

## The Philosophy Behind the Conjugal View of Marriage

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**I WANT TO BEGIN WITH A GENERAL SET OF THOUGHTS** about why it is important to have a serious intellectual discussion about marriage, in particular in an environment where we share a common faith or a common set of assumptions and understandings about moral and political theory. It is very easy for people to think, “I know what I know by the scriptures or by my faith tradition or by my community, and I can just stop there.” There are several reasons for us not to stop there, however, as important and critical as those sources of knowledge are.

The first reason is maybe the most obvious: not everyone is Christian. This is the most obvious point because we are all pressed day in and day out to give an account—a “reason for our hope,” as Saint Peter says—of the views that we hold in terms that other people can understand and appreciate whether or not they share a particular faith tradition. That is on full display today in the moral and political and legal battles that we are facing as a culture. But it does not stop there, and if we did stop there we might be thinking too strategically. There are several internal reasons, reasons rooted in the flourishing of our own communities and our own faith life, to think about the non-faith-based arguments for these moral and political views. Understanding the reasons, the rationale, the human goods at stake in these debates—whether you approach these issues from philosophy or from social science or from other disciplines or with all of them converging—gives you a deeper appreciation of something that we might all assent to at some intellectual level, but not yet really feel in our bones. It helps us appreciate, namely, that this is not just an arbitrary set

of constraints; this is not just a test that God imposed, when He could have given any other, and we are just here to eke out an existence of barely obeying or not. This is a law of love, a correspondence to the truth about who we are and how we are made and how individuals and societies flourish. We have nothing to fear from any of the disciplines, because the truth all converges. The truth is consistent with itself.

The last reason for such a discussion is that it also helps us to appreciate our faith on its own terms. It is one thing to say that there are non-religious reasons for something; it is another to realize that those non-religious reasons will help us understand the point of the faith. Understanding the argument from the disciplines actually also helps unpack the contents of what we might believe on other grounds. It helps us apply it to new circumstances and to new issues and problems that were not faced when the sources of these traditions were developed.

First, it is helpful to consider an account of the philosophy behind the conjugal view of marriage. What is much less apparent is the philosophy that is at work on the other side of the issue. Sometimes this is depicted as a matter of neutrality: you are either neutral, morally and religiously, and so you favor recognizing same-sex relationships as marriages; or you have this sectarian, partisan imposition of your own moral views, and that is the conservative side. But there are actually two competing visions of marriage here. They both make assumptions, and when you examine those assumptions, the conjugal view turns out to be much more cogent and coherent. The view in favor of redefining marriage to include same-sex relationships actually has deep tensions and contradictions that have not been honestly faced because those assumptions have not been unearthed.

The first thing to note is how the debate has occurred on its own terms. The main argument in favor of redefining marriage has been one of equality. That is *the* slogan: marriage equality; equality for gays and lesbians. That argument will not get us one inch towards figuring out what the right marriage policy is, because everyone in the debate favors equality. The whole question is what marriage *is*. What is this relationship that we have a political and moral obligation to recognize on an equal basis? That is the question that stops proponents of redefining marriage every single time. If you actually linger and wait for them to offer an answer,

none is forthcoming. The reason is not that they are not assuming an answer to that question—they are—but that their answer does not hold up to scrutiny, so we can do their work for them.

Let us think about what vision of marriage is at work in their view. Imagine two men who are living together and sharing a home and all the burdens and benefits of common life, and they are committed to doing it for the long haul—but what brought them together is that they are brothers who have just never moved out, never married, and who have decided to live together. Their relationship does not get recognized as a marriage. If what brought them together was a sexual relationship, it does. So what defines marriage in this revisionist view (because it is proposing to revise our long-standing understandings) is a certain kind of deep, emotional union—sexual, romantic companionship. That is what sets marriage apart. It is not the only thing that is involved, but it is what makes it different from other forms of companionship, friendship, cohabitation, and so on. This view gets marriage wrong. It gets marriage wrong not just by the lights of people of faith, of orthodox members of the Jewish and Christian and other traditions, but even by the lights of most people on both sides of the debate today.

You can see this by trying to think about how this view could explain or account for other features of marriage. Take the idea, for example, that marriage involves a commitment for life. Most people accept, most people will agree, that to get the marriage off the ground, you have to commit for the long haul; that is part of what makes it different from other forms of companionship or from dating. That view makes no sense in principle if what really makes a marriage is a certain kind of deep, emotional bond. There is no guarantee that such an emotional bond lasts for life, and so there is no reason to pledge to be with the other person for life, as opposed to, “for as long as love lasts,” as some people change their vows to be: for as long as that emotional connection remains. In fact, in the work of sociologists like Johns Hopkins University’s Andrew Cherlin, for example, you see that many have the reverse idea, the idea that if you stick with the relationship after the emotional bond has faded, it is harmful; it is inauthentic; it is a failure of sincerity and genuineness. The point, in short, is that the permanence principle makes no sense on this vision of marriage. There is no reason to pledge permanence as long as

the thing that makes it a marriage (as opposed to an ordinary friendship) is not itself permanent.

The idea of sexual exclusivity is in similar tension with the revisionist view. For some people, by temperament or taste, for *most* people perhaps, pledging sexual exclusivity enhances the emotional intensity of the relationship. But increasingly many couples today are saying exactly the opposite, that not pledging exclusivity but actually having a by-agreement-*open* relationship makes the emotional stability of their marriage stronger. On this vision of marriage there is no answer to them. There is no reason of principle that marriage should be the kind of relationship that pledges exclusivity if what really makes the marriage is a certain kind of emotional bond that is at its best contingently connected to exclusivity.

On this revisionist view, moreover, marriage is not inherently a relationship of two people. There is no reason of principle that three men, for example, could not have a deep emotional bond and share all the burdens and benefits of common life, and want their relationship ratified, want to avoid stigmatization for themselves, for their children, want to be able to have all the legal incidents and benefits of marriage life. In fact, that is an argument that is increasingly being made—and not just by conservatives offering hypotheticals, but increasingly by people in these relationships. *New York Magazine* published a very sympathetic profile a few years ago of a *throuple* comprised of three men who were making exactly these arguments—not just saying that this was their lifestyle choice, but saying that it was a natural outflow of their own identities.<sup>1</sup> The kind of relationship in which they found the most personal fulfillment, the most personal stability and satisfaction over time, was a three-person relationship, where the distribution of duties and the issues of jealousy and trust just have a different shape than they do in two-person relationships. Some of these people will say, “I always thought something was different about me. I always thought I just wasn’t satisfied out of romance in the same way that my friends were. And then I discovered the ‘poly’ (polyamorous) community. And I found that this was my orientation.” Such individuals are making exactly the same arguments, and the revisionist view

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1. Molly Young, “He & He & He,” *New York Magazine*, July 29, 2012.

of marriage, again, has no answer because what it makes central is the personal fulfillment of adults. (At this point, even the idea that marriage is a sexual relationship starts to look arbitrary, on the revisionist view. If what really makes the marriage is a matter of degree, the closeness or the intensity or the priority of the relationship, then there is no reason of principle that it should be sexual as opposed to deep but platonic.)

So permanence and exclusivity and monogamy and sexual union and certainly a connection to family life and through that to the common good—every single one of the defining features of marriage, everything that makes marriage different from companionship—cannot be explained on the revisionist view of what makes a marriage. That inability is something that is simply not discussed, because people are never pressed to give their own account of what marriage is. They immediately confront you with “bigotry!” or with “malice!” or other kinds of accusations about your character or your intentions, and they leave the arguments aside. Those unexamined assumptions cannot be what marriage is.

Again, we have not appealed to the Bible; we have not appealed to tradition; we have not said, “Well, it’s just always been this way so it always has to be.” We have not appealed even to the moral questions of whether it is really okay to have a same-sex relationship or a sexually open relationship. We have merely been taking people’s understandings of some core features of marriage for granted, and working from that. Even by their own lights, they cannot explain what makes a marriage. Actually, it is a little bit worse than that. By their own lights, if you have an arbitrary distinction in the realm of marriage then you are a bigot; you are a purveyor of injustice on a huge social scale. But they themselves cannot explain things like permanent and exclusive commitment, things like the idea that marriage is a relationship of two—norms that so far most people in favor of redefining marriage still want to hold on to. By their own lights, then, their view is one of radical injustice.

I have pressed this argument for four or five years now, since my co-authors and I first released an article that then became the book *What Is Marriage? Man and Woman: A Defense*.<sup>2</sup> I have pressed it in front of

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2. Sherif Girgis, Robert P. George, and Ryan T. Anderson, *What is Marriage? Man and Woman: A Defense* (New York: Encounter Books, 2012).

very intelligent audiences—at law schools and universities and to philosophy faculties and classrooms and seminars—and I have not once gotten anything approaching a convincing answer. In fact, I have started to develop a little bravado. So I start my talks at these extremely hostile environments where the Q and A lasts for 90 minutes without a single friendly question, and I say, “I’m here to challenge everything you think you know about sex and marriage, and I know you think I’m a bigot. I think there are contradictions in your own view, and I’m eager during the Q and A for you to point them out in front of the two or three or five hundred people here.” And it does not happen. That is the first thing: to see that they have no account of what marriage is.

You might be asking, “What’s the alternative? Maybe I can grant that they don’t have an account of permanence, exclusivity, monogamy, sexual union, and connection to family life. But is there a view of marriage that makes sense of these, or are these norms all just the residue of various traditions?”

One thing we know for sure is that the conjugal view of marriage cannot just be a matter of theology. The reason we can know this is that you can name any religion you want, and I can give you a culture and a time and a place where the traditional or conjugal view of marriage was accepted—places where it had no connection to Judaism or Christianity or any other religion that you might mention. We have ancient Greek and Roman thinkers: Plato, Socrates, Aristotle, Xenophanes, Musonius Rufus, and Plutarch, who never saw a Hebrew parchment, never met Saint Paul, never got a letter from him to their hometown, who had exactly the male-female conjugal vision of marriage. These thinkers did not just take this view for granted but defended it in dialogues, in lectures, in philosophical accounts of the nature of love and of conjugal love in particular. Some of the quotes from Musonius Rufus sound like they are straight out of the mouth of the pope. One of the liberal historians of philosophy, A.W. Price, once said that the very unfortunate thing (to his view) is that Pope Paul VI, who put out statements against contraception and in favor of the male-female vision of marriage, basically had the same views of marriage

and sex as Plato.<sup>3</sup> That is proof, historically, that we cannot just attribute the conjugal view to religion.

We also cannot just attribute it to animus against people in same-sex relationships. There again, history gives the evidence. It is clear that the interracial marriage ban was a natural outflow of Jim Crow laws. The historian Nancy Cott, a professor at Harvard who has testified in favor of redefining marriage in several cases, has the liberal view; she has no reason to fudge facts in a conservative direction. She says interracial marriage bans do not show up anywhere in human history until colonial America.<sup>4</sup> Why? Because in that context and that context alone, caste tracked race. To preserve caste, you had to keep the races from mixing. History all but proves that white supremacy was the purpose of interracial marriage bans, as the court says in *Loving v. Virginia*.<sup>5</sup> But history explodes the myth that animus about same-sex relationships fostered the conjugal view, because we have cultures that span the spectrum in terms of their attitudes about sexuality that still had this same basic vision of marriage. We had cultures that had nothing like our concept of sexual orientation (which really only emerges in this form in the nineteenth century) but were completely okay with ritualized forms of same-sex sexual relationships, for example between men in ancient Greece. In none of them, however, did it ever occur that marriage might be a genderless institution.

So what is the source? What is the account of marriage that makes sense of all these features, and links them to sexual complementarity? In the Hebrew Bible, you get the idea of one-flesh union. In the works of some Greek and Roman thinkers that had no connection to that source you have the idea of integral amalgamation—a much clunkier, but similar idea. In *What is Marriage?* we describe it as the matter of comprehensive union. In every respect that makes a form of community or relationship at all, the community or the relationship known as

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3. A.W. Price, *Love and Friendship in Plato and Aristotle* (New York: Oxford University Press, 1989; reprint, New York: Oxford University Press, 2004), 233.

4. Nancy F. Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge, MA: Harvard University Press, 2000), Kindle edition, location 483.

5. *Loving v. Virginia*, 388 U.S. 1 (1967).

marriage is comprehensive. What are those respects? This is basically out of Aristotle: any kind of community is formed by cooperation, by common action towards common ends in the context of commitment. And it is in those respects that the commitment of marriage is defined by its comprehensiveness.

But this is a basic framework in which you can understand any form of community. Take a university community. It is defined by cooperation towards the truth. A university is made of the kind of thing that it is; you are being most like a university when you have seminars and exchanges and discussions, when you have classroom lectures, when you are in the lab, when you are doing research, when you are publishing. Those are the actions that most define this kind of community because of the end that they have, which is truth. Because of that common end and those common activities, the community of a university is defined by certain commitments to academic integrity, to respect for the truth, to publishing the results no matter how inconvenient they are, and to pursuing the truth and putting a special premium on honesty and courage in its pursuit. All those three elements of a community—common action, common ends, defining commitments—hang together. They all make sense of each other.

It is in those three respects that the community of marriage is comprehensive. First is in its unifying activity. Most of us understand that friendships of other forms are a union of heart and mind. You come to know and to seek and to promote the other person's good. But the community of marriage is comprehensive: it is a union of heart, mind, and body. Because we are bodily beings, if you leave the body out, you do not have a total union with the beloved. For the most part, people are willing to accept that total union with the beloved is part of what makes it a marriage and not some other form of companionship. Most people also understand that the bodily union aspect of this total union has something to do with the sexual component of the marital relationship, but they cannot explain it from there, because they tend to think that what makes sex special for marriage is that it makes individuals feel much closer. It fosters and expresses feelings of intimacy. But if that is all it does then it would not really be a bodily union at all. It would just be fostering the union of hearts and minds. There has to be something else



about the sexual act that makes it integral to marriage, some other and much more meaningful, more literal sense in which the two become “one flesh.” What is that?

In our book, we suggest that you can think about this question by analogy to the one-flesh union of any individual person. There are the heart and lungs and all the other parts that make up one being. Why? It is not just because they are all wrapped up in the same skin; it is not just because they have the same DNA; it is because they are all oriented together. They are all functioning together towards a single end of the whole that they make up, which is that person’s biological life. Any biologist can explain the functions of the organs and so on in terms ultimately, if you go back far enough, of that one overriding goal. It is in that radical sense of bodily union that two people can become one flesh, but only in one case, only by one activity, and that is the activity by which a man and a woman seal their marriage. In the marital act they themselves (like the parts of a single person) are functioning together, are oriented together, are coordinating towards a single bodily end of the whole. Here, the whole is not just the individual but the couple, and the bodily end is reproduction. So in that first dimension, in the unifying act, the dimensions of the partners united, marriage is comprehensive. But that kind of comprehensiveness, that bodily union, requires a man and a woman.

Marriage is also comprehensive in the range of goods defining the union. The university is defined mainly by goods of knowledge and truth and understanding, and a sports community by recreation and athletic excellence. The union of marriage is defined somehow not just by intellectual pursuits or by recreational pursuits but somehow by all of them together. That is something that intuitively most people get. They get that marriage is somehow connected to sharing a home, that the standard for a marriage is to share your whole life in that sense.

But what makes that true? Here again most people will also go with you in saying, “It’s a connection to family life. It’s the fact that marriage makes a family.” But what makes *that* true? What makes marriage oriented to family life and through family life to a comprehensive range of goods? It cannot just be choice. If it were just choice, then a family could come in shapes and sizes that even people on the other side of the debate would

say does not cut it. If you have a bunch of nuns in a convent and someone leaves an orphan at their doorstep and they decide to band together and raise the child, people might think that was a commendable thing, they are giving this kid a shot, there is no other alternative available and so on—but nobody would think that made the relationship of those nuns a marriage or that it made their connection as a community the same kind of a connection that you have between marriage and family. So it cannot just be choice. But what is it then? Only the conjugal view has any answer.

On the conjugal view, the very act that makes marital love is also the kind of act that makes new life. The thing that makes it comprehensive, that extends the union of heart and mind between the spouses into the bodily realm, is also the very kind of act that also makes new life. So marriage itself, the relationship embodied by that act, is fulfilled and extended and enriched by family life. It calls for the wide range, for the comprehensive sharing of the home.

The last point is that if marriage is comprehensive in these two senses, in the dimensions of the partners united (heart, mind, and body) and in the range of goods that unite them (intellectual, recreational, and in every other respect that you need to develop whole new human beings), then it has also got to be comprehensive in its commitment. Through time, this means permanence; at each time it means exclusivity.

So permanence and exclusivity and sexual union, the idea that it is two people, that there is a connection to family life, and through that to the common good—every single one of the things that the revisionist view would tear apart—the conjugal view explains and unifies. Again, this concept did not have to make any appeal to religion or even to the moral status of non-marital sex. That is the picture that we had embodied in law and culture and more broadly in our civilization and literature and art. Anthony Esolen has a book called *Defending Marriage: Twelve Arguments for Sanity*<sup>6</sup> in which he sketches this out. He is not a philosopher, but he knows literature inside and out and he demonstrates how much of Western literature—including many of the greats, such as Shakespeare and Spenser and Milton—was shaped by this vision of marriage and

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6. Anthony Esolen, *Defending Marriage: Twelve Arguments for Sanity* (Charlotte, NC: St. Benedict Press, 2014).

family, to beautiful poetic and literary effect. Not just our religion but our culture and our legal institutions were shaped for centuries by this vision of marriage, which got a huge boost through our religious traditions but did not simply begin there. That vision, that broad vision of what makes a marriage, and the connection between marriage and family and the common good, is what is at stake in the same-sex “marriage” issue, in the questions of no-fault divorce, of childlessness, of having children before getting married or without getting married, of the coming apart of the marriage cultures in the United States wherein people at the lower end of the socioeconomic ladder do not have and are not committing to the stability of marriage—all of those debates come to the clash between the revisionist and the conjugal view of marriage just sketched.

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