Can Marriage Be Defined?

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What is marriage? The inability of our society to answer this question has led to a variety of unfruitful maneuvers. The churches are inclined to reply to the question on entirely religious grounds, thereby obscuring the legal, financial, health, and social functions of marriage. Some social scientists justify marriage by demonstrating its health, wealth, and sexual benefits.\(^1\) Many therapists and educators justify it by showing its dependence on good communication; in developing this point, they fail to realize that communicative skills only increase chances for a good marriage for those already committed to that goal and who have some sense of what it is.\(^2\) American law has increasingly defined marriage as a private contract between affectionate and independent consenting adults, thereby reinforcing romantic and individualistic views widely held in the general population.\(^3\) Many marriage experts equate marriage with a relational process that makes it indistinguishable from friendship. Even church documents have tended to equate marriage with a variety of intimate relationships.\(^4\)


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*Marriage is a multidimensional reality consisting of natural, contractual, social, religious, and communicative elements. While emphases shift over time, a full view of marriage today must include all these dimensions.*

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The confusion about the meaning and nature of marriage is profound and is having negative consequences within and outside the church. There is growing evidence that both the marriage rate and the absolute number of people married is declining, both in our society and in most societies throughout the world. The growth of cohabitation now appears to be a more serious problem than most of us thought only a few years ago. Large numbers of cohabiters do not go on to marry, are more likely to divorce if they do get married, often have children while cohabiting, are more unstable in their parental commitments, and hence contribute to the increasing insecurity of children in nonmarital arrangements. Debates in both church and society about whether gays should be permitted to marry are only one small part of the total crisis of marriage. For these and other reasons, it is time for a major social and ecclesial discussion about the nature of marriage.

“I argue that marriage is a multidimensional reality consisting of affectional, legal, financial, procreative, cultural, and religious realities. It should not be reduced to any one of these strands in spite of contemporary pressures to do so. This view of marriage is a challenge to the churches. They must learn to think theologically about the affectional, legal, financial, cultural, and procreative aspects of marriage. Law and secular society also must broaden their tendencies to think only about the psychological aspects, or the financial elements, or the legal and contractual aspects. Marriage must be seen in its multidimensional entirety.

The many definitions and justifications for marriage advanced through the ages can be organized along a continuum between its communal and personal dimensions. The march of history increasingly has subordinated the communal and elevated the personal. The idea of marriage as an institution has lost favor. Marriage is more and more viewed as an essentially private intersubjective agreement or “pure relationship,” only incidentally sanctioned by state or church, if at all. In what follows, I argue that marriage historically has consisted of five dimensions. All are essential for an adequate understanding of marriage as both an institutional and interpersonal reality. Marriage has been understood as consisting of natural, contractual, social, religious, and communicative dimensions. Although its personal dimensions were always present, marriage in the past has been defined primarily as a social institution. Because of the important individual and social goods connected with marriage and marriage-like arrangements, society—in the form of

6For a similar list, see Marriage in America (New York: Institute for American Values, 1995) 10-11; see also John Witte, From Sacrament to Contract: Marriage, Religion, and Law in the Western Tradition (Louisville: Westminster John Knox, 1997) 2.
general community, extended family, or formal state—has always guided, legitimated, and monitored marriage.

What is unique about marriage in Western societies since the Protestant Reformation is that church, state, and civil society have cooperated with one another in promoting, sanctioning, and celebrating marriage. This complex orchestration of various social sectors in support of marriage is now coming apart. States, communities, and religious institutions must now decide whether to preserve their cooperative relation in the future.

The meaning of each of these five dimensions has varied over time. Which dimension was viewed as central and which as more peripheral has frequently shifted. To ignore any one of these five elements does violence to the full meaning of marriage.

MARRIAGE AS ORGANIZING NATURAL INCLINATIONS

To say that marriage is a natural institution means that it has been viewed as giving form to persistent yet sometimes conflicting natural inclinations and needs. There is no instinct for marriage, but it does organize a wide range of our natural tendencies by elevating some and de-emphasizing others. A spectrum of natural inclinations is ordered by marriage—the desire for sexual union, the desire Aristotle believed humans share with the animals “to leave behind them a copy of themselves,” and, following Aristotle again, the need to “supply” humans with their “everyday wants.”

These perspectives on the natural purposes of marriage from Greek philosophy were absorbed, especially in the writings of Thomas Aquinas, into Christian commentary on the creation accounts of Gen 1 and 2. Genesis tells humans to “be fruitful and multiply” (Gen 1:28). It also teaches that humans were made for companionship: “It is not good that the man should be alone” (Gen 2:18). For these reasons marriage was created: “Therefore a man leaves his father and his mother and clings to his wife, and they become one flesh” (Gen 2:24).

Since Thomas Aquinas (1225-1274)—the great synthesizer of Aristotle with the Judeo-Christian tradition—marriage often has been defined and justified on two grounds, one drawn from Christian interpretations of the Genesis creation narratives and the other from the naturalism of Aristotle. In the hands of Christian theologians, the theology of creation provided the deeper context surrounding Aristotelian naturalism. But Aquinas crystallized what had been gradually developing for centuries, i.e., a double language—one religious and one philosophical and naturalistic—used to explain, define, and justify marriage.

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8 Ibid.
Much of the Christian tradition has interpreted the early chapters of Genesis both as divine revelation to a particular community and as a “classic” that reveals general truths about human nature, both for believing Christians and the wider community. Thus, this revelatory classic has been interpreted in ways that informed both the inner life of the church and the public philosophy shaping law and general culture. In much of the Western religious tradition, the philosophical language used to justify marriage was considered vital for the clarification of the religious language. One can see this in perspectives as disparate as Thomas Aquinas, John Locke, and the Roman Catholic marriage encyclicals of Pope Leo XIII. Both Locke and Leo developed arguments for the institution of marriage similar to the one first put forth by Aquinas. Matrimony, Aquinas taught, is the joining of the father to the mother-infant relation. This was needed because of the long period of needful dependency of the human infant and child—a dependency so extended as to require the material and educational labors over a long period of both mother and father. Locke wrote with special reference to humans that, “the Father, Who is bound to take care for those he hath begot, is under an Obligation to continue in Conjugal Society with the same Woman longer than other Creatures.”

The existence and importance of this double language about marriage is a point generally lost on fundamentalist Christians, much of the general public, and many leading secular intellectuals, all of whom seem to believe that marriage is a uniquely religious practice. This is not true. Although I have illustrated its philosophical and naturalistic dimensions by referring to Aristotle and Locke, I could have done much the same by turning to Roman law. Even Luther, who ostensibly repudiated the double language of medieval Roman Catholicism, derived his core ideas about marriage from the Genesis doctrine of creation. Since it was an institution of God willed at creation, and not in its essence an instrument of salvation, he saw marriage as a public and social institution that should be registered and witnessed by the state even though also blessed by the churches. It was not, for him, a distinctively religious or Christian institution.

12 Thomas Aquinas, Summa contra Gentiles 3.2.122
14 For the desacramentalization of marriage in Luther, see Martin Luther, “The Babylonian Captivity of the Church,” Luther’s Works, vol. 36, ed. Abdel Ross Wentz (Philadelphia: Muhlenberg, 1959), 92-96. On the administration of marriage turned to the state and the “left hand of God,” see Witte, From Sacrament to Contract, 51.
MARRIAGE AS CONTRACT

Because of the great natural affective, sexual, procreative, and economic goods involved in marriage, it has been seen in most societies as requiring the regulation of contracts. The parties involved in the contracts, however, have varied over time. In ancient societies, the contracts were viewed as primarily between the families or clans of the husband and wife, with little if any reinforcement from king, prince, legislation, or courts.

The medieval canon law of the Roman Catholic Church made an extremely important contribution to the development of marriage in Western societies; it established that marital contracts were activated by the free consent of husband and wife. This made illegal, in the eyes of the church, the patriarchal arrangement of marriage done primarily for political and economic advantage. Uncoerced consent was so central in defining marriage that the medieval Roman Church required no witness by family, church, or state as essential for the legitimation of marriage. The free consent alone of a baptized Christian man and woman put into effect both the binding codes of Catholic canon law and the efficacy of supernatural grace. Canon law was an amalgamation of Christian teachings and Roman and German legal traditions. These privately established contracts elevated the role of mutual consent between husband and wife, weakened the power of extended family, and strengthened the authority of church courts. Because of the disarray of civil law and secular powers during these centuries, the administration of the natural, social, and sacramental dimensions of marriage was exercised by the church.

Making consent crucial to the definition of marriage was a major accomplishment of the Roman Catholic Church during this era. But it had an unforeseen consequence. It gave rise to the phenomenon of “clandestine” or “secret” marriages—unwitnessed marriages that were often fraudulent, the results of manipulation and deception, and frequently disputed.

Marital contracts became fully public in the Protestant Reformation when marriage was defined first as a social institution requiring registration and legitimation by the state but also as one deserving the blessing and confirmation of the church. The mutual consent of the couple, confirmation by family and friends, registration before the state, and the blessings of the church were viewed as an orchestrated whole. All were deemed important for a valid marriage. These various witnesses and legitimating voices turned the marriage contract into a multidimensional covenant with many different parties. This complex covenant understanding of marriage, as legal historian John Witte has pointed out, was developed even more decisively by John Calvin.

17Witte, From Sacrament to Contract, 51.
18Ibid., 112; see also Witte, Law and Protestantism (Cambridge: Cambridge University Press, 2002) 232.
establishment of marriage as both public contract and covenant in Protestant countries gradually ended the practice of clandestine marriage—a phenomenon that reminds one of the confusions of cohabitation today.19

This view of the complex public nature of marriage held sway until the Enlightenment view of contract narrowed the relevant covenant parties needed for a good marriage. This set the stage for viewing marriage more and more as a private agreement. It finally gave birth to the idea of marital-type “pure relationships,” as sociologist Anthony Giddens calls them, that are independent of the constraints of both public contract and the central tendencies of nature.20

MARRIAGE AS A SOCIAL GOOD

Third, marriage has been seen as a social good. The health of marriage and family, especially in their child-rearing functions, often has been seen as essential for the good of the larger society. Without marriage and strong families, Aristotle believed that children would grow up violent and the wider social fabric would be damaged. He taught that affection between children and invested natural parents inhibits the violent impulses of both adult and child. These restraining functions would decline, he predicted, with the weakening of families consisting of stable and committed parents.21 The Lutheran Reformation, however, gave us the most emphatic statement of the social view of marriage. Marriage, Luther taught, was not a sacrament for salvation but an institution given by God at the foundations of creation for the good of couples, children, society, state, schools, and common social life.22

One of the clearest manifestations of the social view of marriage was the Anglican commonwealth model that developed in England from the sixteenth to the late nineteenth century. This view absorbed the Reformation idea of the social good of marriage but extended it to include the ideal of an organic continuity and reinforcement between the married couple, wider family, church, and state.23 The commonwealth model of marriage gradually became more egalitarian, utilitarian, and secular in the thought of John Locke and John Stuart Mill, but the idea that marriage was good for the social whole was constant throughout.24 The belief that

21Aristotle, Politica 2.4.
22Witte, From Sacrament to Contract, 2, 48-53.
23Ibid., 131.
marriage is a social good is behind President George W. Bush’s plan to provide
government support for pilot projects in marriage education for low-income and
welfare groups. It is behind the moves into marriage preparation and education in
Florida, Louisiana, Arizona, Oklahoma, and Maryland. The mass of marriage laws
in the fifty states also demonstrates the belief that marriage is a public good requir-
ing government support.

**MARRIAGE AS RELIGIOUS: SACRAMENT AND COVENANT**

Although marriage has been seen as organizing natural desires, requiring
contracts, and serving the public good, it also has been seen as a profoundly relig-
ious reality. The dominance in the West of the religious view of marriage has often
blinded both the faithful and their detractors to its natural, contractual, and social
dimensions. Yet it is true that the early chapters of Genesis have been foundational
for views of marriage in Judaism, Islam, and Christianity, as well as the culture and
law of the societies that these religions have influenced. These texts establish mar-
riage as an “order of creation” that expresses the will of God for all humankind.
This order is preserved and enhanced through covenant promises between God
and husband, wife, their families, and the wider community. As Leo Perdue points
out, covenant in ancient Israel was simultaneously a religious, political, and famil-
ial concept. The meaning of history, the rule of the king, and the order of mar-
rriage and household were all measured and given meaning by covenant
faithfulness. The analogy between God’s covenant faithfulness to Israel and
Hosea’s faithfulness to his wife Gomer has provided an archetypal pattern for
marital commitment wherever Judaism, Islam, and Christianity have spread. It has
elevated marriage to the status of recapitulating the dynamics of the divine life
within the marital relation itself.

As an order of creation, marriage was not itself generally viewed, as I stated
above, as a source of salvation. On the other hand, marriage conceived as a sacra-
ment in medieval Roman Catholicism was viewed as a source of supernatural grace
and a vehicle for salvation. Both covenantal and sacramental views drape mar-
rriage with a royal robe of divine seriousness and approval. Furthermore, the ideas
of covenant and sacrament do not necessarily exclude each other; nor do they re-
quire rejecting the natural, contractual, or social views of marriage. Catholic sacra-
mental views assume and build on covenantal views. In addition, Aquinas
organically linked his appropriation of Aristotelian naturalism to his sacramental
theory. For instance, since his naturalism suggested that infant dependency re-
quired a long period of commitment from both mother and father, Aquinas as-
sured this commitment by making marriage an unbreakable sacrament. His view
of infant and childhood dependency and his understanding of the natural fragility

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25Leo Perdue, “The Israelite and Early Jewish Family: Summary and Conclusions,” in *Families in Ancient Is-
rael*, by Leo Purdue et al. (Louisville: Westminster John Knox, 1997) 239-244.
26Thomas Aquinas, *Summa Theologica III* (Supplement) Question 42.
of male paternal investment led him to view marriage as needing to be permanent. His sacramentalism functioned to compensate for what his naturalism told him about the tentativeness of male commitment to their offspring. Naturalistic understandings of the desires and needs organized by marriage also appear in the thought of Luther and Calvin. Both covenant and sacrament often went hand in hand with the idea of marriage as contract; these religious ideas strengthened and deepened the contractual agreements, both public and private, that marriage entails.

A public philosophy of marriage cannot today be ruled directly by the ideas of orders of creation, covenant, and sacrament. But views of marriage guiding public policy and law must, nonetheless, understand our society’s indebtedness to what these concepts did to form Western marriage. A public philosophy of marriage must take a generous and supportive attitude toward the way these great ideas worked in communities of faith and shaped both secular law and wider cultural sensibilities. Furthermore, this philosophy should allow these religious ideas to sensitize public debate on how the deep experiences of marriage tend to call forth the kind of transcendent aspirations generally associated with religion. Whether it is the deep metaphors of covenant as in Judaism, Islam, and reformed Protestantism; sacrament as in Roman Catholicism or Eastern Orthodoxy; the yin and yang of Confucianism; the quasi-sacramentalism of Hinduism; or the mysticism often associated with allegedly modern romantic love, humans tend to find transcendent values in marriage that call them beyond the mundane and everyday. Faith communities must cherish their religious perspectives on marriage and constantly reinterpret them, yet understand how they can enrich the naturalistic, contractual, and social perspectives outlined above. Religious perspectives will function most powerfully in our society when they serve to frame, not necessarily compete with, these other perspectives on marriage. The language of covenant and sacrament should not try to rule the entire field of social discourse about marriage and family.

MARRIAGE AS COMMUNICATIVE REALITY

There is a growing belief that marriage is a communicative reality between equals. But this idea has a history. The idea that marriage is for mutual comfort and assistance runs throughout the history of its various discourses. The canon law view of contract assumed the personhood and autonomy of the consenting husband and wife. In early Christianity, the command to love your neighbor as yourself—what I have called elsewhere the love ethic of equal regard—is taken directly into the inner dynamics of the husband-wife relationship. An example of this can be found in the famous marriage passages of Ephesians telling us that “husbands should love their wives as they do their own bodies” (Eph 5:28). Aristotle saw mar-

\[\text{27}\text{For an interpretation of this view of Aquinas, see Browning et al., From Culture Wars to Common Ground, 120-124.}\]

riage as a kind of friendship, although one in which the male had the higher honor.\textsuperscript{29} Stoics such as Musonius Rufus took additional steps toward viewing marriage as a union of equals.\textsuperscript{30} Early Christianity went further still. Judaism, Christianity, and Islam all depended on the Genesis accounts of creation that portrayed both male and female as made in the image of God (Gen 1:27). But, for the most part, it was not until the mid-twentieth century that the social conditions fell into place that were necessary for the concrete realization of this long history of the ideal of marital mutuality.

\begin{quote}
\textit{“as marriage evolves toward higher levels of economic, educational, and political equality between husband and wife, the demand for communicative competence between equal partners accelerates”}
\end{quote}

As marriage evolves toward higher levels of economic, educational, and political equality between husband and wife, the demand for communicative competence between equal partners accelerates. It is one thing to proclaim an abstract ethic of equal regard between friends, neighbors, and strangers as was done in the Golden Rule and stated philosophically by Kant and others. It is another step to bring this abstract principle into the inner precincts of marriage, as happened in early Christianity and Stoic philosophy. It is another thing still to develop the actual communicative and intersubjective skills to implement this ethic in the countless small decisions of everyday life between husband and wife. This is the promise of marriage education. The skills of marriage education are real and profound. The founders of this movement—from Rogers and Buber to Hendrix, Markman, Stanley, Olson, and Gottman—have made real progress and major contributions.

The marriage education movement cannot, on its own, provide its guiding marital ethic. Nor can it alone provide us with a definition of marriage. It should develop its ethic and definition of marriage in dialogue with the classic sources that have shaped marriage as a public institution in the West. It should contribute to the enhancement of the personal and unitive aspects of marriage without reducing it to a simple communicative process.

\section*{The Use and Abuse of Marriage As a Public Institution}

Marriage as a public institution, sanctioned by law, in service to the common good, and blessed by religion, must protect its private, personal, and intersubjective dimensions. Furthermore, we must never forget the procreative and educational functions of marriage. Not all persons will use marriage to balance the values of personal love, having and educating children, and increasing the social good. Some couples—due to intention, inability, accident, age, or other interrup-

\textsuperscript{29}Aristotle, \textit{Ethica Nicomachea} 8.11, in McKeon, \textit{The Basic Works of Aristotle}.

tions—will not have children. But the cultural, legal, and religious definitions of marriage must retain procreation as one of its central values. In spite of the fact that some people who purchase automobiles seldom drive them, use them primarily for ostentation, or use them mainly on the back streets of small villages or for sightseeing in restricted venues, the cultural and statutory regulations of operating a car are built on the necessary competence and safety required for its heavy use in busy traffic. So it must be with marriage. It is beyond the capacity of law or society to monitor all the ways people might use this institution. But its explicit cultural, legal, and religious responsibilities and entitlements must continue to honor all of its historic dimensions, including the task of bonding parents to their children and to each other. Among its many functions and dimensions, the procreation and education of children give marriage as institution much of its special character.

The fact that older people, disabled people, and people with special vocations want to marry even though they cannot or will not have children should not alter the strong association between marriage and procreation. The elderly should marry in order to honor the institution of marriage. The disabled who wish to become sexually involved, share economies of scale, enjoy a wide range of legal protections and privileges, and receive the social recognition of the status of marriage should also marry if at all possible. All of these acts honor marriage and its fuller functions. These gestures help keep the institution of marriage socially intact.

The issue of gay marriage raises the question of what does and does not honor the institution of marriage in all of its multiple dimensions. Does it end in reducing marriage to an interpersonal process? Does it suggest that natural parents are not important for child rearing? Does it drastically broaden the meaning of marriage by giving all of its legal, religious, and social privileges to a certain type of friendship—friendship that involves the sharing of sexual intimacies, finances, and other interdependencies? Would gay marriage, by virtue of extending these privileges and recognitions to homosexual friendships, thereby discriminate against other classes of mutually dependent friends not involved sexually—older mother and daughter, two close friends, Catholic priest and housekeeper, the sick and their caretakers? Or, on the other hand, would gay marriage be like matrimony between the elderly and the impotent who want to honor marriage by becoming married?

This is the slender edge upon which the current debate about gay marriage hangs. But whatever the outcome of that great conversation, it should not be allowed to obscure the multidimensional and public character of marriage and its close relation to the responsibilities and privileges of giving birth, being parents, and raising children.

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