Marriage may or may not be eternal. But arguments about marriage are at least as old as weddings.

The history of those arguments may offer lessons for combatants in the modern war over who gets to marry.

Debate about same-sex unions, in particular, reached a new crescendo in Massachusetts last week. Hundreds of gay and lesbian couples took advantage of court-ordered changes in the law and got married.

Opponents condemned what they called activist judges overturning five millennia of marriage history.

Supporters praised what they called the inevitable historical evolution of the institution.

Scholars say the history of marriage is more ambiguous than either partisan position. Marriage has proved to be a malleable institution - but within broad and widely accepted limits. For instance, history offers many examples of places where multiple wives and even multiple husbands were accepted routinely. Same-sex marriages, however, are much less common.

Not that everyone is even willing to accept precedent as a guide for what marriage ought to be. Some people on both sides believe that same-sex unions are either prohibited or sanctioned by divine law. For them, history is trumped by theology.
But those less certain can and do turn to the past to help explain what marriage should be. When they do, they find that today's passionate dispute is just the latest in a long, long series.

"The historical pungency of today's debates can be equaled by the historical pungency of many of these debates in the past," said John Witte Jr., an authority on family law and marriage in the Christian tradition and the director of the Law and Religion Program at Emory University.

Same-sex unions

So what kinds of ammunition does history offer to the same-sex marriage argument?

Supporters of same-sex unions can logically claim that they are merely extending the oldest purposes for marriage into the modern world. As more gay and lesbian couples have custody of children, for instance, they can claim that the vital role marriage has played in legitimizing lineage should apply to their kids, too.

Supporters can also claim that thousands of years of dramatic changes are evidence that a shift as remarkable as same-sex marriage can eventually become culturally acceptable. For instance, in many times and places, a man once bought his wife. Now many cultures recognize equal spousal rights and responsibilities. Once upon a time, and not all that long ago, Americans of different races were not allowed to marry in many states. But the U.S. Supreme Court changed that in 1967.

Opponents can justifiably claim that for all the changes, same-sex unions are uncommon in history and usually not much like the modern understanding of marriage. They can find ample evidence that major changes in the understanding of marriage came at the cost of turmoil. And if their objection is rooted in religion, they can point to a long tradition of how their faith interprets what marriage means - a tradition reaching back thousands of years that has not included same-sex marriage.

Marriage is mentioned in some of humanity's earliest written records, though historians can only guess at how some of those relationships compare to the modern version.

Many of the purposes, structures and customs of those unions seem to have been pretty stable over time and geography.

"The point about 'marriage' is that it's a set of rules for passing on of lineage, and all that went with lineage," said Thomas Laqueur, a history professor at the University of California at Berkeley. "It could be property. It could be a sacred role. It could be rulership."

Modern-day questions about whether marriage is civil or religious wouldn't have made much sense in the earliest days of recorded history, scholars say. Often, the ruler was identified as God's representative on Earth and anointed by the almighty to rule, so "legal" was about the same as "sacred."

Whatever the specific spiritual roots, marriage has always been about a public definition of rights and responsibilities. It specifies the relationship between two people - or sometimes two tribes or kingdoms. Marriage clarifies who inherits what, whose children belong to whom, who is responsible for paying for damages in case of
battle or accident.

And anything we would easily identify as marriage though history has almost always been between a man and woman (or women).

That limitation has changed for some nations in recent years. In cultures as relatively familiar to Americans as France, Germany and the Netherlands, the law now recognizes a variety of same-sex unions.

But the historical record shows that there's nothing particularly modern or Western about people developing alternative ways to create families:

*In North America, some Plains Indians in the 19th century formally recognized certain men as "women" who dressed as women and sometimes married other men and filled other female cultural roles (the movie Little Big Man featured a such a character, named Little Horse).

*In Sudan, the Nuer tribe recognizes marriage between a dead man's spirit and a woman so he can be credited with children - and marriage between two women as a way to grant children a culturally appropriate lineage.

*Nepal and Tibet have a tradition of polyandry, where a group of brothers marry one woman.

*Multiple wives or husbands have been accepted in many cultures, ranging from the Israelites of the Bible, to Muslims in many lands and times to the early years of the Church of Jesus Christ of Latter-day Saints.

*A longstanding marriage ritual in the Greek Orthodox Church called adelphopoiesis blessed a sacred union between people of the same sex. Like marriage, it was performed in a church by a priest. It involved specific prayers and recognized a religious basis for the special relationship of the two men (usually). But it did not set up lines of inheritance or other common property rights that most people say are essential to marriage.

Answering questions

Each of these alternatives, and the more common forms of union, were created to answer the same questions:

Who gets to define a marriage? Who gets to get married? How sacred is the ceremony? How public does a marriage need to be? What is the role of the wife (or wives) in the relationship? Is a marriage primarily religious, primarily civil or something else? Is divorce possible, and if so, who decides?

Words that we translate as "marriage" appear in some of the most ancient of historical documents.

The Babylonian list of laws known as the Code of Hammurabi was written about 3,700 years ago. The code includes some detailed descriptions of marriages that are much like business contracts. "Bride-price" was a big deal for those weddings. That's a clue about the role of the wife - more of a commodity than an equal partner.
But even that long-ago code recognized the role of romance, apparently. At least one ruling on divorce allows that the woman can then "marry the man of her heart."

Ancient Jewish texts don't place much importance on a particular ritual of marriage. The biblical patriarchs found spouses and concubines from many races and other cultures who were absorbed into Israelite society.

Early Christian leaders were famously anti-marriage. Many anticipated Jesus' immediate return, so human relationships seemed like a waste of time. But marriage was better than either sexual frustration or fornication. So if people felt they absolutely had to have sex, the early church believed it was best that they be married.

As Paul wrote to the Corinthians, "It is better to marry than to burn." Marrying under Roman authority was a problem for the earliest Christians, Dr. Witte said, because Roman ceremonies often involved allegiance to the emperor, which the early Christians would consider idolatry. So by the fifth century, some local bishops had started to perform ceremonies and keep records about who was married, he said.

But for many people, secret or "common law" marriages were standard practice, he said. The neighbors knew and accepted the relationship, but most people didn’t much care if church or civil authority got involved.

Catholic authorities struggled for centuries to find ways to persuade common law spouses to submit to church teachings. One solution was to encourage "married" couples to gain church blessing after the fact, Dr. Witte said.

Not until the 12th century did the Catholic Church declare marriage to be a "sacrament," one of the most important sacred activities. Martin Luther and his followers, on the other hand, rejected that decision in the Reformation. For them, marriage was important but not that important.

The Orthodox custom of adelphopoiesis has been used by supporters of gay marriage as evidence that Christians have a long history of blessing important same-sex unions. The most famous proponent of that position was John Boswell, a Yale history professor who published a book about it in 1994.

But most scholars say that adelphopoiesis was rather different from marriage, said Claudia Rapp, a professor of Near Eastern Studies at the University of California, Los Angeles. The idea was more one of ritual friendship or brotherhood, more like godparenthood than marriage, she said.

"What 'ritual brothers' may have done between themselves in the privacy of their bedchambers is, of course, anyone's guess," she said. "But homosexual activities are mentioned frequently enough that we can assume that ritual brotherhood was not necessary to engage in them."

Won't settle debate

All of which means that history isn't likely to settle the argument. As evidence for that, consider statements from two sides of the Massachusetts debate last week:

President Bush repeated his support for a constitutional amendment banning gay
marriage: "The sacred institution of marriage should not be redefined by a few activist judges."

On the other hand, the Concord Journal quoted a Massachusetts minister whose church will perform same-sex weddings: "All people who are created in the image of God are welcome into the church and are entitled to the benefits and sacraments of the church," said the minister, John Lombard of the Trinitarian Congregational Church.

"The past can cast a long shadow or it can cast enlightenment," Dr. Witte said. "The question concerning gay marriage is where history casts the shadow and where it casts enlightenment."

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CORRECTION-DATE: May 29 2004

CORRECTION:

A story on Sunday's front page incorrectly described adelphopoiesis as a long-standing marriage ritual in the Greek Orthodox Church. The blessing of people of the same sex should have been described as marriage-like, with some ritual similarities, but it was never considered as a marriage by the church.

GRAPHIC: CHART(S): MATRIMONY THROUGH THE MILLENNIA

LOAD-DATE: June 2, 2004