

What is marriage?

Man and Woman: A Defense

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Introduction

- ◆ **We consider two views of marriage: conjugal view and revisionist view**

Conjugal view can be discretely defined in terms of comprehensive union

Revisionist view is based on degree of emotional intensity, so can't be discretely defined

We identify two views of marriage: the conjugal view and the revisionist view. *The conjugal view* is that of traditional marriage and thereby entails a comprehensive union of one man and one woman that is exclusive and permanent. *The revisionist view* has emerged in the last few decades and entails a loving emotional bond among consenting adults and lasts as long as all of the participants desire that it last. [p. 1-2]

“Our essential claims may be put succinctly. There is a distinct form of personal union and corresponding way of life, historically called *marriage*, whose basic features do not depend on the preferences of individuals or cultures. A marriage is, of its essence, a comprehensive union: a union of will (by consent) and body (by sexual union); inherently ordered to procreation and thus the broad sharing of family life; and calling for permanent and exclusive commitment, whatever the spouses' preferences....

“Marriages have always been the main and most effective means of rearing healthy, happy, and well-integrated children. The health and order of society depend on the rearing of healthy, happy, and well-integrated children....

“...It is not the conferral of benefits on same-sex relationships itself but redefining marriage in the public mind that bodes ill for the common good. Indeed, societies mindful of this fact need deprive no same-sex attracted people of practical goods, social equality, or personal fulfillment.” [p. 6-7]

- ◆ **Redefining marriage per revisionist view would degrade concept of marriage and, as a result, would degrade marriage as the foundational structural unit of society**

The harm of redefining marriage is that it will degrade the high standards embodied in traditional marriage, thereby degrading marital norms and, as a result, this foundational structure of society. More

specifically, redefining marriage will reduce the fulfillment found in marriage by husband and wife; it will reduce the well-being of spouses; it will reduce the well-being of children; it will reduce the distinctiveness of friendship; it will reduce religious liberty, as adherents of traditional marriage will be stigmatized as bigots for not embracing the redefinition; and it will increase the role of government, as the redefinition will degrade marital norms and, as a result, will degrade the quality and the stability of marriages and families. [p. 7-9]

“Children’s need for intact families, amply confirmed by social science, is the hook that pulls the law into regulating marriage.... But once the state decides to recognize marriage at all, it is obligated to get marriage right, so as to avoid obscuring its distinctive structure and value.” [p. 11]

1. Challenges to Revisionists

◆ Revisionist view is incoherent

“...The revisionist view fails on its own terms: no coherent version of it can account for three points common to both sides of the debate: the state has an interest in regulating certain relationships; that interest exists only if the relationships are sexual; and it exists only if they are monogamous.” [p. 15]

◆ Revisionist view can’t explain why state should regulate marriage

The revisionist view can’t explain why the state should regulate marriage since revisionist marriage is nothing more than a type of friendship [p. 15-16]

“...Marriages have a definite structure that friendships lack. ...Societies rely on families built on strong marriages to produce what they need but cannot secure: healthy, upright children who become conscientious citizens. As they mature, children benefit from the love and care of both mother and father, and from their parents’ committed and exclusive love for each other. Unlike friendships, which vary in kind and degree and formality, marriage...has enough objective structure, apart from spouses’ preferences, to be legally regulated.” [p. 15-16]

◆ Revisionist view can’t explain why state should care if marriage relation is sexual

The revisionist view can’t explain why the state should care if two people in a so-called marriage have a sexual relation. For example, if two men have a shared living arrangement, why should the state require that they have a sexual relation in order to call it a marriage? [p. 16-18]

◆ Revisionist view can’t explain why marriage should be monogamous

The revisionist view can’t explain why marriage should be limited to monogamous relations. [p. 18-21]

“...The current debate is...over whether the kind of union with marriage’s essential features can exist between two men or two women. Revisionists would not leave our basic understanding of marriage intact and simply expand the pool of people eligible to marry.... They would abolish the conjugal view of marriage from our law and replace it with the revisionist view. They would make civil marriage no longer a comprehensive union but an emotional one, to which sex is of no more value than the feeling it fosters; to which procreation is no more specially related...than deep conversation or badminton; for which permanence and exclusivity are optional.” [p. 78-79]

2. Comprehensive union

◆ Conjugal marriage is comprehensive union

“Marriage is a comprehensive union of persons.... It is in the three basic features of any bond — unifying activity, unifying goods, and unifying commitment — that marriage is comprehensive.

“First, it unites two people in their most basic dimensions, in their minds and bodies; second, it unites them with respect to procreation, family life, and its broad domestic sharing; and third, it unites them permanently and exclusively.” [p. 23]

◆ **Conjugal marriage is union of minds and bodies**

“First, unlike ordinary friendship, marriage unites people in all their basic dimensions. It involves a union of minds and wills that unfolds in a sharing of lives and resources. But marriage also includes bodily union.... Because of that embodiedness, any union of two people must include bodily union to be comprehensive.” [p. 24]

◆ **Conjugal marriage entails shared domestic life as basis for procreation**

“Second, besides uniting spouses in every basic dimension (body and mind), marriage unites them in pursuit of every basic kind of good. In particular, marriage calls for the wide-ranging cooperation of a shared domestic life, for it is uniquely ordered to having and rearing children.” [p. 28]

◆ **Conjugal marriage entails commitment to permanent and exclusive relationship**

“...Third and finally, ...marriage alone requires comprehensive commitment, whatever the spouses’ preferences. ...As a union of spouses in mind and body, ordered to having and rearing children in the context of broad life sharing, marriage...makes sense of permanent and exclusive commitment and requires it to get off the ground. ...While people in other bonds may wish for, promise, and live out permanent sexual exclusivity, only marriage objectively requires such a commitment if it is to be realized fully.” [p. 32-33]

As to husband and wife, “...their mind-body union is ordered to the comprehensive good of rearing new members of the human family — their children — an open-ended task calling for the coordination of their whole lives, which in turn requires undivided commitment. Thus, the norms of marriage, a union specially enriched by family life, fittingly create the stability and harmony suitable for rearing children.” [p. 33]

“In short, a union comprehensive in these senses — a union of mind and body, ordered to procreation and family life — must by the same token be comprehensive in commitment.... But in the revisionist account of marriage, where organic bodily union, an orientation to family life, and broad domestic sharing are at best optional, so are permanence and exclusivity.” [p. 34]

3. The state and marriage

◆ **State recognizes and regulates marriage because well-being of society depends on procreation and rearing of children**

“...Marriage is a bond of a special kind. It unites spouses in body as well as mind and heart, and it is especially apt for, and enriched by, procreation and family life. In light of both these facts, it alone objectively calls for commitments of permanence and exclusivity. Spouses vow their whole selves for their whole lives. This comprehensiveness puts the value of marriage in a class apart from the value of other relationships.

“Against this, some on the libertarian Right say that marriage has no public value, and call for the state to get out of the marriage business altogether. Voices on the Left say that marriage has no *distinctive* public value; they say the state may work it like clay, remaking marriage to fit our preferences. Here we show where both go wrong.” [p. 37]

“There are no civil ceremonies for forming friendships or legal obstacles to ending them. Why is marriage different? The answer is that friendship does not affect the common good in structured ways that warrant legal recognition and regulation; marriage does.

“This is the only way to account for the remarkable fact that almost all cultures have regulated male-female sexual relationships. Their relationships alone produce new human beings. For these new and highly dependent people, there is no path to physical, moral, and cultural maturity without a long and delicate process of ongoing care and supervision — one to which men and women typically bring different strengths, and for which they are better suited the more closely related they are to the children. Unless children do mature, they will never become healthy, upright, productive members of society; and that state of economic and social development we call “civilization” depends on healthy, upright, productive citizens. But regularly producing such citizens is nearly impossible unless men and women commit their lives to each other and to any children they might have. So it is a summary...to say that civilization depends on strong marriages.” [p. 38]

“Let us take a closer look at the social benefits [of marriage]. Common sense and reliable evidence both attest to the facts that marriage benefits children, benefits spouses, helps create wealth, helps the poor especially, and checks state power.” [p. 42]

◆ **Marriage benefits children**

“First, ...the best available social science suggests that children tend to do best when reared by their married mother and father.” [p. 42]

◆ **Marriage benefits spouses**

“A second public benefit of marriage is that it tends to help spouses financially, emotionally, physically, and socially.” [p. 44]

◆ **Marriage enhances prosperity of nation**

“Third, these two benefits of marriage — child and spousal well-being — support the conclusion of a study...as part of the University of Virginia’s National Marriage Project: “The core message...is that the wealth of nations depends in no small part on the health of the family.”” [p. 45]

◆ **Marriage enhances prosperity of families, especially poor families**

“Fourth, given its economic benefits, it is no surprise that the decline of marriage most hurts the least well-off.” [p. 45]

◆ **Marriage reduces government costs and regulations**

“Finally, since a strong marriage culture is good for children, spouses, indeed our whole economy, and especially the poor, it also serves the cause of limited government. Most obviously, where marriages never form or easily break down, the state expands to fill the domestic vacuum by lawsuits to determine paternity, visitation rights, child support, and alimony.

“But the less immediate effects are even more extensive. As absentee fathers and out-of-wedlock births become common, a train of social pathologies follows, and with it greater demand for policing and state-provided social services.” [p. 45]

◆ **Revisionist marriage can’t be discretely defined so definition is arbitrary**

“We can now address the arguments of those on the Left who think marriage malleable to no end.... Marriage is for them whatever we decide to make it. There are no criteria that your relationship must meet to be a marriage.... There is only the vast and gradual spectrum of more and less affectionate relations....” [p. 46]

4. What's the harm?

◆ Revisionist proposal would harm institution of marriage and, as a result, much else

“Here we show how the revisionist proposal would harm the institution of marriage and much else besides.

“Our argument depends on three simple ideas:

- ◆ Law tends to shape beliefs.
- ◆ Beliefs shape behavior.
- ◆ Beliefs and behavior affect human interests and human well-being.” [p. 53-54]

◆ Redefining marriage per revisionist view would degrade concept of marriage

“Redefining civil marriage would change its meaning for everyone. Legally wedded opposite-sex unions would increasingly be defined by what they had in common with same-sex relationships.... Marriage, the human good, would be harder to achieve. For you can realize marriage only by choosing it, for which you need [a good]...idea of what it really is. By warping people’s view of marriage, revisionist policy would make them less able to realize this basic way of thriving....” [p. 55]

“...Even leading revisionists now argue that if sexual complementarity is optional, so are permanence and exclusivity.” [p. 57]

“Conjugal marriage laws reinforce the idea that the union of husband and wife is, on the whole, the most appropriate environment for rearing children — an ideal supported by the best available social science. Recognizing same-sex relationships as marriages would legally abolish that ideal. No civil institution would reinforce the notion that men and women typically have different strengths as parents; that boys and girls tend to benefit from fathers and mothers in different ways.” [p. 58]

“Not one study of same-sex parenting meets the standard of research to which top-quality social science aspires: large, random, and representative samples observed longitudinally.” [p. 60]

“Ultimately, however, we have two reasons to expect that same-sex parenting is generally less effective. First, every alternative to married biological parenting that *has* been examined in high-quality studies has consistently been shown less effective: this is true of single- and stepparenting as well as parenting by cohabiting couples.... Second, ...reliable studies suggest that mothers and fathers foster — and their absences impede — child development in different ways.” [p. 61-62]

5. Justice and equality

◆ Conjugal marriage meets societal standards for justice and equality

“Revisionists argue that proponents of the conjugal view cannot give a principled basis for recognizing infertile couples’ unions that would not equally apply to same-sex unions. This challenge is easily met. An infertile man and woman can together still form a true marriage — a comprehensive union....” [p. 73]

“All legal recognition divides the world in two: what is recognized, and everything else. Laws that distinguish marriage from other bonds will always leave some arrangements out. You cannot move an inch toward showing that marriage policy violates equality, without first showing what marriage is and why it should be recognized legally at all.” [p. 80-81]

“The revisionist view, at least in the version currently most represented in public debates, would honor and privilege...monogamous heterosexual and same-sex unions but not polyamorous ones.” [p. 96]

6. A cruel bargain?

◆ Claim is that traditional marriage law harms homosexuals

“...The objection considered here charges that traditional marriage law harms the personal fulfillment, the practical interests, and the social standing of same-sex-attracted people.” [p. 84-85]

◆ Of logical necessity, conjugal marriage is heterosexual

Regarding social standing, as we have shown, marriage is a comprehensive union that is possible only between one man and one woman. Accordingly, of logical necessity, such a union is not available in a same-sex relationship, so calling a same-sex relationship *marriage* is a matter of pretense, and, as we have argued, doing so would destroy the concept of marriage, rendering it void of any essential meaning. [p. 85-88]

◆ Homosexuals can secure relationship rights through legal instruments

Regarding practical interests, legal instruments are available by which same-sex-attracted people can secure relationship rights, such as hospital visitation rights or childcare rights. [p. 84-85]

◆ Homosexuals can obtain personal fulfillment without legal title of marriage

Regarding personal fulfillment, this may be achieved by same-sex-attracted people in their relationships without endowing those relationships with the legal title of marriage. [p. 88-92]

◆ Conclusion

“Legal recognition makes sense only where regulation does: these are inseparable. The law, which deals in generalities, can regulate only relationships with a definite structure. Such regulation is justified only where more than private interests are at stake, and where it would not obscure distinctions between bonds that the common good relies on. As we have argued, the only romantic bond that meets these criteria is marriage, *conjugal* marriage.” [p. 92]

◆ Notes

Note that some same-sex-attracted people do not support changing the definition of marriage in order to include same-sex couples. [p. 10; footnote p. 90] Also note that the origin of same-sex attraction is irrelevant to our argument. [footnote p. 86]

7. Conclusion

◆ Only conjugal marriage can be discretely defined and rationally defended as a unique relationship that is foundational to a stable and prosperous society

“...Marriage is a kind of union shaped by its comprehensiveness and thus, among other things, fulfilled by procreation and childrearing. Only this can account for its essential features.... Because marriage uniquely meets essential needs in such a structured way, it should be regulated for the common good, which can be understood apart from specifically religious arguments. The needs of those who...do not marry...can be met in other ways.” [p. 97]

“Marriage understood as the conjugal union of husband and wife...serves the good of children, the good of spouses, and the common good of society.” [p. 97]

Note. In a few quotes shown above, I made slight changes to the original text in order to increase readability. The primary change was to eliminate unnecessary italics.