

# Lion and Lamb Apologetics'

## The Case for Traditional Marriage in the Midst of Efforts to Redefine It

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### A Shifting View of Marriage

Over the course of decades, widespread divorce, cohabitation, and unwed childbearing changed how people thought about marriage. The purpose of marriage grew less clear as the practice of marriage became more associated with adults' emotions than children's needs. As the logic of permanence and the link to childbearing loosened, the historic norms of marriage began to appear like just that—outdated traditions that were evolving for modernity or antiquated religious ideals that were fading away in a less reverent society.

At the same time, the perceived rules of public engagement had changed. The Rawlsian notion of public reason had taken hold, allowing cultural gatekeepers in the media, the academy, and the law to give the general impression that religious and moral perspectives were inappropriate justifications in debates over a fundamental issue like marriage. Moreover, the argument that government policy defining marriage should be neutral with respect to rival views held considerable sway.<sup>1</sup>

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<sup>1</sup> Robert P. George, *Conscience and Its Enemies: Confronting the Dogmas of Liberal Secularism* (Wilmington, DE: ISI Books, 2016), 300, Kindle. George cites the example of Stephen Macedo, who, on the basis of

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Appeals to experience, religious belief, or moral tradition on behalf of marriage seemed to avail little. Where the practice of marriage should have made its purposes plain within the context of family, fractured households only compounded confusion about the institution. Where religious teaching and social tradition should have inspired explanation of the public significance of this union, the meaning of marriage had been for some time more assumed than argued.

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This was the context in which the effort to change marriage law to recognize same-sex relationships emerged. Marriage had come to be seen by many—even some who continued to view it as the union of a man and a woman—as an emotional-sexual relationship set apart by its intensity and priority over other relationships. On such grounds, what objection could be made to allowing same-sex couples to get marriage licenses? Advocates charged that those who resisted could be motivated only by prejudice or by personal beliefs that held no standing in public debate. They argued that there was no rational basis for marriage as it had historically been recognized in law. In their view, the understanding of marriage as the union of husband and wife was irrational bigotry.

Such was the charge as the revisionist movement sharpened its focus to overturn the legal definition of marriage. Rebutting this challenge would require addressing more fundamental questions. What sets marriage apart from other human relationships? Why should the law particularly recognize this type of bond? What, fundamentally, is marriage? These are the questions George and his coauthors Girgis and Anderson undertook to answer in their 2012 book *What Is Marriage?* What follows is a summary of their case for marriage.

## The Case for Marriage: A Summary<sup>2</sup>

Marriage is a comprehensive, permanent, monogamous relationship rooted in the biological complementarity of man and woman. It is an emotional and bodily union ordered to procreation, spousal unity, and shared family life. Marriage unites a man and a woman in the only type of relationship that brings about new human life and joins mother and father to structure a new family.<sup>3</sup>

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Rawls, “claim[s] that law and policy must be neutral with regard to competing understandings of marriage and sexual morality.”

<sup>2</sup> This section summarizes arguments made in Girgis, Anderson, and George, *What Is Marriage?*

<sup>3</sup> Even childless marriages of husband and wife participate in the form of this comprehensive union:

“Acts that fulfill the behavioral conditions of reproduction are acts of the reproductive type even where the non-behavioral conditions of reproduction do not happen to obtain.” George, *Clash of Orthodoxies*, 85.

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Marriage is a distinct form of human relationship with a particular structure. This is true apart from any individual preference or social recognition. Marriage has an objective reality independent of spouses' inclinations or society's esteem for a particular type of relationship. Marriage is a basic good that actualizes human flourishing, both individually and in community.

The institution of marriage has public significance because its structure and purpose have implications for the ordering of civil society. The reality that a new human being may come to exist as a result of the bodily union of a man and a woman makes this relationship unique among all others. The fact that a child enters the world highly dependent, needing years of nurture from his mother and father in order to reach independence, makes these parents' comprehensive, permanent sharing in family life of particular consequence to society. No other social arrangement can provide as holistically and effectively for the all-encompassing needs of children—nor, for that matter, for the needs of mothers and fathers. Civil law acknowledged these unique realities of our human existence and government's interest in them. It did so by recognizing marriage as the comprehensive, permanent, monogamous union of man and woman.

Sexual complementarity explains why the other features have historically been part of the legal tradition of marriage. Recognizing the institution of marriage as one man and one woman—who join to form the only type of bodily union that can bring forth children and provide them with a mother and a father—makes the norms of permanence and monogamy non-arbitrary. These norms are rationally linked to the sexual complementarity on which marriage is based.

This pervasive understanding of the reality of marriage throughout human history has recently been challenged by a “revisionist” account, as Girgis, Anderson, and George call it. This account makes the desires of adults, not the needs of children, the central basis of the public recognition of marriage.

The revisionist account of marriage made its public policy debut in 1969 with no-fault divorce undermining permanency. The norm of sexual complementarity was targeted as early as 1993 by a Hawaii state supreme court decision that marriage licenses could not be denied to same-sex couples. This served as a wake-up call that the assumed definition of marriage as the union of a man and a woman could no longer be taken for granted and would need to be explicitly stated in law. Over the next two decades, Hawaii and a number of other states made this explicit in their state law or constitution. Voters or their elected officials in a total of forty-four states affirmed this understanding of marriage.<sup>4</sup>

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<sup>4</sup> Girgis, Anderson, and George, *What Is Marriage?*, 5.

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Yet courts began to overrule citizens. Rulings by the United States Supreme Court in 2013 and 2015 struck down federal and state laws recognizing marriage as the union of one man and one woman. As a result of these decisions, all levels of government were required to recognize same-sex unions as marriage.

These developments severed the public institution of marriage from the norm of sexual complementarity of husband and wife. Instead, the distinguishing feature of such a reconfigured legal bond is the emotional weight one attaches to it.<sup>5</sup> As one advocate characterized it, this vision of marriage designates a relationship with your “Number One Person.”<sup>6</sup> Monogamy, which logically proceeded from sexual complementarity, has subsequently been challenged by some.<sup>7</sup>

Revisionists described their project as expanding marriage by making more couples eligible for it. They appealed to fairness, arguing that marriage law should be neutral with respect to competing visions of it. George argues that the revisionist proposal is not an enlargement but a wholesale substitution. Sexual difference is the objective reality of marriage; without it, the essence, meaning, and purpose of the institution are altered. What many have called the “redefinition” of marriage would be better described as the “abolition of marriage” in law.<sup>8</sup>

## Public Impact of the Revisionist Account of Marriage

Replacing the meaning of marriage is not neutral in its effect. The law historically expressed the norms inherent in the reality of marriage. Participating in the institution of marriage actualized its norms even if spouses could not articulate its theory. Today, if a marriage license merely designates the intensity of emotional commitment around a sexual relationship, the law fails to teach the reality of marriage. This makes it harder to discern the objective meaning of marriage.<sup>9</sup>

The revisionist account of marriage delinks it from childbearing. Historically, marriage norms particularly provided stability and security for children. The more marriage is detached from the bearing and raising of children, the more it jeopardizes children’s well-being. In recent decades, as the institution of family has weakened in its capacity to provide for the needs of children, government has expanded to provide for their welfare.

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<sup>5</sup> George, *Conscience and Its Enemies*, 273.

<sup>6</sup> John Corvino and Maggie Gallagher, *Debating Same-Sex Marriage* (New York: Oxford University Press), 15.

<sup>7</sup> Ryan T. Anderson, “How the Media Are Promoting Polyamory: The New ‘Marriage Equality’?,” *Daily Signal*, July 24, 2015, <https://www.dailysignal.com/>.

<sup>8</sup> George, *Conscience and Its Enemies*, 273.

<sup>9</sup> Girgis, Anderson, and George, *What Is Marriage?*, 8–9.

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The evidence is clear that this substitution has been far from adequate. In addition, the more that marriage is disconnected from children, the more that family courts must step in to address disputes over custody, financial support, and care arrangements.<sup>10</sup>

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That the revisionist account is not neutral in its effects has been most immediately apparent with respect to religious liberty. Creative professionals providing wedding-related services have been sued for declining to use their talents to celebrate same-sex weddings. Christian adoption agencies whose convictions prevent them from placing children with same-sex couples have been forced out of child welfare services in several cities and states. Those who continue to speak and to act consistent with the truth about marriage and sexuality are increasingly facing religious liberty challenges in a number of areas of everyday life.

Rather than debating the reasons for which the law recognized marriage as one man and one woman, revisionists simply claimed that it was unjust for the law to do so. Such law was based, they argued, on the type of contested moral worldview barred by Rawlsian public reason. The appeal to moral neutrality avoided having to debate the merits of the actual view of marriage to which it objected.<sup>11</sup>

The revisionists' purported neutrality does not stand up to scrutiny. As George explains, to argue that the law must be morally neutral about marriage is to make a moral argument. Neither the claim nor its justification are morally neutral.<sup>12</sup> This assertion with respect to marriage is an example of a broader problem with secularist claims generally. Despite revisionists' pretensions, "there can be no legitimate claim for secularism to be a 'neutral' doctrine that deserves privileged status as the national public philosophy."<sup>13</sup>

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<sup>10</sup> Girgis, Anderson, and George, *What Is Marriage?*, 8–9.

<sup>11</sup> George, *Clash of Orthodoxies*, 77.

<sup>12</sup> George, *Clash of Orthodoxies*, 75.

<sup>13</sup> George, *Clash of Orthodoxies*, 20.

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This is at the heart of what George has described as “the clash of orthodoxies” between secularists, on the one hand, and religious believers, on the other. The conflict arises over the “source and nature of morality and the proper relationship of moral judgment to law and public policy.”<sup>14</sup> Orthodox secularism claims a monopoly on reason, narrowly defined in Rawlsian terms and therefore suitable to the neutrality it prescribes for the public square. But George faults secularism for being inadequately reasonable and aims to show that Christian morality is more rationally compelling.<sup>15</sup> A central argument of George’s work is that we can reason about morality and that this should be a part of public discourse.

## Call to Courage

George’s arguments have contended with opposing viewpoints in the academy, legislatures, and courts. But perhaps even more important is what his argument and example have communicated to those who share his view of marriage. To these, his message has been to speak and to act boldly on the truth about marriage for the good of all.

When George began writing about the meaning of marriage, the vast majority of Americans agreed with the law’s recognition of marriage as the union of one man and one woman. Yet the reasons for which the law had recognized this understanding of marriage were largely assumed and rarely articulated. At the same time, defending marriage on the basis of religious and moral worldviews was deemed inappropriate by the increasingly prevalent standards of Rawlsian public reason. These factors had a dampening effect on the public defense of marriage.

George’s efforts have had an important purpose in equipping and emboldening those who believe the truth about marriage to take a public stand. His case for marriage has provided a way to articulate the reasoning that was long implicit in marriage law. His larger philosophical argument has shown the restrictions of Rawlsian public reason to be arbitrary and incoherent. To claim that the law must be neutral between two competing moral visions of marriage is not morally neutral.

Citizens should be free to make religious and moral arguments in public discourse. They should also be equipped to reason well about the public significance of the truth about marriage. Most critically, they need the courage to do so.

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<sup>14</sup> George, *Clash of Orthodoxies*, xiii.

<sup>15</sup> George, *Clash of Orthodoxies*, 4.



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*This article is by Jennifer Patterson and is adapted from Social Conservatism for the Common Good: A Protestant Engagement with Robert P. George by Andrew T. Walker.*

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