Written by **Selwyn Duke** on October 9, 2022

"The Time Has Arrived": Building on Same-sex "Marriage" Opinions, Judge Rules for Polygamy

Our leftist social "engineers have not redefined marriage," I wrote in 2012, repeating a warning I've often issued. "They have *undefined* it." And "while they scoff at the claim that legalizing faux marriage paves the way for polygamy and everything else, an 'undefinition' excludes nothing," I pointed out in 2010. Of course, such observations were sloughed off with the oh-so intellectual argument "That won't happen!" — except now it has, with a judge saying that perhaps "the time has arrived."

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The Christian Post reported on the story Saturday:

> A funny thing happened to the Democrats' same-sex marriage bill on its trip from the House to the Senate: people actually started reading the legislation. When they did, an uncomfortable reality set in — nothing in the text explicitly outlawed polygamy. It was just a "drafting error," the more liberal senators claimed. But it wasn't a "drafting error" when a New York judge recognized polyamory late last month. How much longer until the party who wants "love" to be the legal basis for every relationship follows suit?
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> The decision by trial court judge Karen May Bacdayan should have been frontpage news. After all, she essentially gave New York's blessing to polyamorous unions in her September decision, declaring that "… the problem with [previous same-sex marriage rulings] is that they recognize only two-person relationships."
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> At the heart of the case was an apartment dispute, triggered when a tenant, who had a gay spouse living elsewhere, died. The landlords argued that the man he did live with didn't have a right to renew the lease because the two weren't married. When the roommate objected, arguing that he was a "non-traditional family member," the judge decided to hold a hearing on whether all three were romantically involved.

"According to LGBTQ Nation, the case returns to court after further investigation of the three individuals' relationship," adds Fox News. But the bottom line is that Judge Bacdayan "concluded that polyamorous relationships are entitled to the same sort of legal protection given to two-person relationships," the news organ also informs.

As to her reasoning, Fox further reports:

> The judge notes that the "problem" with cases like Braschi [involving same-sex unions] and the landmark Obergefell v. Hogdes – which held that the Fourteenth Amendment guarantees the right for same-sex couples to marry and requires all states to recognize and

> issue marriage licenses for those couples – is [again] that they "recognize only two-person relations."
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> "Those decisions, however, open the door for consideration of other relational constructs; and, perhaps, the time has arrived," Bacdayan said, citing a passage from Justice John Roberts' Obergefell dissent.
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> "If not having the opportunity to marry serves to disrespect and subordinate gay and lesbian couples, why wouldn't the same imposition of this disability … serve to disrespect and subordinate people who find fulfillment in polyamorous relationships?" Roberts wrote.

Criticizing Bacdayan is easy here; in fairness, though, she's just operating logically within the context of a ruling by the Supreme Court, which, of course, is supreme among courts. That ruling, *Obergefell*, did reflect the "undefinition" of marriage, too. I explained this phenomenon in 2010, writing that the Left does

> not steadfastly, unabashedly, and definitively say, "Marriage is the union between any two adults and nothing else, and here is the moral basis for this conclusion." No, they would then be drawing a line just like the traditionalists, wouldn't they? They would be guilty of the kind of "bigotry," "exclusiveness," and "narrowness" of which they accuse their opponents. Relativists can't have that, so they offer no definition. All they do is imply that the traditional definition is incorrect.

This is a "hole" in the Left's argument, I continued, because, as mentioned above, "an 'undefinition' excludes nothing."

This was always the problem and reflected the lack of intellectualism characterizing the courts' faux-marriage rulings. As I explained in 2015 in "Supreme Fallacy: Courts Have No Business Even Considering Marriage":

> What if someone told you that homosexuals already have the right to marry — meaning, they have a right enter into a conjugal union with a member of the opposite sex — as that's what marriage is? Of course, faux-marriage advocates will protest and dispute this definition. This brings us to the universally ignored crux of the matter:
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> The marriage debate is *not about rights*.
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> It is about *definitions*.
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> After all, how can you decide if there's a right to a thing *unless you first determine what that thing is*?
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> Are the courts supposed to say "There is a right to we know not what"?
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> The marriage debate cannot be about rights because [virtually] no one — anywhere — disputes that all adult Americans have a right to "marry." Some disagree, apparently, on what "marriage" is.

But the courts never recognized this reality and, as a result, this tale doesn't end with polygamy. As I wrote in 2014, addressing the 14th Amendment, equal-protection argument:

> Asking if there is a right to an undefined thing is like asking if you want to play an undefined game, eat an undefined substance, or marry an undefined entity.
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> But what if "gay marriage" actually existed as a separate and legitimate species of marriage? What if it had its own special definition because it was its own particular thing? Even if that got you around the definitional problem, it isn't a legally sound argument or one that avoids the slippery slope [to polygamy and beyond]. This is for a simple reason: People have equality under the law.
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> Institutions don't.
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> The mere fact of existence cannot and does not confer legality upon an institution (slavery is a good example). To imply otherwise is to tacitly set a precedent whereby any conception of "marriage" under the sun would have to have its "equality" under the law.

Where could this go? People already claim to have married animals; dolls; a video-game character; a pillow; the Berlin Wall; a fairground ride; and, in one man's case, himself. To echo the Christian Post, if "love" is all you need, what's the limit? (Will the courts, and could they, define "love" any more than they have "marriage"?) Why, I can't tell you how many times I've said to people about my present vehicle, "I love this car!"

So, barring a civilizational sea change in thinking, don't be surprised if you hear again and again and again in the future, "the time has arrived."