “ruling” that the Biblical restrictions one does not like (such as the role of women in the church) were only “cultural,” and they therefore do not apply to us today. You see, the new “standards” of culture have replaced those old “standards” from Paul's day (never mind that they are inspired by the Holy Spirit). After all, Paul was just a disgruntled old bachelor when he wrote those things, desperate to bolster his male ego by keeping women “in their place.”

The parallels are almost uncanny. The liberal judges sought precedent and authority for their subjective ruling from the inconstant cultural currents of the nations. What do liberals in the

church do? They borrow from the shifting, unauthoritative currents of the denominations. So ignoring the absence of Divine legal (i.e., Scriptural) authority, they issue their “rulings” that allow such things as:

- Dividing the worship assembly for “Children’s Bible Hour”
- Using dramatic presentations in place of Gospel preaching
- Employing “praise teams” to plan and direct worship
- Utilizing the “reaffirmation-reconfirmation” procedure to select/retain/dismiss elders
- Avowing that the Holy Spirit directly gives us strength and wisdom
- Permitting divorce and remarriage without Scriptural cause

I suppose it would be “cruel and unusual punishment” to deny them these and similar things they crave.

When we adapt Judge Kennedy’s statement to such things as worship, it comes out as follows: “It is proper that we acknowledge the overwhelming weight of denominational opinion against acappella congregational singing in worship and observance of the Lord’s supper only on the first day of the week and every first day of the week....” This is exactly the attitude we see in many of the liberals in the church.

The majority court ruling also had overtones of not wanting the U.S. to appear in any way distinct from, or in disagreement with, the “community of nations.” How like this silly sentiment is that of liberals in the church who despise their faithful brethren, but who are cozying up to the Christian Churches (both varieties), the community churches, and various other denominations. The worst calamity that could befall liberal leaders in the church would be for some of their sectarian peers (pastors, professors, and others) to accuse them of being “narrow-minded” or “exclusivistic.” The last way they want the “community of religions” to regard the church of Christ is “distinct” or “different” from them.

Liberals in the church have fallen prey to the postmodernism that victimized the majority of the Supreme Court in the rendering under consideration. Whether in politics or religion, liberals are relativists. “You have your truth, and I have my truth.” The denominationalists have told us for years—when we demonstrate by the Bible the falseness of their position on a given point: “That’s just your interpretation.” Of course, some things in the Bible are capable of being interpreted differently by different people, and with no real consequence. However, those things necessary for our salvation are not in that category—they are all plainly revealed (e.g., the plan of salvation, the identity of the church, the Lord’s pattern for our daily behavior, et al.).

These matters remind me of an occurrence several years ago. The elders where I preached at the time allowed a member (well known for his liberal views) to make a Wednesday night talk. He made so many pivotal doctrinal mistakes that I had no choice but to follow him—in front of the same assembly—and, as gently as possible, point these out. He made repeated references to “true facts” and “false facts.” He obviously either did not know the meaning of *facts* or he was a forerunner of postmodern philosophy. The word *fact* connotes reality, actuality, or truth. One may as well speak of “true truths” and “false truths” as to use this man’s verbiage. *False facts* is an even more ridiculous oxymoron than *evolving standards*. Such is the muddied “reasoning” of the liberal mind.

The Supreme Court is composed of jurists with two widely divergent attitudes toward an authoritative document—in their case, the Constitution. Liberal members of the court view the Constitution as a set of loose guidelines, which they can amend—either by addition or subtraction—at will. Conservative members of the court view the Constitution as stable law, containing both positive obligations and prohibitions, which must be obeyed. In the court we see a figure of the “great divide” in the church. Liberals view the New Testament—our authoritative document—as a set of loose guidelines (“love letters” from God), which they can run beyond or trail behind at will with impunity. Conservative saints respect the New Testament for what it is—an unbending, immutable body of spiritual law and our standard of authority, with which we dare not tamper, and which we are obligated to obey (Mat. 7:21–23; Heb. 5:9; et al.).

Conclusion

The respective attitudes of the two groups that compose the Supreme Court hold potential for great good or evil relating to our nation’s future. Likewise, the divergent attitudes of the two groups in the church hold a potential for great good or evil, respectively for the church. It will be a tragedy of immense proportions if the leaders of our nation continue to stray ever further from their Constitutional moorings. However, it will be a far greater tragedy if people of great power and influence in the church continue to move the church ever further from its New Testament moorings. The former is related only to time—the latter to eternity. The New Testament still warns: “If any man speak, let him speak as the oracles of God” (1 Pet. 4:11a).

[Note: I wrote this MS, and it originally appeared as an “Editorial Perspective” in the April 2005 issue of *THE GOSPEL JOURNAL*, of which I was editor at the time.]