

*British Civic Life*

# Marriage

Union for the future or  
contract for the present

A ResPublica Green Paper

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# 1 Overview

The Government has recently published its Marriage (Same Sex Couples) Bill, which it aims to pass as quickly as possible. We believe that this legislation compromises both heterosexual marriage and homosexual union.

Marriage is clearly a foundational and progressive institution. It is both traditional and radical: it secures well-being and manifest advantage for the children born under its auspices, and stability and responsibility for men and women. However, traditional conjugal marriage is under threat, and has been so for many years. The steady erosion of marriage over the last few decades is a grave social and economic ill. We argue in this paper that what primarily threatens traditional marriage is simply another view of the meaning and role of marriage. The shifting conception of marriage from a conjugal to a 'partnership' model is what most endangers it.

Whereas conjugal marriage connects the bond between men and women to a future beyond themselves, both in respect of children and the needs of wider society, the partnership model is primarily about the people themselves. The conjugal and the partnership model represent two competing ideas of marriage. The first, the traditional and conjugal, extends beyond the individuals who marry to the children they hope to create and the society they wish to shape. The second is more contractual and restricted to the two individuals involved. We believe that the latter view represents a much weaker and narrower understanding of marriage.

Marriage is exclusively heterosexual because it concerns the union of the different sexes and, unlike same sex relationships, that union can and often does produce children. Conjugal marriage is first and foremost about the creation and care of children. It is about creating a public institution that celebrates and secures the right environment for the education and upbringing of children. The Bill undermines heterosexual marriage because it extends an institution that was designed exclusively for heterosexuals to non-heterosexuals. Just as Judaism would not survive an extension to non-Jews, or women's refuges an open admission to men or charities to profit-making activity, so heterosexual marriage will not survive an extension to homosexuals.

Throughout all the debates and controversy surrounding the same sex marriage proposals, recognition of the purpose and value of marriage has been assumed rather than discussed. No real debate has taken place on the nature of marriage itself. Beyond the specifics of the Government's recommendations, this paper therefore asks: What is marriage, and how does its definition inform legislation, and benefit society and the men, women and children who constitute it?

We argue in this paper that there is far more to 'marriage' than just its name; any changes to its definition should therefore not be taken lightly. Leaving aside the issue of children and the protection and security of the women who have them, conjugal marriage performs many other social functions, from encouraging responsibility to strengthening the family unit as a whole. The essence of traditional marriage is its care and reach extends beyond mere partnership.

Maintaining this definition of marriage, we argue, is not to discriminate against homosexual relationships, or exclude such couples from cultural acceptance. Rather, it is to accept its inescapable heterosexual character because it is not just about the partners themselves.

Extending the definition of marriage will not deliver greater social endorsement for same-sex couples. For us, what is most at risk is that one definition of marriage will supplant and effectively erode another, and will impose norms that do not cohere with the core purpose and role of conjugal marriage. This paper therefore urges the Government to maintain the present definition of marriage. This is not, however, to reject the wholly legitimate desires of gay people to secure and celebrate permanent commitment to one another. We realise that civil partnerships, while offering every right that marriage presently offers, lack a public recognition and celebration. We would go further than the current proposals in trying to secure this vitally important aspect of bonding. We also urge the Church to take a lead in endorsing and celebrating same sex relationships. We recommend that churches offer more than a civil partnership - *a civil union* - for those who wish to pursue a religious celebration and blessing. This would permit same sex couples to commit to a lifelong union on a religious basis determined by their own homosexual relationships, rather than, as paradoxically would be the case with same sex marriage, one defined by the relations between heterosexual couples.

We are in full sympathy with homosexual equality and dignity. But we believe that this cause is not advanced by destroying the specific responsibilities and institutions of those who are not homosexual. Better, we believe that there is provision for a religious recognition of civil partnerships – something far more radically inclusive than any attempt at equal marriage. So our conclusions cut both ways: we aim to protect heterosexual marriage, but also to argue for religious recognition and celebration of homosexual union.

## 2 Introduction

When David Cameron announced his support for same sex marriage during his keynote speech at the 2011 Conservative Party conference, his endorsement stemmed from an understanding of marriage as a means for commitment and social stability: "I don't support gay marriage in spite of being a Conservative. I support gay marriage because I am a Conservative!" The Government's consequent consultation has now led to the drafting of a Bill currently proceeding through Parliament. This debate has created many divides across and between religious, civil and advocacy groups; the most unpleasant of which is the demonising of those who question the merits of same sex union as if it were self-evidently homophobic to have reservations about the current proposals.

But throughout all of the debate, recognition of the value and worth of marriage has been assumed rather than discussed. Those who advocate the extension of marriage to same sex couples have been very strong on the value of equality but almost silent on the nature of marriage they want equal access to. Whereas those who defend marriage as it is currently defined seem unable to say exactly what its value and worth is and why the institution would suffer from extension to same sex couples. A meaningful discussion about the value and purpose of the institution of marriage itself has not taken place.

So beyond the specifics of the Government's proposals, this paper asks: What is marriage, and why does it matter?

Put simply, there are two competing ideas of marriage at play in the current debate. The first is traditional and conjugal and extends beyond the individuals who marry to the children they hope to create and the society they wish to shape. The second is more privative and is to do with a relationship abstracted from the wider concern that marriage originally was designed to speak to. Some call this pure partnership or mere cohabitation. The latter is what marriage is becoming: a dissolvable contract between two individuals who partner purely for the sake of the partnership itself. It has little or nothing to do with children, general education or social stability. This is not to say that it is to be wholly resisted – of course not – but it should be incorporated and built up to a conjugal summit, because the loss to society of the conjugal model imposes such high costs on society and the state that neither can be indifferent about its erosion. The partnership model is one shared by many heterosexuals and wider society, and it is this that has done much harm to the institution of marriage. By the same token, many homosexuals actually fulfil a more conjugal model and it is to be hoped that the civil unions we propose speaks to this and offer same sex couples their own proper version of 'conjugal marriage'.

Marriage in this conjugal view is a sexual union of husband and wife who promised each other sexual fidelity, mutual caretaking, and the joint parenting of any children they may have. Conjugal marriage is fundamentally child-centred and female advancing. Lone motherhood which is bad for both the woman and the child is the evident manifestation of the contemporary separation of marriage and parenthood.

This second and newer vision has been fuelled by a new discipline called 'close relationship theory'. For close relationship theorists, marriage is simply one kind of close personal relationship. The structures of the discipline tend to strip marriage of the features that reflect its importance as a social institution. Marriage is examined primarily as a relationship created by the couple for the fulfilment of the two individuals who enter into it.

But a 'close relationships' culture fails to acknowledge fundamental facets of human life: the fact of sexual difference; the enormous tide of heterosexual desire in human life; the procreativity of male-female bonding; the unique social ecology of parenting which offers children vital and fundamental bonds with their biological parents; and the rich genealogical nature of family ties and the web of intergenerational supports for family members that they provide. Union across sexual difference is the most powerful aspect of conjugal marriage. It provides the sole institution that can successfully cope with the generative power of opposite-sex unions.

Conjugal marriage has several strengths which partnership marriage does not. It is inherently normative, which is fundamentally good, for it stabilises and secures people in their most profound relationships. Conjugal marriage cannot celebrate an infinite array of sexual or intimate choices as equally desirable or valid. Instead, its very purpose lies in channelling the erotic and interpersonal impulses between men and women in a particular direction: one in which men and women commit to each other and to the children that their sexual unions commonly (and even at times unexpectedly) produce. A political indifference to this normativity reflects a culture that chooses to 'do nothing' about sexual attraction between men and women. The outcome of which is a passive, unregulated heterosexual reality and multiple failed relationships and millions of fatherless children.

Not every married couple has or wants children. But at its core marriage has always had something to do with societies' recognition of the fundamental importance of the sexual ecology of human life: humanity is male and female, men and women often have sex, babies often result, and those babies, on average, do better when their mother and father cooperate in their care. Conjugal marriage attempts to sustain enduring bonds between women and men in order to give a baby its mother and father, to bond them to one another and to the child they have created. If human beings did not reproduce sexually, creating human infants with their long period of dependency and need, marriage would not be the virtually universal human social institution that it is.

This paper is an attempt to show why marriage matters, what particular goals it realises through the institution of marriage and what would be lost if we did redefine the first institution in human life – one that is still our most primary and important social foundation. As such, we are not principally concerned with arguing against same sex marriage as much as we are arguing for the merits of marriage as commonly understood. In the light of the current debate, we will however try to demonstrate that same sex marriage is against the interests of homosexuals and heterosexuals alike, and that the current legislation will tend to undermine marriage. It will replace a substantive virtue-infused institution with a utilitarian contractual one; it will destroy the recognition of the different sexes that marriages implies and in the name of recognising homosexual union, it will remove the specific character and responsibility of heterosexual union and the children it creates from the social lexicon.

### 3 What is marriage?

In all observed societies some form of marriage exists, as the means whereby the work of one generation is dedicated to the well-being of the next. Marriage does not merely protect and nurture children; it is a shield against sexual jealousy, and a unique form of social and economic co-operation, with a mutually supportive division of roles that more than doubles the effectiveness of each partner in their shared bid for a future. Marriage fulfils this complex function because it is something more than a contract of mutual co-operation, and something more than an agreement to live together. Hence marriage enjoys – or has until recently enjoyed – a distinct social aura.

As anthropologists have observed, weddings are everywhere conceived as rites of passage, in which a couple pass from one social condition to another. The ceremony is not the concern of the couple only, but of the entire community that includes them. For this is the way that children are made – made, that is, as new members of society, who will, in their turn, take on the task of social reproduction. Society therefore has a profound interest in marriage, and changes to that institution may alter not merely relations among the living, but also the expectations of those unborn and the legacy of those who predecease them. How marriage is conceived therefore concerns the whole community, and this is as true of us, whose community is defined by nationhood, and whose laws are prescribed by Parliament, as it is true of tribes who define themselves by kinship and who receive their laws from their gods.

Ancient societies were dependent in myriad ways on slavery, and women were often kept in sexual servitude to the men who had captured or purchased them.<sup>2</sup> But already in Homer we encounter quite another relation between man and woman, for which the word *gamos*, marriage, is reserved. In the Greek marriage the woman was a free partner in a monogamous and in principle lifelong relation, which had the *oikos* or household as its goal, and that household was not some domestic confinement but the site and foundation of social and economic activity. In this sense marriage in principle was freedom from pure servitude, enshrining as it did distinct roles and responsibilities in the care of children and the constitution of the family. The definition and maintenance of this institution was from the earliest times a concern of the *polis*, the city state, and although the gods took an interest in marriages, as they took an interest in just about everything, the institution was regarded as of human rather than divine provenance. The Romans adopted a similar conception, and placed the monogamous marriage at the heart of their legal and political order, conferring on it the name – *matrimonium* – that recognised the centrality of motherhood in the social order. The origin of the institution was undoubtedly religious, and involved the worship of ancestors, and the sanctity of the hearth.<sup>3</sup> But it was incorporated into the civil law so as to acquire a purely secular definition, because it had so many self-evident secular benefits.

In due course the Roman civil marriage was Christianised, to become one of seven sacraments recognised by the medieval Church. And although Protestants reject the belief in marriage as a sacrament, the Anglican Church retains the expression ‘Holy Matrimony’ in which the historical experience of Western civilisation is perpetuated. This historical experience can be summarised in three propositions: first of all, marriage is an enduring partnership between one man and one woman; secondly, it is founded in love between the partners and love for the children of their union; thirdly, it is not a contract for services but an existential choice – a change from one mode of being to another.

This change of status has the benefit of social recognition. But it comes at a price. And the price has been, in traditional Christian societies, a heavy one: sexual fidelity ‘till death do us part’, and a responsibility for the socialising and educating of the children. As people become more and more reluctant to pay that price, so do weddings become more and more provisional, and the distinction between the socially endorsed union and the merely private arrangement becomes less and less absolute and less and less secure. As sociologists are beginning to observe, however, this gain in freedom for one generation implies a loss for the next. Children born within a marriage are far more likely to be socialised, outgoing and able to form permanent relationships of their own, than children born out of wedlock.<sup>4</sup> For their parents have made a commitment in which the children are included, and of which society approves. This fact is part of the deep phenomenology of the marital home. Children of married parents find a place in society already prepared for them, furnished by a regime of parental sacrifice, and

<sup>2</sup> Though there is a sense that marriage might well be like the incest taboo – a human universal that occurs almost with the beginnings of humanity itself. In which case, the codification of marriage by the Greek, Jewish and Christian legacy represents a further refinement and perfection of marriage as one of the first human intuitions.

<sup>3</sup> Fustel de Coulanges, N.D. (1984) *La Cité antique*, Paris: Durand.

<sup>4</sup> Wilson, J.Q. (1993) *The Moral Sense*, New York: The Free Press; Murray, C. (1984) *Losing Ground: American Social Policy 1950-1980*, New York: Basic Books; Andrews, K. (2012) *Maybe I Do: modern marriage and the pursuit of happiness*, Ballan Victoria: Connor Court Publishing.

protected by social norms. Take away marriage and you expose children to the risk of coming into the world as strangers, untutored by fathers or abandoned by mothers, a condition of effective abandonment in which they may remain for the rest of their lives.

This is no religious appeal to an institution that is only favoured by the quaint or unduly nostalgic. Marriage was made part of the secular settlement because of the self-evident and manifest benefits it conveyed. By almost every measure we now know that marriage confers significant if not life changing advantages on children born under its auspices. We know that outcomes for children of divorce and one parent families are significantly worse in term of mental and physical health. We know that children born outside of traditional structures suffer significant economic and social harm and that this harm extends throughout their education to future relationships and the stability and success that they can confer on their own families and children. So strong is the original bond from which the children originate that remarriage does not correct the dysfunction that comes from its loss – such that studies on the effects of remarriage generally fail to show a beneficial effect.<sup>5</sup>

## 4 The unmaking of marriage

An anthropologist will hardly be surprised to discover that marriage is regarded, in most simple societies, as a religious event. Rites of passage are conducted in the presence of the ancestors, and the ancestors are presided over by the gods. Religion is one way in which the long-term interests of society may animate the short-term decisions of its present members. Hence it is natural that marriage should be seen from within as something divinely ordained, with a sacred aura that reinforces the undertaken duties and elicits the support of the tribe. You don't have to be a religious believer to observe this or to see its point. You need only be aware of what is at stake, when people bring children into the world and claim those children as their own. Hence, although marriage was a civil institution in Roman law, it was embellished with religious trappings, and the household gods were fully part of it. And when, at the Reformation, the idea of marriage as a sacrament was discarded, the Protestant churches retained the power to 'consecrate' the unions of their members. It was probably not until the French Revolution that the State declared itself to be the true broker and undoer of marriages, and neither the Catholic nor the Protestant church has ever accepted this as doctrine or afforded its comforts to those who view their marriages as purely civil affairs.

Since then, however, we have experienced a steady de-sacralisation of the marriage tie. It is not merely that marriage is governed now by a secular law – that has been the case since Antiquity. It is that this law is constantly amended, not in order to perpetuate the idea of an existential commitment, but on the contrary to make it possible for commitments to be evaded, and agreements rescinded, by rewriting them as the terms of a contract. What was once a socially endorsed change of status has become a private and reversible deal. The social constraints that tied man and wife to each other through all troubles and disharmonies have been one by one removed, to the point where marriage is in many communities hardly distinct from a short-term agreement for cohabitation. This has been made more or less explicit in the American case by the pre-nuptial agreement, which specifies a division of property in the event of divorce. Partners now enter the marriage with an escape route already mapped out.

This should not surprise us. When the Government usurped the rite of matrimony, and reshaped what had once been holy law, it was inevitable that it should loosen the marital tie. For the Government does not represent the Eternal, nor does it have so much regard for future generations that it can disregard the whims of the merely living. The Government is always and inevitably the instrument of its current members; it will respond to their pressures and try to satisfy their demands. It has therefore found it expedient to undo the sacrament, to permit easy divorce, to reduce marriage from a vow to a contract and – in the latest projected act of liberalisation – to permit marriage between people of the same sex. None of this has been done with evil motives, and always there has been, in the back of people's minds, a memory of the sacred and existential ties that distinguish people from animals and enduring societies from madding crowds. The desire has been to retain the distinctiveness of marriage, as the best that we can hope for by way of a lasting commitment, while escaping from its more onerous demands – demands that many people are no longer prepared to recognise.

As a result marriage has ceased to be a rite of passage into another and higher life, and become a bureaucratic stamp, with which to endorse our temporary choices. We would not call this a gain in freedom – for those choices have not in recent years been denied to us, and by dignifying them with the name of marriage we merely place another obstacle before the option to which humanity has devoted so much of its idealising fervour. Of course, we are still free to dedicate our lives to each other, to our home and to our children. But this act is rendered the more difficult, the less society recognises the uniqueness, the value and the sacrificial character of what we do. Just as people are less disposed to assume the burdens of high office when society withholds the dignities and privileges that those offices have previously signified, so too are they less disposed to enter real marriages, when society acknowledges no distinction between marriages that deserve the name, and relationships that merely borrow the title.

5 Fustel de Coulanges, N.D. (1984) *La Cité antique*, Paris: Durand.

Lacking religion or a more communal understanding, people no longer live by unbreakable ties. Vows become contracts, and long-term commitments become temporary deals. We may regret this, but we cannot alter it; still less can the state impose a discipline that conflicts with it. Having assumed the right to solemnise marriages and to endow them with legal status, the State must then follow the desires and inclinations of its current citizens, and redefine the institution accordingly. If marriage is without religious overtones or sacrificial demands, then many people will begin to believe that it is no more than a prejudice to think that marriage is to be conceived in traditional terms, as the relation of matrimony, devoted to motherhood and child-raising. If two people of the same sex wished to be joined by marriage, and if the definition of marriage lies entirely with the State, why should the institution not be amended in order to accommodate them? Is not this simply the next step in a natural process of decay which, viewed from another perspective, is also a process of growth – the growth of a new institution, and one more suited to our times? Are we not merely witnessing the latest manifestation of the transition commented upon a century and a half ago by Sir Henry Maine, the transition from status to contract?<sup>6</sup> And in a secular, liberal democracy it is contract, not status that counts.

Underlying that argument is a conception of equality that is having an ever-increasing influence over legal reasoning and social practices in our time. We see this idea at work in the European Court of Human Rights, and in our own legislature, undermining and destroying every institution that human beings have erected in order to defend and perpetuate difference. Equality no longer means – as it ought to mean – the equal opportunity to participate in the benefits of society. Instead it means the removal of all forms of social difference, all the ways in which people have tried to define and maintain institutions and paths through life that require something more than mere humanity of their members. Already all our institutions and all employment contracts must conform to principles of ‘non-discrimination’, providing open-ended lists of the differences between people that must be discounted if the law is to permit things to continue. The idea of an institution whose benefit depends precisely on emphasizing sexual difference begins to look like an offence against the first principles of social order.

However, the argument from ‘non-discrimination’ is deeply flawed. For it assumes that the institution of marriage has been only accidentally connected to its social function – the function of passing on social capital from one generation to the next. It assumes that an institution in which absent generations are essentially involved, can be endlessly amended for the sake of the living, and without reference to the unborn and the dead. We put it in the terms bequeathed to us by Burke. But it could be said in another way. Marriage is an arrangement whose beneficiaries, in the normal case, exist only after it and because of it. If people have accepted the idea of civil marriage it is because they have accepted that the State is both competent and willing to uphold the matrimonial ideal. The State was accepted as competent to grant and administer marriages because it endorsed the principle that marriage exists for the sake of motherhood and all that motherhood means. But an institution that exists to protect motherhood discriminates against half of mankind.

Nor is that the only function of traditional marriage, which was not only a way of endorsing and guaranteeing the raising of children, but also a dramatisation of sexual difference. Marriage kept the sexes at such a distance from each other that their coming together became an existential leap, rather than a passing experiment. Sexual attraction was shaped by this, and even if the shaping was – at some deep level – a cultural and not a human universal, it made desire into a kind of tribute paid to the other sex. Marriage has grown around the idea of sexual difference and all that sexual difference means. To make this feature accidental rather than essential is to change marriage beyond recognition. Gay people want marriage because they want quite rightly a variant of the social endorsement that it signifies; but by admitting gay marriage we deprive marriage of its social meaning. It ceases to be what it has been hitherto, namely a union of the sexes, and a blessing conferred by the living on the unborn. The pressure for gay marriage is therefore in a certain measure self-defeating. It resembles Henry VIII’s move to gain ecclesiastical endorsement for his divorce, by making himself head of the Church. The Church that endorsed his divorce thereby ceased to be the Church whose endorsement he was seeking.

Past societies have tended to amplify sexual difference, not only through clothing, role-playing and the separation of public and private spheres, but also through activities like dancing which place sexual difference on display. Our society has begun to treat men and women as equal and exchangeable in virtually all the roles that they occupy, and to condone styles of dress and conduct which make no distinction between the male and the female. This too has had an impact on marriage, since it has diminished the distance between the sexes, and made it less obvious than it was, for example, in Jane Austen’s day, that marriage is a threshold, which you cross into territory defined in part by the opposite sex. This is another reason for the fragility of marriage in the world today. In a society that refuses to treat sexual difference as the great ontological divide that it was for our grandparents, it becomes possible to regard the sex of your partner as a minor detail in any arrangement between you.

However, if we believe, on those grounds, that marriage between people of the same sex involves no deep upheaval in our social consciousness, it is because we are no longer talking of marriage as commonly or traditionally conceived. We are using the word to describe something else – a contract of cohabitation representing a partnership shorn of external reference. One immediate consequence of this is that the laws that exist in order to protect marriage lose their traditional rationale. Incestuous and bigamous marriages are currently forbidden, and indeed severely punished – but why should this be so, if marriages are simply contracts of cohabitation, in which only the partners have an interest? Adultery and non-consummation are currently grounds for divorce. But why, if the contract makes no reference to these things? And what, in any case, does non-consummation and adultery amount to?

Surely, the correct response to those observations is to retreat from the claim that the new arrangements are really marriages, and to recognise that the distinction between matrimony and cohabitation or conjugal model as opposed to that of pure partnership is an essential distinction.

6 Maine, H.S. (2005) *Ancient Law*, 2nd ed., New York: Cosimo.

This does not mean that all marriages must produce children, or that marriages cannot end in divorce. It means rather that marriage is a special kind of relationship, in which man and woman make a commitment beyond any contract between them. It means that marriage retains its primary function, as the means whereby children enter into the world and also inherit the world, receiving from their parents the social capital that their parents in turn inherited. It means that marriage retains its fundamental aura, as a display of sexual difference, in which man becomes fully man and woman fully woman. All those features of marriage, which in our view are essential to its moral standing as well as its social function, will be jeopardised by the removal of sexual difference from the foundation of the arrangement. The institution will become a deal between the partners, rather than a joint entry into an institution whose duties and rewards transcend any contract between them. This is why matrimony has been described as holy: in entering it you are passing from one sphere of being to another, a sphere that remains to be discovered, and whose duties are as yet unknown. It is hard to put this into words – but Mozart put it into music in *The Magic Flute*, and the Christian churches have embodied it in their marriage vows.

And there is another and politically urgent reason for reaffirming that old idea. Monogamous marriage has been, historically, rare. It is the valuation of this institution that sets Western civilisation apart, an institution that we inherited from Greece and Rome along with the polis and the secular law. It was affirmed and incorporated by Christianity, and the sacramentalisation of marriage in the Middle Ages went hand in hand with the cult of the Virgin Mary and the idealisation of woman. We may not identify with that great current of ideas and emotions now. But we are downstream from its benefits. The recognition of women as the equals of men, the disgust that we feel when women are treated as chattels, the desire that women move in our society face to face with men, neither veiled nor concealed but competing on equal terms and entitled to equal respect – all this, it seems to us, is the gift of a history in which monogamous marriage has been the institution that defined what the sexes are for each other. We are entering a period in which we are in direct confrontation with cultures that treat women as chattels, which regard marriage as a form of male domination, and which permit one man to have up to four wives – in some cases more. We have, in our midst, sub-cultures that endorse the genital mutilation of girls, which condemn girls to marry whoever has been chosen for them by others, and which do not balk at 'honour killings' when a girl has followed the inclination of her heart. All those things we regard, and rightly, with abhorrence, and we do so because of that long history of the matrimonial ideal, which we inherited from Greece and Rome via 'Holy Matrimony' and the cult of courtly love. Why should we throw this away at such a critical point in our history, simply in order to bestow on gay couples a benefit that will not accrue to them what they truly desire and will be by then no more than a word without a referent?

## 5 Equality should not be the enemy of diversity

The current 'Same Sex Couples Bill' is part of a trend that supposes equality is only to be advanced by erasing all differences between us so that we are all the same and all equal. But a free society is made of those who differ and who can express that difference and distinction both by themselves and in association with each other. The task of a democracy is not to obliterate difference in the name of a collective unity that makes all interchangeable with each – after all we have seen the fruit of that legacy in China, Russia and Cambodia. We believe that if the argument for equality has merit, it does so because it protects difference. Equality used to allow those who differ not to subsume themselves under another's identity but to claim equity for their distinction and the state's protection in maintaining and even defending it. Now however equality is being used to erase difference, destroy institutional distinction and remove proper and plural provision for different groups, faiths and organisations. We have profound reservations about same sex marriage not just because of the harm it does to a vital heterosexual institution but also because we reject the implication that in order to be equal and respected homosexuals should conform to heterosexual norms and be in effect the same as heterosexuals. In this sense we believe same sex marriage to be homophobic – it demands recognition for gay relationships but at the price of submitting those relationships to heterosexual definition. This serves neither homosexuals nor heterosexuals. The former are absorbed into a structure that does not give due credit or recognition to their distinction and difference; whereas, heterosexuals are stripped of any institution that belongs to them qua their heterosexuality. Men and women who marry are denied proper recognition or celebration of their own distinctive union across the sexes and even more importantly any recognition of their role and unique responsibility in creating and nurturing children whose origin still lies exclusively in heterosexual union.

As mentioned above same sex couples want marriage because they want the social endorsement that it signifies; but by admitting gay marriage we deprive marriage of its social meaning. It ceases to be what it has been hitherto, namely a union of the different sexes, and a blessing conferred by the living on the unborn. The pressure for gay marriage is therefore in a certain measure self-defeating for in seeking equality with something unlike yourself the thing that you join to is no longer what you joined. What is needed here is equity that respects difference not equality that destroys it. Gay people have wholly legitimate demands and needs for not just acceptance but celebration and recognition and this needs to be recognised by all who oppose same sex marriage. What is needed is an equity in diversity – and let us

take a difficult case just as Judaism needs to restrict itself to those who profess the Jewish faith and Islam needs to do the same one can have equity and respect between them both where neither suffer through being what they are and neither need fear the erasure of the difference of their own beliefs that they value so dearly and so highly. A free country should allow differences to be protected and articulated in groups and institutions that further the vision of each particular set of human beings. To pursue gay equality is noble and right. But to pursue it by undermining heterosexual institutions is deeply damaging to both hetero and homosexual persons alike. For heterosexuals need an institution that shapes them for the consequences of opposite sex union and without that it is disaster and despair for children, burden and poverty for women and dislocation and atomisation for society.

## 6 Conclusions and recommendations

### **We would recommend only two things – the first to the State and the second to the Churches.**

Firstly, to the State – leave marriage as it currently is. Conservatives at least should recognise that not all that currently is, is an evil that should be removed. We may all be modern, but we are not Maoists. Some traditional structures are traditional because they serve human interests through time and space. Marriage is one of those institutions, and it is one that all recognise is under threat. Sex and marriage were separated in the 1960s, children and marriage in the 1980s, and now we are witnessing the final separation of parenting from partnering. Marriage is pro-child and pro-women; it is our social insurance against the rising numbers of abandoned children, the ongoing rise of lone motherhood and the exculpation of men who no longer feel or even demand any responsibility for women or the children they bear with them. Marriage in principle is the most friendly of institutions to women, and the disassociation of marriage from children will further isolate and decouple the needs of women from the needs of men. It will erode and ultimately destroy the meaning of marriage. The loss of the conjugal and matrimonial aspect and the rise of partnering is the greatest threat to marriage. The fact that marriage will be redefined such that children and the creation of new life and the responsibility that goes with that will no longer be part of what marriage means is perhaps the most un-conservative and un-progressive measure ever contemplated. If we change the meaning of marriage, it will no longer be marriage.

To the Churches, we recommend that they recognise that the demand for same sex marriage comes from a serious desire for permanent loving homosexual relationships to be recognised and embraced by society, by Christianity and by other faith groups. The demand for secular marriage equality is in part an appeal for religious acceptance, which the Government's proposals cannot offer. We believe the Churches should consider offering not civil partnerships but *civil unions* to same sex couples a celebration and a status that recognises a transition from partnership into permanence. And the churches and other faith groups should therefore grant civil partnerships a religious celebration and recognition making them a civil union. Churches should recognise not just that homosexual persons are as they are, but they also are owed recognition of the permanent relationships they choose.

Christian accounts of reality include an end and a goal (a teleology) for all creatures and a perfection for all beings. What then is the teleology for a gay life? How should homosexuals live with their own created nature and live unto God as well? Since gay people clearly fall in love and form lifelong commitments, should this not be part of Christian teaching and practice for them also? And whilst we recognise that Christian discernment is struggling with these issues, is it not right and proper that permanent and loving homosexual relationships be given Christian public recognition and celebration? We urge the Church to explore the teleology of same sex relationships. If there ever is to be proper Christian care of homosexual people, it must craft a good life for them also – so as to make for them a place of permanent stability and reciprocal love and genuine recognition. We say then to the churches: offer more than a civil partnership – offer a civil union celebrated in Church as a distinctive form of social and theological realisation for gay people that all Christians would want to see. This really would be a union that would be far more radical than anything currently on offer, and it would be a step towards social reconciliation of the kind preached in the Gospels.

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## British Civic Life

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