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California Supreme Court Redefines Marriage

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The California Supreme Court's 4-3 [decision](#) striking down the state's definition of marriage as a union of a man and a woman throws open the door for a massive redefinition of human relationships. The people of California approved Proposition 22 by a huge margin in 2000, clearly stating their understanding of marriage and their desire to protect marriage from legal revision. By a one-vote margin, their state Supreme Court renounced the will of the people. The ruling is both revolutionary and radical. It sets the stage for a much broader reorganization of human society.

Chief Justice Ronald M. George, writing for the majority, pushed the argument for same-sex marriage far beyond where any court had taken it before. The decision identified marriage as a "fundamental right," thus opening the door for infinite challenges beyond same-sex marriage.

The court also declared sexual orientation to be a class protected by a "strict scrutiny" test of all legislation and regulation. In so doing, the California court became the first in the nation to apply this test on the basis of sexual orientation. This move also opens the door for much broader challenges to laws and regulations across the board.

Unless stayed by another court, the ruling takes effect in 30 days, when California authorities will be required to issue marriage licenses to same-sex couples. California voters will have another opportunity to protect marriage in November, when a proposed constitutional amendment will come before the electorate. The stakes now could not be higher.

We discussed this development Thursday on [The Albert Mohler Program](#) with guests Maggie Gallagher of the [National Organization for Marriage](#) and [Dr. John Eastman](#), Dean of the Chapman University School of Law [[listen here](#)].

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