

THE INVENTION OF MARRIAGE

By John Corvino 09.24.2010

Once upon a time, in a land far away, a Council of Elders convened to ponder the challenges of human relationships. Noticing that male-female relationships frequently involve sex, and that sex often makes babies, this “Relationship Council” decided that an institution was needed to regulate adults’ behavior for children’s benefit. Thus marriage was invented.



The Relationship Council is, of course, a figment of my imagination. But not just mine, apparently: conservative opponents of marriage equality often seem to believe in something very much like it.

I’m referring to their tendency to speak of **THE** purpose of marriage, as if this rich social institution had one unitary, fixed, transcultural and transhistorical purpose—a single problem which it was designed to solve—rather than arising, as human social institutions typically do, in a far messier way.

So for example, in their recent cover story “The Case for Marriage,” the editors of National Review confidently declare, “The reason marriage exists is that the sexual intercourse of men and women regularly produces children.”

Not “a” reason, or even “the most important” reason, but **THE** reason. The Relationship Council must have declared it so.

An even stronger version of this implicit myth suggests that marriage was not invented at all, but rather discovered, much as one might discover blood types or other natural divisions. On this view, our legal and social institution of marriage merely tracks something already present. Assuming that it does so correctly, alterations to it would not merely be unwise—they would embody a kind of falsehood. (The National Review editors, like most conservative commentators on the issue, seem to vacillate between the weaker and stronger myth.)

Needless to say, I find this understanding of marriage absurd, both philosophically and historically. Whatever else it is, marriage is an evolving social institution. Like virtually every other, it has multiple overlapping purposes—most of which reinforce one another, some of which exist in tension. (Compare, for example, modern marriages of choice with traditional European arranged marriages.)

But the myth gets worse. For it appears that the Relationship Council’s ultimate concern wasn’t about children at all, since infertile heterosexual couples may marry whereas same-sex couples—even those with children—may not. Why not? According to the National Review editors (who sound an awful lot like Princeton’s Robert P. George):

“The philosophical answer boils down to the observation that it is mating that gives marriage its orientation toward children. An infertile couple can mate even if it cannot procreate. Two men or two women literally cannot mate.”

Got that? Marriage is for mating.

The idea that marriage=mating looks even worse when you consider its implications. It implies that married heterosexual couples who are having sex but aren't “mating”—because, for example, they're engaging in orgasmic oral sex, or because they're using contraception—are pursuing a kind of “counterfeit” intimacy.

But wait, there's more. Imagine a heterosexual couple, deeply in love, where the male is paralyzed from the waist down. Can this couple marry?

They cannot, on this view, for they cannot “mate.” Thus the male's sexual stimulation of the female could achieve no more than “an impermissible illusion of (a counterfeit experience of) true one-flesh union, not its reality,” as one of George's students recently put it to me.

This view of marriage is not just false. It's not just foolish. It's inhumane.

If this were all, it would be bad enough. But as if they wanted to make extra-sure that their argument was unsound, the National Review editors did not rest content merely with a false premise (namely, that the purpose of marriage is “mating”). That would have been too easy. Instead, they took that false premise, and proceeded to draw an invalid inference from it. That is, they argued from what is not true to what does not follow.

Purely for the sake of argument, let us grant that the purpose of marriage is mating. Indeed, let us grant that this is obviously so, as obvious as that ears are for hearing.

It is simply a non-sequitur to move from that premise to the conclusion that marriage may never be used for other purposes, such as recognizing, fortifying and protecting same-sex couples and their families.

After all, ears are for hearing, but they are also quite useful for keeping one's eyeglasses from slipping down one's nose. They can do that even for those who do not or cannot use them to hear (i.e. the deaf).

Securing their eyeglasses is something the National Review editors ought to try. For then they might better see what is crystal-clear to growing numbers of Americans: Same-sex couples, too, have needs that marriage serves well, and society has an interest in promoting stable family units for all its members. Even those whose sex doesn't count as “mating.”

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