George W. Bush and the Sanctity of Marriage

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President Bush speaks about the “sanctity” of marriage. He wants to protect it. This sanctity means for him that marriage should be between a man and a woman. He is reluctant to protect this sanctity before the law with a constitutional amendment. But if the courts keep undermining the idea that marriage is between male and female, he promises to resort “to the constitutional process.”

When using the word “sanctity,” Bush might simply mean it is inviolable - so rich in the goods it organizes that it should not be tampered with or changed. It is clear, however, that Bush means something more, that marriage is holy and therefore uniquely religious.

Should the state be defending marriage? This question should spark a new national dialogue. It should not center first of all on the pros and cons of same-sex marriage. It should focus instead on what marriage is and the respective roles of state, religion, and civil society in shaping and guiding it.

Concentrating on the question of marriage itself will be less polarizing and more fruitful. It will no longer be gays against straights and conservatives against liberals or progressives. There are gays and lesbians who want marriage, but many of them want it only if it is defined as less exclusive, permanent, and legally interdependent.

Parts of society want to continue the close association between marriage and the conceiving of children. Others want to broaden marriage to give legal protection to affective sexual friendships, with children having little to do with it. Some say this would be unjust; it would give the supports of marriage to sexual friendships and leave out other forms of friendship and care. Many secular legal scholars see this as so unfair that they want to delegalize marriage completely; they propose giving legal and welfare supports only to individuals and couples actually taking care of dependents.

Confused? Most likely. The full contemporary scholarly discussion about marriage is complex but not widely known. It should now include the general public and no longer be confined to a few marriage scholars cloistered in their studies or the backrooms of legislative chambers and courts.

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If the public embarks on this discussion, people will be forced to learn some history. George Bush will need to learn some as well. They will learn that since the Protestant Reformation, marriage has had two meanings in Western societies. Luther taught that it was first of all a civil institution that contributed to the public welfare. He took marriage out of the hands of the churches and gave it to the state. He argued that matrimony was not in its essence a sacrament and not fundamentally sacred, i.e., not something defined by “sanctity.” It was first a public institution analogous to good schools and good public water systems. It contributed to the well-being of society, parents, and the children they conceived and raised.

Secondly, Luther taught that marriage could and should be given additional sacred meaning by religious institutions. At this level, the words sanctity or sacredness were relevant. Protestants called marriage a covenant and Catholics claimed it was a sacrament. Luther, and Calvin after him, set the stage for centuries of cooperation between state and religious institutions by giving marriage a two-fold meaning in Western societies.

Bush should learn that historical precedent has given us two ways to talk about marriage — as a secular institution of vital concern to the state and as a religious institution for those who are enriched by a tradition of faith.

These two languages can enrich each other, but only if we acknowledge that they are not identical. Religious language can contribute to political discourse about the goods of marriage only if we keep track of how religion deepens, contextualizes, and anchors otherwise competent public, philosophical, and social-science arguments.

President Bush collapses the two languages far too readily. The idea of the sanctity of marriage quickly swamps the entire field of his marital discourse. Marriage as a civil institution disappears. The state falls under the control of particular religious institutions without the religious argument actually being developed, heard, and tested with reference to the common good.

Our society needs a new dialogue on marriage, but free from the spin placed on it by the President.

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