

Here's Your 'Traditional Marriage'

PATRICK J. RYAN

CONSERVATIVE FORCES in the U.S. have succeeded in shifting the debate about same-sex unions from a question of equal protection under the law to one about protecting the meaning of the word "marriage." The phrase "defense of marriage" emerged as a touchstone in the conflict after passage of the 1996 Defense of Marriage Act, or DOMA, which limited marriage to heterosexual couples in matters under federal jurisdiction. Since then—spurred by the legalization of same-sex marriage in Massachusetts in 2003—many states have moved to ban same-sex marriage by enacting laws or amending their constitution to define marriage as a union between a man and a woman. This semantic strategy was never more blatantly applied than in California last November, when voters amended their state constitution to redefine marriage as an exclusively heterosexual institution. Field workers in the California Campaign were instructed to say that their effort was to "restore the definition of marriage as God intended."

The passage of California's Proposition 8 was underwritten by Mormon and Catholic religious leaders, whose support was indispensable for its passage. In 2004, the Mormon Church officially declared that same-sex marital relations "undermine the divinely created institution of family." H. Richard McCord, Executive Director of the Secretariat of Laity, Marriage, and Family Life and Youth of the U.S. Conference of Catholic Bishops, more recently claimed that the meaning of marriage is "written in the law of nature and in the language of the human body and spirit. It is a truth enshrined from the beginning of time. Church teaching about marriage starts with this truth" (at www.faithfulcitizenship.org). Even the liberal *National Catholic Reporter* (10/31/08) joined this chorus just prior to the California vote. Columnist Stafford Beatty wrote glowingly of his gay friends who love each other, but concluded that the term "marriage" must be withheld, because when "a man and a woman marry, they can have children in the way nature planned."

As it turns out, the "defense of marriage" argument rests upon a fundamental misunderstanding of marriage as an institution and as a word, and a deep confusion about what constitutes a "traditional" way of life. When marriage is redefined in terms of heterosexuality or even the capacity of two people to have children, it is not being re-established in a "traditional" form but instead in a uniquely modern form, one that's underpinned by a preoccupation with sexuality and a desire to police its forms of expression.

Traditional families hardly exist today in the United States or any other industrial society. This is not because we've lost our

moral bearings but because we have rejected the ethics of a traditional master-servant world. Instead, we've constructed modern family ideals around consensual love, competent individualism, child development, and egalitarian companionship. Modern family ideals have a reciprocal relationship with a civil political order based on individual rights and a capitalist economy.

The first thing that one might say is that it's nonsense to speak of marriage as if there was ever a golden age when it was a well-regulated, uniform, untroubled institution immune from political or economic conflict. Most marriage forms in the history of the world (approximately three-fourths) have been polygamous. This includes the patriarchs of the Hebrew scriptures. Until a few centuries ago, beginning in Europe, a multiplicity of forms among ordinary people were usually practiced without state or church regulation. Across the globe, marriage and sexual practices included persons we would call children or youths. It has been common in many places and times for sexual relations (including homosexual ones) to have been ritual parts of communal initiation. Thus sex has existed for most of humanity outside of a monogamous marital monopoly, or even the concept of consenting adulthood. This strange diversity troubles any simple definition

of "traditional" marriage, but it makes one thing clear: what the religious Right calls "traditional" family values have virtually no long-term history.

What, they would ask in disbelief, haven't heterosexual monogamy and protecting children from the outside world always been the central reasons for marriage in Western civilization? The answer, in fact, is No. This concept of marriage wasn't predominant until the Protestant Reformation ushered in a capitalist economy and the modern individual.

In English, the word "marriage" was derived from the French "marier" (to join) and the French suffix "-age" (denoting a condition or state of being). It referred to any joining with the connotation of permanence, whether one was marrying two bottles of wine or two people together. Against these deep and flexible etymological roots, our current sense of marriage is only a few centuries old. The medieval church didn't much concern itself with the regulation of the profane: sex, children, women, marriage, or family. Medieval marriage was one of the lesser oaths of master-servant fealty. In everyday life, if you lived as husband and wife, you were married. For many centuries in traditional Europe, what we call "common-law marriage" was how the vast majority of couples were bonded prior to the 16th century. Marriage banns, elaborate ceremonies for commoners, state licenses, family courts, the preoccupation with sexuality, and demands of romantic love, along with a sentimental approach toward childrearing—all these accoutrements of modern marriage have conceptual origins in the Protestant Reformation, but they took centuries to develop

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and were irregularly practiced until the 19th century.

We can get a glimpse into family life prior to modern marriage by more closely examining the history of the relevant words. While it is true that “husbands” have always been male, this is because all owners of property were male. “Husband” comes from combining two words, “house” and “bounde” (ownership). To be a husband was to own, work, and improve the land—this is why we still speak of “husbandry.” Prior to industrial capitalism, a propertyless man was not only an undesirable spouse, he had no right to “espouse” (claim) a wife and had to accept a life as a servant in another man’s house. This makes perfect sense when we know that the term “family” originated, not as a reference to children or sexual procreation, but through the Latin word “famulus,” which meant servant, and its immediate forerunner “familia,” which meant household. A man who had no property had no way to establish a family. As a result, most such men lived in a position of servitude within their master’s household. Even sons of propertied fathers, who could hope to become masters and husbands, usually had to await their inheritance before establishing an independent household. This traditional pattern of paternal control over property did not begin to erode in the Anglo-American world until the 18th-century.¹ The chief point of all this for the current marriage debate is that prior to the era of the American Revolution, property ownership, not individual sexual behavior or companionate preferences, defined both the terms of marital choice and what husbands did.

It is telling that the history of the term “wife” does not correspond to the term “husband.” Wife is directly linked to the word “woman,” but it is entangled with terms for women who traded things or provided valued services: “alewif,” “fishwif,” “midwife,” or “housewife.” The “housewife” legally and economically belonged to a husband (a house owner). This legal status (called “coverture”) is well represented by the practice of the dowry. Studies of colonial America have calculated that the dowry (tools and materials for household production) given at marriage with the bride were typically valued at about one-third of the property coming from the groom’s family. This property exchange at marriage ensured a competent household, which was the late medieval and early modern meaning of having a “family.”

Thus the words for familial and spousal relations in English did not draw boundaries around sex, reproduction, love, or children, but were far more concerned with relations of labor, ownership, and economic exchange. The pre-capitalist, pre-modern household was not a private “home,” a closed space for child rearing and romantic love of the domesticated kind. It was a site of production—a shop, a farm, a manor, a great trading House—where the distinction between public and private space was not at issue. The traditional household was not about individual sexuality; it was a framework for the master-servant order. Just as the term “husband” was tied to the land and “wife” to trade, the terms related to childhood and youth—such as *garçon*, boy, bride, groom, and many others in English, German, and French—referred to the hierarchy of master-servant relations. While referring generally to the young, these words were not primarily concerned with age. This was a world that lacked age segregation and consciousness, when almost nobody celebrated their birthday. For many centuries it was proper for a commoner to be apprenticed out of his father’s house between the ages of seven and twelve. We have records of landed gentry serving in Parliament under the

age of ten, aristocrats going through the wedding ceremony as soon as they could repeat the vows and consummating the marriage when they were teenagers without so much as a first date.²

Only in the past two centuries have the terms for childhood taken on the modern concerns with internal development and socialization. Placing the development of children at the center of traditional marriage misconstrues Old World marriage and family practice—and obscures the revolutionary implications of modern childhood development. Modern childhood aspires to create hard-working, competent individuals equipped to survive in a complex, market-based society. Starting in the 18th century, child rearing practice has overturned not any particular tradition but traditionalism in general, favoring in its place a notion of the sovereignty of the individual and an ethic of progress.³

THIS BRINGS US to the central flaw in the claim that constitutionally redefining marriage in terms of sexual identity will protect “traditional” family life, much less some imagined “natural order ... enshrined since the beginning of time.” Marriage is a human institution embedded in a political and economic history. If we allow the “defenders of traditional marriage” to blind the public to this history under the false premise that changes to marriage are a threat to the natural order or a challenge to God’s law, we will have missed the opportunity to understand the full implications of the modern world we have created.

Modern marriage has helped to redefine legitimate family relations according to new ideals of consensual love, companionate gender and inter-generational relations, the rearing of children, and the warmth of domestic life as a shield from the competitive world. Its origins coincide with the era captured in the novels of Jane Austen, the Brontës, and Louisa May Alcott—works that rebelled against the enslavement of women in traditional marriage and insisted that the desires of the heart be included in the pursuit of happiness. The accompanying shift in family life helped shatter traditional patriarchal systems. American women sought divorces in vastly increasing numbers beginning in the late 18th century. By 1830, a Connecticut law articulated the modern definition of marriage that was coming into practice. Divorce was to be granted on the grounds of anything that “permanently Destroys the Happiness of the petitioner and defeats the purposes of the marriage relation.” Alexis de Tocqueville observed at this time that “in America the family, if one takes the word in its Roman and aristocratic sense, no longer exists.”

In a very real way, the American Declaration of Independence was a writ of divorce from the traditional world, and with it the master-servant family started to give way to a new order. In 1848, the feminists of Seneca Falls, New York, sought to move the process along, taking Jefferson’s document as the model for their “Declaration of Sentiments.” There are factors that contributed to the development of secular society and its family relations, but if you need a scapegoat for the death of tradition, you can’t blame the gays; you have to go back to the American Revolution and to the rise of capitalism.

As family law was transformed into modern terms throughout the 19th century, market societies consolidated wealth through the rise of corporations, factories, and mills, and this progressively put the small householder out of business, transforming members of peasant, yeomen, merchant, and craft households into

either laborers or professionals. Servants and slaves were replaced by employees, masters by employers. Apprenticeship became compulsory public schooling. Women gained rights to property; dowry and coverture were abandoned. No longer were all mothers, children, and laborers the property of a master. In line with the new economy, marriage emerged as a contractual state between consenting adults. Same-sex unions are the logical extension of this transition, because they rest on the strongest source of modern authority, the authentic wishes of the individuals engaged in the relationship.

Much has been written to condemn, and rightly so, the vulnerability and dehumanization of workers under capitalism, and there are serious questions about whether the consumerist families of market societies are ecologically sustainable. These fruitful lines of thought must be pursued, but they should not create any nostalgia for the marital and family relations of the traditional world. One example might suffice: in early modern English law the rape of a girl over ten years of age could only be prosecuted as a property crime against her father. If he could not work out a deal with the "seducer," he might sue for damages to his household. During the Industrial Revolution, such violence was re-conceptualized in law as a crime against the personhood of the victim, and a whole new possibility for human dignity became conceivable. This legal shift highlights the stunning moral reorientation that has come with the decline of the traditional family grounded upon the paternal ownership of property.⁴

The larger public appeal of the religious Right in America hangs on certain key mystifications. One of them is the difference between a traditional and a modern social order; another is confusion about the world-historical role that American families have played in undermining Old World traditionalism. Clarifying the two allows one to relate modern marriage to the rise of personal autonomy over traditional bondage. Once this is established, it becomes harder to escape the conclusion that the consensual orientation of modern values provides the ethical foundation for a right to same-sex marriage. This is the historical truth that must be inserted into the debate over marriage. It should be part of a conscious effort to reframe the discourse around the question of equal protection under the law. Obviously, much division will remain. It seems to me, however, that a consensual approach toward commitment remains the keystone of modern society and the strongest justification for same-sex marriage. ■

Notes

1. Many studies have charted this shift in the 18th century and connected it to the American Revolution and capitalism. See Philip Greven's *Four Generations* or Gordon Wood's *The Radicalism of the American Revolution*, 1992.
2. The seminal work on this is Philippe Ariès, *Centuries of Childhood* (Vintage, 1962). Also see Mary Ryan's *Cradle of the Middle-Class* (Cambridge, 1981) or Holly Brewer's *By Birth or Consent* (UNC Press, 2005).
3. See Bernard Wisby's *The Child and the Republic* (Univ. of Pennsylvania Press, 1968) or Jacqueline Reinier's *From Virtue to Character* (Twayne, 1996).
4. The key work is Mike Grossberg's *Governing the Hearth* (UNC Press, 1985); also see his *Judgment for Solomon* (Cambridge, 1996).

INTERVIEW

Natalie Hope McDonald queries the author of *Sexual Fluidity*

What do women want? It's complicated

LISA DIAMOND

WHEN Lisa Diamond's book *Sexual Fluidity: Understanding Women's Love and Desire* (Harvard University Press, 2008) was published last year, it was poised to become a fresh, new psychological study about women's sexuality today. But Diamond, an associate professor of psychology and gender studies at the University of Utah, didn't expect it to become a controversial catalyst for mainstream discussions about same-sex desire on a national scale. Soon after its release, the author was interviewed by news organizations around the country and appeared on talk shows and in newspapers, journals, and magazines. She even discussed the book on *Oprah*. (It was reviewed by Cassandra Langer in this journal's September-October 2008 issue.)

One year later, Diamond discusses the repercussions of the study, which followed more than a hundred women for a decade, charting revelations about lesbianism and bisexuality among mostly heterosexual-identified females. Based on this study—

combined with recent brain research that seeks to understand erotic attraction and romantic affection on the neurochemical level—Diamond concludes that female sexual response is much more complex than a simple dichotomy between "gay" and "straight," and that it's often subject to change over the course of a lifetime. While Christian groups have used the book to suggest same-sex desire is a choice, GLBT activists have embraced the work as a testament to the complex nature of sexual identity and the need for a broad tolerance of all sexual and affectional permutations.

Currently Lisa Diamond is preparing to embark upon a second study, this time on the impact of estrogen on sexual attraction. Diamond, who's openly gay herself, spoke with this interviewer by phone from the Salt Lake City campus where she teaches.

Natalie Hope McDonald: You've spent more than a year talking about this book after ten years researching it. What inspired you to study women's sexuality in the first place?

Lisa Diamond: In the early 1990's, when I started graduate school, I was especially interested in gay and lesbian youth. It was obvious to me early on that all of the studies being done were

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