



Written by [Selwyn Duke](#) on April 5, 2009

Iowa Supreme Court Upends Marriage

On the heels of the Vermont legislature's passing of a same-sex "marriage" bill last Thursday came additional shocking news a day later, with the Iowa Supreme Court ruling unanimously to overturn its state's ban on same-sex "marriage." It is considered a landmark victory for faux-marriage, as Iowa now has the dubious distinction of being the first Midwest state to embrace this brand of social engineering.



Of course, in Iowa's case, it is not the people (except insofar as they created the system by which judges are chosen; this includes their choice of governors) who have undermined marriage but a de facto black-robed oligarchy that sees fit to impose its values from the bench. Congressman Steve King addressed this extra-constitutional behavior, saying on a WHO-AM radio talk show, "I can't think of a more activist decision that has been made by this Iowa Supreme Court. It immediately turns Iowa into the Mecca for same-sex marriages — a destination state. There will be weekend packages that are being planned right now. It will be the Las Vegas of same-sex marriage for America if the Legislature doesn't act now."

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Yet, a legal remedy will prove more difficult than in California with its Proposition 8. As Mike Glover [writing](#) in the *Chicago Tribune* explains:

To amend the constitution, the Legislature would have to approve a resolution calling for the change during the current General Assembly. The Legislature that takes office in 2010 also would have to take action.

If approved in two consecutive General Assemblies, voters would decide the issue in a statewide election. If not taken up this session, the soonest the issue could go on the ballot would be 2012.

Essentially, what this means is that such an amendment may never happen, since the Democrats who control Iowa's legislature have no intention of challenging the ruling and say it likely won't be taken up this session.

Yet what can be done is to challenge the Supreme Court justices' reasoning. Treating this at



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Reason.com, Jacob Slocum [wrote](#) of how the court found that “it [Iowa’s Defense of Marriage Act] violates the state constitution’s guarantee of equal protection. That provision, the court said, ‘is essentially a direction that all persons similarly situated should be treated alike.’” The justices then concluded that normal couples and same-sex ones are “similarly situated.” Talk about mixing the fruit of the Tree of Knowledge of Good and Evil with, well, evil.

All the people in question may be similarly situated insofar as they are human, and this is why they are all entitled to the same human right: to marry. And there is the rub. We must know the definition of marriage to understand what it actually is that people have a right to.

This is where the justices stumbled badly. You may now suppose that I’ll say they’re defining marriage incorrectly, but that is not the case. The real problem is that they’re not actually defining it at all. Let’s examine this.

These jurists are saying that marriage is not defined as the union between a man and woman in holy matrimony. Well, then how do they define it? What then is marriage? This is the philosophical point they (and lawyers tend to be a philosophically inept lot) aren’t considering.

In other words, if these judges will reject the definition of marriage that has been held for the entire history of Christendom – if they are to insist it’s incorrect – it’s incumbent upon them to define what marriage is. If they cannot, it throws their judgment into question. Because if they do not really know what marriage is, how can they be sure they know what it isn’t? Yet, once they define it, they have limited it.

This is because definitions are by nature prescriptive; they are discriminatory. If I use the word “house,” you know the specific thing to which I’m referring. You know I don’t mean “car,” “apple” or “optical mouse.” Yet if it could refer to those things or anything else — if it could mean anything — it would in a practical sense mean nothing. It would have been reduced to a synonym for “thing.” “Thing,” of course, has a limited definition as well, as it refers to something and not nothing. But the point is that unless “house” refers to something other than “thing,” it becomes a redundancy and loses meaning.

Likewise, if marriage can mean anything, it essentially means nothing other than nothing. It is then just a thing. Yet if the court does define it, they are discriminating, and unless that definition is preposterously wide, they are discriminating against people. Put differently, if you define marriage as the union between two people, you are discriminating against polygamists. But why do this? Don’t they have the same human rights as everyone else? If you define marriage as between or among adults, you discriminate against pedophiles and children. If you define marriage as the union between or among people, you discriminate against those who engage in bestiality. And don’t tell me the issue is that an animal can’t give consent, because if you can unilaterally choose to eat a sheep, why can’t you unilaterally choose to marry one? This all may seem ridiculous, but it is in fact the philosophical road the court has taken us down.

It is also why we already see movements to legalize polygamy in countries such as Sweden. (And, for sure, polygamy has infinitely stronger historical precedent than does faux marriage.)

Of course, we could have tremendous fun – and descend into profound foolishness – playing with words further. Define “animal”; after all, many people say man is just an animal. Define “child;” after all, the age of consent varies from state to state and country to country (it’s only 14 in Canada). Define “marriage” ... oh, yeah, that’s the issue here, isn’t it?

So where do these esteemed public officials get their definition of marriage? It’s obvious they don’t



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have any concrete vision of it in mind, and how could they? They are detached from Truth; they are relativists. Thus, they cannot point to any objective Truth pertaining to what marriage is; they cannot say, "This is God's plan for sexuality - this is His definition. It is holy matrimony." All they can do is use man as the yardstick (which, since they're part of man, means their own feelings as well), meaning, they have only a provisional definition - subject to change as the "times" do.

Now there is an obvious question: if these officials derive their definition from the people, why do they rubber stamp faux marriage? After all, most people are still against it. But this isn't the point. The people have set the stage for this lunacy by making a grave mistake. That is, we lost our faith.

Once we drifted away from viewing marriage as an institution called holy matrimony that was ordained by God, we placed it in the hands of man. It then followed that we could accept the concept of "civil marriage," which resulted in some people tying the knot only civilly and considering themselves "married."

Now, I will reiterate, if "marriage" doesn't describe something defined by God, it can only describe something defined by man. And definitions created by man can be changed by him, which is why language changes continually. (E.g., a "gentleman" used to be a man of high breeding who owned property; now it's simply a man with refined manners.) Then, of course, the definition of marriage was up for grabs.

The wider society — most of which opposes faux marriage — then compounded this mistake by embracing the left's terminology. What I mean is, virtually everyone uses the term "gay marriage." And what effect does this have? It implies that such an institution exists. The same is true when some of us say "heterosexual marriage," as this implies that the other side of the coin exists. And once we tacitly admitted that "gay marriage" existed, we had paved the way for our defeat. The judges simply and naturally concluded that since there is a right to marry, and since this type of "marriage" exists, people should have a right to it.

This is why Truth matters. It's why the search for it, known as philosophy, matters. It's why I write so much about it. As far as more secular traditionalists go — people who may be more inclined to write Truth with a small "t" — I will say that I'm not engaging in classic proselytization. I'm simply pointing out that ideas have consequences.

This is also why I frequently warn about the use of the left's terminology, the Lexicon of the Left (although no one seems to listen). The side that defines the vocabulary of a debate wins the debate. It's why the pen really can be mightier than the sword.

Lastly, this is another example of why people get the government they deserve. Philosophically, our judges and legislators reflect the people more than many of us care to think. Our leaders are married to the relativistic spirit of the age. But it is the people who are the father of the bride.

Photo: Iowa Supreme Court



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