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# Retroactive Definitions: The Problem with the Traditional Marriage Argument

Atticus Garrison

*Augustana College, Rock Island Illinois*

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**Retroactive Definitions:**

**The Problem with the Traditional Marriage Argument**

**by**

**Atticus Garrison**

## Introduction

Words often change meaning over time. For example, until the 1960s, the word “gay” meant “Light-hearted and carefree” or “Brightly coloured; showy”.<sup>1</sup> But after the 1960’s, the definition of “gay” drastically changed, to meaning a “homosexual.”<sup>2</sup> “When you're with the Flintstones, Have a yabba dabba-do time A dabba-do time, We'll have a gay old time!”<sup>3</sup> This means that when we look at the theme song for the classic cartoon *The Flintstones*, we should not apply our definition of what gay means to how it is used in the theme song. Definitions of marriage work much in the same way as any other definition. The definition is reliant on the repeated use of an act or word. Looking over the course of American history, marriage has been in a constant state of change. Marriage was used by immigrant women in Jamestown as a way to gain wealth and social standing. In the 1800s, personal agency entered the practice of marriage and women and men viewed love as the driving force. During the American Civil War, the ties between extensive courtship practices and the involvement of the betrothed’s families in the marriage was lessened. There were many who tried to claim that these changes were tearing down the institution of marriage. We now live in a climate that seems to be speaking with similar rhetoric.

Proponents for traditional marriage believe that same-sex marriage goes against something that is fundamental for the practice of proper marriage. Looking at the history of marriage in America, it is hard to conclude that this is widely accepted throughout American

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<sup>1</sup> “Gay - Definition of Gay in English | Oxford Dictionaries.” *Oxford Dictionaries / English*. Accessed January 24, 2017. <https://en.oxforddictionaries.com/definition/gay>.

<sup>2</sup> Ibid

<sup>3</sup> *The Flintstones*. Animation, Comedy, Family, 1960.

history. Marriage holds many economic and societal roles that are not often talked about by proponents of traditional marriage. Marriage has always been defined retroactively by people who are attempting to address changes in how marriage is practiced and the modern argument about traditional marriage is a part of this continued trend. Marriage is defined by how people practice it, not by some arbitrary definition.

### **The Traditional Marriage Argument**

For the purposes of this essay I will be addressing a definition of marriage that has been put forth by Sherif Girgis, Robert P. George, and Ryan T. Anderson in their work, *What is Marriage?: Man and Woman: a Defense*. Girgis, Anderson and George are proponents for what is considered the “traditional marriage argument.” This argument defines marriage as something that should be practiced solely between a man and a woman. In a society that is currently debating the legality of same-sex marriage, it is important to understand the historical context and implications of the argument that Girgis, Anderson and George are making. America is in the midst of a shift in how the populace perceives the definition of marriage. I am going to show that this shift is not the first. Girgis, Anderson and George define a proper marriage as

the union of a man and a woman who make a permanent and exclusive commitment to each other of the type that is naturally (inherently) fulfilled by bearing and rearing children together. The spouses seal (consummate) and renew their union by conjugal acts—acts that constitute the behavioral part of the process of reproduction, thus uniting them as a reproductive unit. Marriage is valuable in itself, but its inherent orientation to the bearing and rearing of children contributes to its distinctive structure, including norms of monogamy and fidelity. This link to the welfare of children also helps explain why marriage is important to the common good and why the state should recognize and regulate it.<sup>4</sup>

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<sup>4</sup> Sherif Girgis, Ryan T. Anderson, and Robert P. George. *What Is Marriage?: Man and Woman: A Defense*. 1st Edition edition. (New York: Encounter Books, 2012), 246.

This definition is what Girgis, Anderson and George consider to be the “Conjugal View” of marriage. This view is the one that Girgis, Anderson and George spend their essay defending as the proper definition of marriage. Girgis, Anderson and George contrast the conjugal view with, what they call, the “Revisionist View.” The revisionist view is one that views marriage as something that people choose to do based on extreme feelings of passion and love for one another. The purpose of that marriage is to share in the trials and tribulations of domestic life.

They define this view as

Marriage is the union of two people (whether of the same sex or of opposite sexes) who commit to romantically loving and caring for each other and to sharing the burdens and benefits of domestic life. It is essentially a union of hearts and minds, enhanced by whatever forms of sexual intimacy both partners find agreeable. The state should recognize and regulate marriage because it has an interest in stable romantic partnerships and in the concrete needs of spouses and any children they may choose to rear.<sup>5</sup>

The first thing that any reader of Girgis, Anderson and George must consider is what the purpose of Girgis, Anderson and George’s definitions are. Girgis, Anderson and George are writing these definitions to preserve marriage as something that is practiced between a man and a woman. The reason that this needs to be preserved is so that procreation can be defended. Girgis, Anderson and George recognize that there are many different ways that people have married over the course of U.S. history and they are trying to find a way to define marriage in a way that the definition is applicable to all of those situations; while at the same time, giving a definition that also excludes homosexual marriage. Girgis, Anderson and George believe that to wrongly define marriage would lead to troublesome implications for the state. To them, the state is supporting marriage because the state has a vested interest in the wellbeing of children and a family structure that supports those children. The problem that Girgis, Anderson and George

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<sup>5</sup> Ibid, 247

have with the revisionist definition is that they believe the state should not have an interest in maintaining stable romantic relationships because this creates a precedent and a framework that is problematic for the United States to operate under, implying that practices such as polygamy and the like would then be justified under the revisionist definition of marriage.

Girgis, Anderson and George make their argument without the presence of religious appeal, making the natural law argument that regardless of religion or society; their definition of marriage is the standard that all religions, cultures and societies will more-or-less come to agree upon.

their bodies become, in a strong sense, one—they are biologically united, and do not merely rub together—in coitus (and only in coitus), similarly to the way in which one's heart, lungs, and other organs form a unity: by co-ordinating for the biological good of the whole. In this case, the whole is made up of the man and woman as a couple, and the biological good of that whole is their reproduction.<sup>6</sup>

One key claim to understand about Girgis, Anderson and George's definition of marriage is the role that coitus plays. Girgis, Anderson and George believe that the singular feature that is prevalent throughout all acceptable marriage is the presence of sex that leads to procreation. While Girgis, Anderson and George acknowledge that marriage can serve other functions outside of sex, the one thing that is pivotal to defining marriage, is the presence of sexual intercourse. Girgis, Anderson and George also dismiss any kind of sex that does not involve a penis entering the vagina because it does not have the potential to lead to procreation.

Girgis, Anderson and George are trying to address a problem that they see with proponents of the revisionist argument. They pose their definition of marriage as a more stable answer to the problem than how marriage is defined by revisionists. Per Girgis, Anderson and

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<sup>6</sup> Girgis, Anderson and George, 254.

George, the revisionist response typically avoids the issue of defining what marriage *is*. They view this as important because they believe it opens the door for any number of practices to be considered marriage that we would typically dismiss as not fitting the bonds of marriage.

I will be critiquing Girgis, Anderson and George on their definition of marriage mostly based on the assumptions that they make about the role that marriage plays in society. They take strides to make sure that the definition they give does not rely on the existence of any one religion for their argument. For the purposes of my argument, I will be focusing on Christian marriage because it sets a standard that I can track throughout American history so that any deviation from the norm is not written off as a difference of culture, religion, or other. Girgis, Anderson and George claim that this standard of marriage is one that humanity has naturally come to, regardless of religious affiliation and it has practiced marriage in the same fashion for years. I am going to be using examples that show marital practices deviating from the norm and why it is important to note the social and economic roles that marriage has outside of then presence of coitus. Finally, I am going to be throwing the entire debate about defining marriage into question by contextualizing it within the backdrop of at least two hundred years of arguments about what exactly marriage is.

Before you read any further in this essay I want to challenge you to do something. Define marriage. What makes a marriage valid to you? What sort of rules do you see being applied to all marriage? If you conclude that marriage is whatever the individual wants it to be, then many things that we would not consider to be marriage would then be excused as being acceptable; but if you try to lay down set boundaries for the role and practices of marriage, I can guarantee that you would be able to find examples within the American context that defy one or more of the guidelines that you put down. The point of this essay is not to nitpick at definitions of marriage

and conclude with a relativist conclusion that marriage cannot be defined. The purpose of this essay is to show that marriage is more than the practices that surround it. Marriage holds important societal functions that are often overlooked in the modern debate about traditional marriage.

### **Margaret Farley's Critique of the Traditional Marriage Argument**

To properly contextualize Girgis, Anderson and George's argument, we must also see what the other side of the debate believes. Margaret Farley believes that it is more important to come to a definition of marriage that is accepting towards how people practice marriage than to define it in a way that she views as unhelpful. In her book *Just Love*, Margaret Farley addresses the debate on same-sex marriage, trying to find a way in which religion and same-sex marriage can coalesce. Farley is not just responding to Girgis, Anderson and George; she is also responding to Christians that are dealing with how to treat the issue of same-sex marriages in their places of worship. Farley addresses these points by framing her argument in a way that appeals to both religious and non-religious cases. Farley argues that there is no text within the Bible that can be used to reliably speak against the practice of same-sex marriage. Farley goes on to say that the current state of church teachings on homosexual relations makes it hard for people to make a stance solely based on those church teachings. Tradition is also unclear when attempting to argue against the morality of same-sex marriage.

There are only a handful of passages in the Bible that seem to have any reference to homosexuality. The first one is Lev. 18:22; Which speaks about a male lying with a "male as with a woman." Farley points out that the original intent of this law has been lost and it is not certain that this act is morally evil. Farley claims that most scriptures that deal with the issue of homosexuality are more dealing with patriarchal power structures as opposed to homosexual

relations. In the case of Romans 1:26-27 the passage is debated to be about the problems that come from not their relations, but from their lustful passions.

The main point that Farley wishes her readers to take is that the Bible cannot be used as a definitive source for ruling on the morality of same-sex relations. Farley then goes onto the issue of looking at same-sex marriage through a secular lens. Farley looks at scientific research that has been conducted on the occurrence of homosexuality. Farley points out that, per these studies, homosexuality is not a choice of the person who partakes in same-sex relationships and many of the early myths that appeared in the 19<sup>th</sup> and 20<sup>th</sup> centuries on the basis of homosexuality are now being diffused. Myths such as homosexuality being a choice, and its relationship with child molesters in particular are both false.<sup>7</sup> Farley therefore believes that

My own view is that none of the sources for Christian sexual ethics provides much light on the moral status of same-sex relationships if the question remains simply whether they are permitted or prohibited...Similarly, historical studies of Christian traditions yield ambiguous results.<sup>8</sup>

Farley believes that all the previous sources that are typically turned to on the topic of same-sex relations are not necessarily reliable ones, a claim that I intend to further support with my analysis of traditional marriage. Farley adds to the discussion on the morality of same-sex marriage by pointing out that the lines that are commonly drawn regarding the debate are not so cut and dry. Farley, unlike Girgis, Anderson and George, wears her religion proudly on her sleeve when making her argument. Girgis, Anderson and George try to make a natural law claim that marriage is defined this way without the presence of religion because it is the natural conclusion that all cultures naturally agree on. Farley makes valid critiques of the traditional

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<sup>7</sup> Farley, Margaret A. *Just Love: A Framework for Christian Sexual Ethics*. A&C Black, 2006. 284

<sup>8</sup> *Ibid*, 274

marriage argument on the basis of how the argument is framed. Furthermore, I think that a deeper look at tradition would further help to illustrate Farley's claim that the reasons for marriage have changed over time. Context is extremely important when talking about the history of marital practices. Marriage has changed over the years and because of this, it is hard for modern individuals to fairly evaluate a description of a marriage from even one hundred years ago.

### **Mail Order Brides**

Looking within the context of the early colonies in the Americas, it is apparent that marriage held more importance than simply coitus, as Girgis, Anderson and George try to frame it. In early colonies, such as Jamestown, it is apparent that women used marriage as a way to elevate their social status and economic prospects, not for the sole purpose of procreation. Based on the population numbers that have been given about the American, men outnumbered women, in some cases, four-to-one.<sup>9</sup> This discrepancy is compiled with a social stigma that is placed onto young bachelors to marry and have a family. These pressures caused an interesting phenomenon in early colonial towns, women were paid to move to these towns so that there would be people to marry. Paying for marriage might seem strange or wrong, but it worked as something more akin to a business transaction. In this system, women would be paid to move to this town and potentially raise their social status by marrying a man who could elevate them to gain financial security and clout within the community.

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<sup>9</sup> Herbert Moller, "Sex Composition and Correlated Culture Patterns of Colonial America." *The William and Mary Quarterly* 2, no. 2 (1945): 114–53.

The first instance of these mail order brides in the Americas are traced back to when the first British and French colonies became established in the early 1600s. Starting in the male-dominated Jamestown, the requests for women to come from across the sea to the New World began to be sent out by the small colony.<sup>10</sup> Very few women responded to the requests for wives, the call did bring in some women, but largely, the prospects of a single woman wanting to immigrate to the colonies was not an attractive one. There were horror stories being spread around Europe regarding the harsh circumstances that colonists were enduring across the pond in Jamestown and other colonies like it that caused a good deal of hesitation.<sup>11</sup> The Virginia Company had a vested interest in trying to bring over as many women as possible.

The Virginia Company was cognizant of the fact that the bachelors in the colonies had the intentions of making as much money as they could in Jamestown and then returning to England with their wealth. The more bachelors that would perform this task, the more unstable that the structure of the colony would become; thus, leading to the eventual downfall of the colony. If these bachelors married and were given a motivation to stay in Jamestown, it would help to secure the business efforts of the Virginia Company as well as bringing stability to the town.<sup>12</sup>

The first concerted effort that the Virginia Company attempted to combat this issue was when the Company's lawyer, Richard Martin, approached the House of Lords in 1614 saying

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<sup>10</sup> a 1609 broadside (poster) that was published by the Virginia Company, both men and women were solicited for "the better strengthening of the colony." Julia Cherry Spruill. *Women's Life and Work in the Southern Colonies*. W. W. Norton & Company, 1972, 4.

<sup>11</sup> Marcia Zug, "Lonely Colonist Seeks Wife: The Forgotten History of America's First Mail Order Brides." *Duke J. Gender L. & Pol'y* 20 (2012): 85.

<sup>12</sup> Spruill, 8.

that the colony was in dire need of men with families to immigrate to the colonies for a way to provide the stability that the colony needed to survive.<sup>13</sup>

In 1620, the Colony then moved to the method that I will be focusing on more exclusively. The Virginia company began to appeal to single women to come to the colony to marry the bachelors of Jamestown. In the spring of 1620, ninety women immigrated to the colony.<sup>14</sup> These brides did not sustain the colony, however and many of the male settlers married Native American women and moved out of Jamestown. The Virginia Company viewed this practice as a threat to the existence of Jamestown. The more men that married Native American women and moved into their tribes, the weaker that the colony would become. As a way to combat this practice, in 1691, the colony of Jamestown banned White-Native American marriages.<sup>15</sup> As well as outlawing marriage with Native Americans, the Virginia Company again pushed for women to move across the ocean to marry single men in the Jamestown colony.

The women that were propositioned to travel to Jamestown were of a unique sort, they were given a good deal of choice in their moves to immigrate and this choice was viewed as important for the purposes of the colony.<sup>16</sup> If women did not find a man that they found to be suitable, they could choose to not marry and to get a job as a servant that was paid far better than a servant would have been paid in England at the time.<sup>17</sup> Women were also given the chance to

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<sup>13</sup> Ibid, 8.

<sup>14</sup> Ibid, 8.

<sup>15</sup> Heidi Hutner. *Colonial Women: Race and Culture in Stuart Drama*. Oxford University Press, 2001, 13.

<sup>16</sup> As a contrast to some of the orphans that were brought to Jamestown against their will, the agency of the Jamestown women was very important to the Colony. John C. Miller, *The First Frontier*. Revised ed. edition. (Lanham, MD: UPA, 1986), 27.

<sup>17</sup> Spruil, 9.

elevate their social status from what it would have been in England by marrying a man above her status for monetary gain.<sup>18</sup>

Women moved to the colonies because migration offered them rights and privileges that they would not have had otherwise and all of these benefits were because of the institution of marriage.

### **Why Mail Order Brides Matter**

The benefits for Jamestown brides show that marriage has more of a role to play than simple coitus and procreation like Girgis, Anderson and George claim. While it might seem like the example of Jamestown goes to prove Girgis, Anderson and George at first blush, a closer inspection of the case-study shows a much more complicated response.

One of the primary reasons that Girgis, Anderson and George claim that marriage is for reproduction and childrearing, and any other inherent benefits do not serve to separate marriage from any other form of monogamous relationship.<sup>19</sup> The Jamestown example shows that this is not true. The marriages that were set up by the Virginia Company were for the purposes of creating stability among the bachelor population at the colony, this is true. And the Company did want to ensure the longevity of the colony which would mean that part of the reason that the women were required was to have children to live in the colony after their parent's generation past. I am not denying that these are two facets of why the Virginia Company sent out their commercial advertisements attempting to entice women to come to Jamestown.

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<sup>18</sup> Ibid, 9.

<sup>19</sup> Girgis, Anderson and George, 251.

My point is that I think Girgis, Anderson and George do not give enough credit to the women who made that trek across the ocean. The Jamestown women did not come to the New World to raise a family or to procreate, they came to the New World because it promised them wealth, prosperity, social elevation, and most importantly choice. These are all things that Girgis, Anderson and George would want to brush aside as unimportant when it comes to the issue of defining marriage. All the socio-economic benefits that would come to the woman would be applied to her person without her ever having to “seal the marriage”<sup>20</sup> as Girgis, Anderson and George would phrase it. Sexual intercourse was not required for a woman to gain her social status and to be compensated for coming to the New World to marry a man.

I doubt that Girgis, Anderson and George would consider any of these marriages to be improper, since they could have sex and in most cases, they probably did. My point is not that sex is not a part of marriage, but that it is not the defining characteristic. To be blind to the other purposes that marriage holds is to be blind to the context in which marriage has been practiced for thousands of years. Ignoring the role that marriage has played for women is to ignore one of the functions of marriage. Trying to define traditional marriage is hard because the rules in which people marry change based on the requirements of the society in which the marriage is being practiced. In Jamestown, the Virginia Company needed women to marry so they paid the women to marry men in the colony. Our modern sensibilities of what constitutes a traditional marriage would not see Jamestown brides as being of the same practice of marriage today, and it is for this reason that sex is not the defining characteristic from which we should attempt to define marriage.

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<sup>20</sup> Ibid, 256.

## Love in Nineteenth Century Marriage

Romeo loved Juliet, Winnie the Pooh loves honey, and I love Dogs. These different loves are, for obvious reasons, different, but we use the same word to describe each of these attachments. Girgis, Anderson and George argue that marriages have had the unifying trait of coitus for years and deviation from that norm is a modern dilemma that has to be dealt with. When looking at the history of marriage in America, it becomes clear that there have been many crises of marriage throughout American history. Marriage has always posed the problem of definition, because it is hard to define something that varies in practice in different places at different times. In the eighteenth century, there was a debate raging across the Western world and in the United States. Ruth Bloch writes about this struggle by explaining that during the late eighteenth century; there is a shift in what would have commonly been considered the proper way to express sexual desires. There are three kinds of love that an individual can express from the eighteenth into nineteenth centuries. There is the love that one experiences outside of marriage, which is commonly affiliated with lust and is called to be suppressed. There is the love that an individual can express from within the marriage, which is deemed to be an acceptable and healthy way of showing one's love. The final category of love, is a holy love, a love of god. These three loves all play a role in marriage and how it is practiced in the eighteenth and nineteenth centuries.<sup>21</sup> This debate shows that the definition of marriage has not been as stable as it is presumed to be by Girgis, Anderson and George, and it has continued to morph with the needs of its participants. The modern push for "traditional marriage" draws an arbitrary line in

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<sup>21</sup> Ruth H. Bloch *Changing Conceptions of Sexuality and Romance in Eighteenth-Century America*. The William and Mary Quarterly 60, no. 1 (2003): 13-42.

the sand. There has never been a time where marriage was standardized to work the same way everywhere.

The point of this essay is not to draw a through-line through all marriage in American history to show a line of progress that ends with the modern debate about traditional marriage vs. same-sex marriage. What I am trying to show with this section is that marriage has been in flux because, by its very nature, its role and purpose is dictated by the needs of the people who construct it. There are communities who value love and personal marriage-choice in the eighteenth century; then there are communities where this does not manifest until the twentieth century.

Before the advent of love-based-marriage, the practice of marriage often worked like a business transaction, of course, there are outlier communities that practice marriage differently, there is no clear consensus as to when the shift towards personal agency began. There are those like Alan Macfarlane who believe that there is a case to be made for love-based marriage to have its seeds in Europe around three centuries before the industrial revolution.<sup>22</sup> There are other historians like André Burguière who believe that affectionate marriage came into being in Europe as a long slow transition from the 1500s through the 1800s.<sup>23</sup>

It is fair to acknowledge that the incorporation of love into the sphere of marriage can at least be cemented in Europe by the turn of the twentieth. This is backed up by many accounts from a variety of sources. From marriage records in the Netherlands that show that by the end of the first World War, there was no semblance of order within marital timing with siblings and

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<sup>22</sup> Alan Macfarlane. 1991. *The Origins of English Individualism: The Family Property and Social Transition*. 1 edition. Oxford: Wiley-Blackwell.

<sup>23</sup> André Burguière 1987. *The Formation of the Couple*. *Journal of Family History* 12 (1): 39–53. doi:10.1177/036319908701200103.

across social classes.<sup>24</sup> There were younger siblings that were marrying before their older siblings, which goes against the common practices of marriage before the advent of love-based marriage. The oldest sibling would typically marry first because of the inheritance rights that they would be entitled to. The introduction of marriage that takes place out of sequence between siblings shows a definite change. This change was even being talked about by different writings from the middle of the nineteenth century in America.<sup>25</sup>

Moving through the seventeenth and eighteenth centuries, there was a notable crisis in the social mindset of America. People now were choosing who they wanted to marry, as I have previously stated, this generalization does not apply to all marriage through the nineteenth centuries, but it was commonplace enough that people began to write books on the topic and debate with each other about the proper ways to address this shift in marital thinking. The first source that I am consulting on the topic is one that was written by famous writer Daniel Defoe in 1840.. *Religious Courtship*<sup>26</sup> talks about the importance of shared religious beliefs when it comes

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<sup>24</sup> Bianca Suanet and Hilde Bras. *Sibling Position and Marriage Timing in the Netherlands, 1840–1922: A Comparison across Social Classes, Local Contexts, and Time*. *Journal of Family History* 39, no. 2 (April 2014): 126–39. doi:10.1177/0363199013506986.

<sup>25</sup> All three of these books are a different argument about what it means to marry properly and the role that love should play into marriage and courtship. Daniel Defoe. 1840. *Religious Courtship [Electronic Resource] : Being Historical Discourses on the Necessity of Marrying Religious Husbands and Wives Only, as Also of Husbands and Wives Being of the Same Opinions in Religion with One Another : With an Appendix Showing the Necessity of Taking None but Religious Servants and a Proposal for the Better Managing of Servants /*, 1840.

<http://catalog.hathitrust.org/Record/100313755>. ; William A Alcott. *The Moral Philosophy of Courtship and Marriage: Designed as a Companion to the "Physiology of Marriage"* / by William A. Alcott. Boston, Cleveland, O. John P. Jewett & Company. H.P.B. Jewett, 1859. [//catalog.hathitrust.org/Record/008678994](http://catalog.hathitrust.org/Record/008678994) and ; George Washington Quinby *Marriage and the Duties of the Marriage Relations* .. Cincinnati, J.A. & U.P. James, 1852. [http://archive.org/details/marriagedutiesof00quin\\_0](http://archive.org/details/marriagedutiesof00quin_0).

<sup>26</sup> Full title of the book is *Religious Courtship: being historical discourses on the necessity of marrying religious husbands and wives only, as also of husbands and wives being of the same opinions in religion with one another: with an appendix showing the necessity of taking none but*

to marital choice. Defoe even goes so far as to extend that requirement to servants and household help. The justification behind this requirement stems from the principles that Defoe believes are inherent in religious practice.

irreligious servants, in some respects, are the plague of families, and keep our houses always in disorder.

It is a wonderful thing to reflect on, that so scandalous an evil, so easily to be rectified, should have gone to such a degree as it has in the world; and that masters and mistresses of families have not, long ago, for their own ease and for the satisfaction of one another, come to a general law for the managing, the punishing, and, above all, for the recommending of servants, which if they would do, they would easily, I say, bring them to know themselves, and do their duty; neither of which is the case among servants at this time.<sup>27</sup>

This quote shows two main things that Defoe values in marriage and is concerned about.

*Religious Courtship* demonstrates a fear of losing a spouse because of lustful desires that are out of the spouses control, with Defoe even going on to say that “It is all our own faults; we recommend sluts, and thieves, and drones, and saucy, insolent fellows, and wenches.”<sup>28</sup> This quote also shows that religion is the key to a proper household and marriage. Because of personal choice and the potential for divorce, retaining the familial structure would have been of vital importance and anything that proved to be in opposition to that structure would have been scrutinized and attacked. The introduction of personal choice added a new unstable element to marriage. The lustful heathen servant seducing the hopeless wife shows that there is definite unease with sexuality outside of the bounds of a proper religious marriage.

Universalist pastor G.W. Quinby also was afraid for the institution of marriage. He wrote in his book *Marriage and the Duties of the Marriage Relations* that marriage was looked at like a

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*religious servants and a proposal for the better managing of servants.* I will refer to it as *Religious Courtship*.

<sup>27</sup>Daniel Defoe. 1840. *Religious Courtship*, Vii

<sup>28</sup> Ibid, Vii

“satire”<sup>29</sup> and so was religion. Quinby believed that there was a crisis present at the time of his writings in 1852. The only way that the crisis could be rectified is by turning to the Bible for guidance, a source that he believed, was the only way to solve the problem of marriage.

A correct view of it is inseparably associated with the purity of society and the happiness of individuals; and the very fact of its being so generally treated with levity and jest is a sufficient reason and, indeed, an urgent reason why men of experience – of sober thought – who have given the subject reflection, and who understand something of the evils and blessings arising from the marriage relations, should bring the subject before their congregations from time to time and present it in its true aspect, offering such reflections, and enforcing such duties as its nature and importance demands.<sup>30</sup>

This passage is a call to action, a call for people to save the institution of marriage from crumbling away from the very pillars and beliefs that it is founded upon. Quinby goes on to echo some of the fears that were expressed in Defoe’s writing, saying that marriage to servants and other people that are lower than an individual in a social context is part of the reason that this degradation of marriage is taking place. Quinby also goes to great lengths to differentiate between a servant and a wife. Making it clear that just because a woman has certain jobs to do, that does not mean that she is at the same level as a servant.

The word “help,” in this scripture is generally misapprehended in its signification. We use it in the sense of helper or assistant. This is one definition, but it does not include the entire meaning of the original phrase. It signifies, also, that the woman was counterpart of the man – one formed from him and equal to him – possessing neither superiority nor inferiority, but in all things like him, and therefore a fit companion for him.<sup>31</sup>

Giving this some thought, Quinby is trying to acknowledge that woman is often subservient to men within the bounds of marriage and this is not true. The reason that this claim is important is because it shows that Quinby feels like the problems that are apparent in marriage are coming from some external force from outside of the marriage that is assaulting. Defoe holds a similar

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<sup>29</sup> G.W. Quinby, 1852. *Marriage and the duties of the Marriage Relations*, 8

<sup>30</sup> *Ibid*, 9

<sup>31</sup> *Ibid*, 11

belief but Defoe seems to think that by the very nature of holding a similar religious belief as a spouse protects the marriage.

When physician and teacher, William Alcott wrote his book, *The Moral Philosophy of Marriage* in 1859, he believed that marriage was in a state of crisis. Too many people, young women especially, were viewing marriage as something that was optional. Alcott believed that this belief was causing less and less people to marry and because of this, they were neglecting their duty sent down to them from god. “In this point of view, then, marriage becomes not only honorable, but a matter of duty. It is not, as a general rule, a thing which is optional with human beings.”<sup>32</sup> This moral decay could be related to what the previous two author have been referring to. Each of these men see that marriage practices are changing in the United States and they each address it from a different perspective. Alcott believes that the problem lies within the youth choosing not to marry in some instances (putting most of the blame on the young women). Quinby believes that the problem comes from a lack of religious fervor within the marriage and the very institution of marriage is being besieged by some external force that the married couple must protect with their piety. Defoe also believes that marriage is in peril but he believes the problem is because people are marrying those that hold different religious practices and because of this, an instability is being introduced into marital practices.

These three sources all have one major theme in common, they are aware of a change in how marriage is being practiced and they are trying to address some of the problems that they are seeing with the changes that they are witnessing. Quinby believes that this change in marriage is a result of religious decline so he points at the problem of marriage as people not being Christian

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<sup>32</sup> William A Alcott. *The Moral Philosophy of Courtship and Marriage: Designed as a Companion to the “Physiology of Marriage”*, 2

enough. Defoe is worried about religion as well, but points towards the potential infidelity that comes with marriage that is based upon personal choice dictating the spousal arrangement.

Alcott points towards women and youth tendencies to choose not to marry as why marriage is in decline. All of these gripes are not dissimilar to the current marriage debate. You have people like Girgis, Anderson and George who are making a claim about marriage having some great time that we must return to before the moral decay began to deteriorate marriage. All three of the sources that I have mentioned hold a very similar mentality to Girgis, Anderson and George, pointing a finger at some point of moral lapse that they believe is the reason why marriage is changing. In this midst of this time of turmoil and uncertainty, the American Civil War breaks out and throws another wrench into the equation.

### **Why Love Matters**

When looking at the different arguments about why marriage was in tatters in the middle of the nineteenth century, one must look at why people thought it was in tatters. There was a massive change taking place in how people were getting married. Before the introduction of love into the marital sphere, marriage worked in a very predictable way. Once people started getting married differently from the way that was considered normal to be practiced, people began to define the rules of marriage retroactively so that they could try to preserve the marital practices that had been practiced previously.

The three writers that I looked at all tried to pinpoint certain aspects of marriage that they deemed to be important and pivotal for marriage. There were those, like Quinby, who believed that the populace needed to return to the Bible as a way to rectify the plight on society that he was witnessing. William Alcott believed that the problem wasn't that people were turning away from religion. Alcott believed that the problem stemmed from women turning away from

marriage altogether. Defoe disagreed with the other two and believed that the problem wasn't that people weren't religious, but that they were marrying people of different religious beliefs and that was causing the problems.

Looking back on the 150 year old debate leaves one wondering what happened to these debates, we rarely hear that the problem with marriage today is that people are marrying people of different religions, but we do continue to hear that marriage is being practiced incorrectly. Girgis, Anderson and George believe that homosexual marriage deviates from a stable norm that has existed for an extended period of time. I am contesting this by pointing out that the only real constant about the institution of marriage is that Americans have argued about what that institution was for over 200 years. The Mail order brides in the colonies showed a willingness to change marital practices for the purpose of necessity. Civil war brides showed a similar willingness, and all along the way we can find groups of people arguing about the changes that are taking place around them as they attempt to return to a standard practice that never existed.

Marriage fluctuates based on the needs of a community and it is people like Defoe, Girgis, Anderson and George, and Alcott whose job is to argue about those changes that are happening. Societies practice marriage depending on what they require from marriage and as those requirements change, so do our standards of marital practice and definition of marriage.

### **Civil War Marriages**

Marriage is viewed by Girgis, Anderson, George and Margaret Farley as something that is dictated by the state. Events like the American Civil War caused tremendous social upheaval and because of this, marital practices shifted and changed to fit the tumultuous circumstances.

These changes can be seen throughout American society, from women in the Antebellum south to slaves dealing with the legitimation of their marriages. Marriage holds many more roles in society outside of the parameters that Girgis, Anderson and George place on it. During the Civil War, many white women in the South had to marry to fit into their community. America and the South both supported and reinforced the traditional role of women as a mother and housewife and if a woman was not married by a certain age, they were ostracized. “The influx of soldiers from across the South, as well as the North, brought young women into close contact with potential suitors about whom they knew little. But the threat of becoming an “old maid” trumped tradition, leading many to marry after making only a short acquaintance, and without familial blessings.”<sup>33</sup> Laver talks about how marriage practices were sped up during the war so that women and men would be able to get married and attain the social standing that came with being married without going through all of the traditional practices that courtship traditionally consisted of. It is important to note that the social standing that came with these marriages did not require coitus for the marriage to be considered legitimate.

One example of these expedited marriages is Johanna Painter Fox and George Waddill. Joanna Fox was a Confederate nurse who met Mr. Waddill in a hospital in Lauderdale, Mississippi. They both worked together and eventually they married. The marriage was carried out without the parental blessing from either of the couple’s parents and Joanna’s mother did not even know that the marriage was taking place until Joanna wrote home about it after the marriage was already carried out.

Mother, I have news to tell you which I hope you won’t blame me for. I was married last month on 26th to the one I have spoke to you so often about but then I did not think of

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<sup>33</sup> Tara Zachary Laver. *Civil War Treasures: Love Is a Battlefield: Courtship and Marriage in the Civil War*. Civil War Book Review Online, Winter 2014, 1–5.

marrying until this was over but we both changed our minds and married while Billy was with us. The ceremony was read by W.C. Harris, an old friend from home and now a stationed Preacher at this place or near here. Ma the only thing that worries me is that you did not see us married.<sup>34</sup>

The marriage was carried out by Mrs. Fox's brother who was a preacher that happened to be in town at the time and the couple decided to perform the marriage while they still had the chance, it was more about seizing the opportunity when it was available to them so that Joanna could say that she was a married woman.

On the other side of southern life, is slavery. Before the outbreak of the Civil War, legally speaking, slaves were not given the same rights as their owners. Slave marriages were not recognized as legitimate unions by the state until after the war. This did not keep slaves from getting married much like Tempe Herndon Durham did. Durham was a slave in Durham, North Carolina before the outbreak of the Civil War. Before the war, Durham married Exeter Durham, a slave from a plantation one county over. The marriage was arranged by Tempe's owners, "Marse George" and "Mis' Betsy Herndon"<sup>35</sup> and it took place on the porch of the Herndon plantation.

When I grewed up I married Exter Durham. He belonged to Marse Snipes Durham who had de plantation 'cross de county line in Orange County. We had a big weddin'. We was married on de front po'ch of de big house. Marse George killed a shoat an' Mis' Betsy had Georgianna, de cook, to bake a big weddin' cake all iced up white as snow wid a bride an' groom standin' in de middle holdin' han's. De table was set out in de yard under de trees, an' you ain't never seed de like of eats. All de niggers come to de feas' an' Marse George had a for everybody. Dat was some weddin'. I had on a white dress, white shoes an' long while gloves dat come to my elbow, an' Mis' Betsy done made me a weddin' veil out of a white net window curtain. When she played de weddin' ma'ch on de piano, me an' Exter

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<sup>34</sup> Joanna Painter Fox to her mother, October 14, 1864, Waddill Family Papers, MSS 4578. In this letter, Fox (now Waddill)

<sup>35</sup> Tempe Herndon Durham, George P. Rawick, ed., *The American Slave: A Composite Autobiography* (Westport, Conn.: Greenwood Press, 1972-79), 285.

ma'ched down de walk an' up on de po'ch to de altar Mis' Betsy done fixed. Dat de pretties' altar I ever seed.<sup>36</sup>

Tempe's wedding is not something that all slaves that married would have experienced, but the ritual and the process that Tempe and her Husband Exeter went through show a deeper purpose to marriage past the traditional view of it. All of the elaborate details that were put into this wedding make a good case about people dictating the rules of marriage. Even though the couple did not have all of the conventional set pieces that we would normally affiliate with weddings, they were able to make do with what they had. The wedding veil made from a window curtain and a wedding ring that was carved from a button show that there is a certain symbolic property of marriage that is appreciated through the ritual practice of marriage. Tempe and Exeter were unable to see each other during the week but an arrangement was made between the couple's owners that allowed the two to meet on Saturdays and Sundays. After the war, Tempe talks about how her and her husband worked on her old master's land until they were able to buy their own farm. This marriage is one that was not considered legitimate when the wedding took place.

### **Response to the Civil War**

If this letter were to be shown to any of the three authors that I mentioned in the previous section, they would probably have much to say against how this marriage was carried out. This letter would show the decay of the institution of marriage and why they believe that we should return to some grand standard that has been lost by the youth of this generation. This change was one that was marked by the needs of the time and the change left a lasting impact on how marriages were practiced in the United States from that moment onwards. No matter how authors

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<sup>36</sup> Ibid, 286-287

tried to redefine marriage, their definitions had little bearing on how marriage was actually practiced in the broader context.

Girgis, Anderson and George fundamentally miss part of the purpose of marriage. They claim that marriage is for the purposes of procreation, which I am not denying is a factor in marital relations, but they miss all the other functions that marriage holds within communities. You are able to have children outside of the bonds of marriage, but it is impossible to gain some of the social standing that marriage gives you outside the marital sphere. Marriage legitimizes and reinforces couples, giving social status that Girgis, Anderson and George and traditionalists dismiss as being secondary or non-factors.

Girgis, Anderson and George would claim that coitus is something that can be found in all marriages as the thing that unifies all of marriage. In the case of these Civil War marriages, the purpose was not to have sex or to start a family, but an opportunity for men and women to establish themselves as being married so that they would not have to suffer through the social stigmatization that came with failing to find a spouse. In this case, men and women changed how marriage was practiced based on the pressures that were placed on them by the American Civil War.

Returning to Margaret Farley, I agree with most of her critiques of the traditional marriage argument. I agree that there is little in the way of scripture that would definitively outlaw same-sex marriage, other references for judgement such as secular and contemporary sources also yield similar inconclusive results. However, I find myself stopping short of agreeing with all of Farley's claims.

Legislation for nondiscrimination against homosexuals, but also for domestic partnerships, civil unions, and gay marriage, can also be important in transforming the

hatred, rejection, and stigmatization of gays and lesbians that is still being reinforced by teachings of "unnatural" sex, disordered desire, and dangerous love. Gay bashing, as both church leaders and ethicists agree, is not a trivial matter nor does it exist alone without attachment to multiple forms of avoidance as well as multiple forms of violence.<sup>37</sup>

Farley makes a similar argument to Girgis, Anderson and George in her final claim on what should be done from a legislative standpoint in regards to same-sex marriage. Farley believes that the state is who should lay the groundwork for change by allowing domestic partnerships, civil unions and gay marriage. I agree that legalizing same-sex marriage is a good thing, I do not think that it will change the mindsets of the people that much.

As I have stated previously, marital practices are born from the people who are getting married. Slaves in the south were married frequently without the state sanctioning their marriages.<sup>38</sup> Eventually, the state reflects the marital practices of the people to fit the people's needs. I think that assuming the state is the end-all-be-all of this debate is framing the conversation incorrectly. Marriage is a bottom-up movement, not a top-down one. This is a point that I think is overlooked by both Girgis, Anderson and George and Margaret Farley.

## **Conclusion**

The history of marriage in America is a turbulent one. It is a history filled with debate, change and promise. Women came across the ocean from Europe viewing marriage in America as a way to gain social status and wealth that they could not attain in their homeland. Women were paid and not bought, introducing a level of agency for women that they did not have in the Old World. This agency could be seen manifesting over the years in the form of marriage for love that could be seen in both Europe and the United States by the time of the American Civil

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<sup>37</sup> Farley, 293

<sup>38</sup> Darlene Goring. "The History of Slave Marriage in the United States." *John Marshall Law Review*, 2006. [https://works.bepress.com/darlene\\_goring/2/](https://works.bepress.com/darlene_goring/2/). 5-50

War. The marital process was expedited so that women could marry men before they were whisked away to the frontlines of the American battlefield. This changed the rules of marriage to one that removed familial instruction from marital affairs and allowed women and men more choice in who they married. There were many debates about these changes and the debates show a striking similarity to the style of arguments that we see today from people like Girgis, Anderson and George. Marriage has continued to change from the end of the Civil War, with the further removal of familial arranged marriages and further implementation of love-based marriages. There is a push to return to a marriage that is perceived to exist in the ether of time. The problem is, marriage has been changing based on societal needs for years and arguments similar to Girgis, Anderson and George's have been going on for just as long. Marriage does not operate based on a definition, it operates based on how the people practicing the marriage require it to operate. Much like having a "Gay old time" with the Flinstones family, it is important to realize all of the things that marriage does. If we looked at *The Flinstones* theme song and only thought that gay meant "homosexual", we would be missing out on the bigger picture. Marriage holds many roles in society, not just child-rearing and coitus.