



MARRIAGE MATTERS

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The recent Supreme Court decision to legalize marriage between same-sex partners has elicited every possible response and prognostication. Some are trumpeting the long-awaited arrival of the Age of Aquarius as we triumphantly march on in progress. Others are forecasting dire apocalyptic scenarios of the total breakdown of society. The decision has almost immediately rendered homosexuality boring and ordinary; notice how swiftly transgender questions have come to the fore in the past year. The legalization of same-sex marriage is taken to be a watershed, indicative of either good or evil to come.

As American Lutherans we have a rubric for analyzing these developments: the imperfect but nonetheless helpful distinction between the two kingdoms. Our lefthand kingdom is the democratic republic of the United States, our righthand kingdom is the church. We confess that God is at work in both; yet how, to what end, and by what means God is at work remains a contested matter. This is an attempt to think through some of the issues attendant upon both kingdoms in the wake of the Court's decision.

Lefthand Kingdom

American democracy is an experiment in creating the conditions for people with different visions of human flourishing to—in a word—cohabitate. Forgotten by many proponents of toleration today, the authors of the Constitution knew that their experiment was premised on some level of common religious commitment as interpreted by Protestant Christianity. (The early theorists of toleration did not extend protection to atheists and were fairly skepti-

cal about Catholics.) Yet one of the reasons for this political experiment in toleration was the inability of the people who shared even these religious commitments to coexist.¹ To be fair, human beings generally are not very good at living with difference. But we Christians have more cause to be ashamed of this fact, knowing as we do the savior who “has broken down in his flesh the dividing wall of hostility” (Ephesians 2:14). The American Constitution was engineered to negotiate religious conflicts in a manner different

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from the pyrrhic warfare that scarred Europe. The modern state evolved, in part, as an alternative to a failed Christendom.²

It is good to reflect on this fact for a moment. For all the shared faith and history, it had proven impossible to create a common vision of human flourishing even in a Christian Europe far more racially and religiously homogenous than in America today. That alone should caution us against decrying too loudly the cultural contradictions that surround us, but also against expecting too much in the way of unity and commonality. We are not going to have one American culture, one vision of the good, one way of flourishing. That could only happen at the cost of enormous violence.

Thus, Lutherans can consider it a wholesome lefthand kingdom exercise to figure out how to coexist despite vast and grave differences of opinion. This in no way means denying the differences. It may mean *insisting* on them. The “toleration” of the past was precisely the toleration of such profound disagreements, but in popular speech today “tolerance” suggests mandatory, universal approval of others’ choices. By contrast, genuine legal and cultural toleration is necessarily awkward and uncomfortable. In the present case, it means protecting legal and social spaces for same-

sex couples *and* protecting the choices of religious dissenters from same-sex marriage. Is it incoherent? Of course it is. Toleration is gladly living within an incoherent culture, as preferable to the coherence of any kind of totalitarianism.

Toleration gets even more awkward when we deal with the question of marriage, since this is supremely the place where the lefthand and righthand kingdoms overlap. Here, too, Americans have long assumed a continuity between basic Christian religious commitments and the legal shape of marriage in our country, undergirded by “natural law.” But there is no uninterpreted nature, and so we have interpreted nature in distinctly Christian ways. A passing glance at other human cultures—and a harder look at our own—reveals the wide assortment of ways to organize the natural fact of human sexuality.

There is, for example, *serial monogamy*, in which fidelity is required of the couple at the time of their togetherness but not for life. In practice, at least half of American marriages function this way, not to mention dating relationships. Fidelity during the course of the relationship is more a matter of romantic necessity than any inherent value in sexual exclusivity.

Then there is *polygamy*. Mostly this is polygyny, one man with multiple wives, which can be a matter of status, a solution to wars or plagues wiping out the male population, or an alternative to the prostitution of low-status or unprotected women. Polyandry, one woman with two or more husbands, is rare. However, given the hugely disproportionate number of males in places like China and India where the abortion of female fetuses has become routine, polyandry may be due for a revival (and is certainly preferable to sex trafficking).

Selective chastity expects women to have sexual relations only with their eventual husbands while male promiscuity is ignored. This has been much more common in Christian societies than is generally admitted. It

requires prostitution or other power-imbalanced sexual relationships (for example, the master of the house and a servant, or the boss and a secretary) to accommodate male desire.

Segregating procreation from pleasure can take many forms. The obvious one is the use of contraceptives or abortion to facilitate sexual relationships that intend never to have children, but there are other options. Certain of the ancient Greeks had wives to create offspring but directed their pleasures toward young men or boys. Traditional Chinese high society designated wives for procreation and female concubines for pleasure. Related to this is

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the option to dismiss or divorce a wife who fails to conceive; as a rule, Judeo-Christian cultures have forbidden divorce on the grounds of barrenness (to King Henry VIII’s great frustration).

Polyamory can range from multiple-partner marriage to any other multiple-partner experimentation. It has always existed as a privilege of the wealthy or otherwise unregulated.

Courtship, as the path toward sexual activity in marriage, can take radically different forms. Some cultures think it essential for adults to choose their own spouse, valuing mutual love, compatibility, and attraction as essential to the meaning of marriage. Others would never even consider that possibility, with parents and matchmakers pairing up marriageable candidates based on dowry, status, and perhaps

consideration of the personalities involved. While puberty is usually the bare minimum for marriage and thus sexual activity, some cultures practice child marriage. Others have statutory rape laws, recognizing the problem of the abuse of the younger by the older by setting an arbitrary age for consent.

There is also the broader issue of *how the sexes interact in society*, which impacts marriage and sexual matters as well. Some cultures mandate a division of the sexes from an early age to maintain rigid gender distinctions and to prevent any possibility of early heterosexual dalliances. These almost inevitably lead to quietly overlooked homosexual experimentation, famous in British boarding schools but also known in conservative Muslim societies. Others prefer lifelong integration of boys and girls, finding the benefits worth the risk of sexual misbehavior. Even the most integrated societies will have some segregated activities or places (think professional sports or public toilets).

A final possibility is the avoidance of all sexual activity in *celibacy*. It can be forced or freely chosen; it can be counted a higher way of life or a lower one; it can have a religious status attached to it or be the gradual outcome of never finding a partner. It can even take the form of courtly love, in which the two parties involved are attached to other persons by marriage, and yet, while avoiding sexual intimacy, they direct their romantic emotions toward one another.

All these and no doubt more patterns of male-female interaction can be found around the globe and throughout the centuries. There is no reason to think that one man plus one woman for the entirety of their lifetimes is the self-evident shape of human sexuality to be enforced by law in the polis. Genesis 1–2 is not a restatement of obvious fact, accessible to natural reason, but a revelation of what God intends for a force than can be managed in many other ways.

Long convention has designated

heterosexual marriage limited to two partners as the official preference of Christian culture, but this has hardly been the whole story. We have had promiscuous kings, unacknowledged rape, double-tongued dishonesty about male and female chastity, prostitution everywhere, separation and divorce for both good and bad reasons, and of course much hidden homosexuality.

Righthand Kingdom

About the same time as the Supreme Court announced its decision, a meme was circulating on the internet illustrating varieties of “biblical marriage.” It is a perfect example of the unacknowledged anti-Judaism that still maintains its respectability in Christian circles. All the examples come from the Old Testament, and they are universally repulsive: assaulted virgins must marry their rapists, husbands can take the wife’s handmaid as a bonus, brothers have to marry their widowed sisters-in-law. The not-so-subtle message is, thank God we’re not like those Jews and their barbaric Bible anymore. To call it a tone-deaf reading of the Old Testament is an understatement. But it does illustrate, however nastily, the variety of human solutions to managing sexuality and the reason why divine direction is so badly needed. What *is* the ideal of “biblical marriage”?

Genesis 1–2 posits marriage as one man and one woman who are fitting partners, “bone of my bone and flesh

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of my flesh.” What happens after the Fall in Genesis 3 is almost uniformly catastrophic. The “biblical marriages” featured in the meme are not actually

presented in the Bible as ideal or even acceptable; quite the contrary. Offering Hagar as a solution to Sarah’s infertility was faithless and a disaster for family relations. Laban deceived Jacob into marrying Leah before he could have Rachel. The ensuing bitter competition among the wives and their handmaids only got worse in the second generation among their hateful sons. Favoritism was a problem even in smaller families like Elkanah’s, with his beloved but barren wife Hannah and his neglected but fertile wife Peninnah. The horrifying sexual antics of Judges, culminating in a gang rape, were obviously not meant as normative but as indicative of a whole society’s failure to live at peace with God. David’s promiscuity was a major point of critique and shame in the narrative of the kings. Solomon’s restless urges amidst seven hundred wives and three hundred concubines led him to lose the faith and favor of the Lord altogether. By the time of the prophets’ peculiar illustrations of God’s ways, nothing so captured the lost love between Israel and her Lord as the notion that a third party could intrude upon their marriage.

To glean from the two Testaments—both directly from divine statements and laws, and indirectly from stories and poems and prophecies—the way God would have sexuality organized among his polymorphous perverse creatures is into marriage with the following qualities: 1) it is between male and female, 2) it involves only two people, 3) it is a lifelong covenant to be broken only in cases of extremity as a concession to sin, 4) it is the exclusive locus of sexual activity, and 5) it is to be loving. Children are assumed to follow, though many stories indicate that barrenness doesn’t invalidate a marriage. Paul in 1 Corinthians emphasizes the importance of marriage as a proper outlet for sexual passions without mentioning procreation at all.

Love within marriage bears further consideration. It is a recurring song throughout the Scripture. There

is Rebekah’s electrified reaction the first time she sees Isaac, Jacob’s weeping joy upon kissing Rachel’s lips, Elkanah’s lament that his love

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isn’t sufficient for Hannah, Ezekiel’s silenced grief for his dead wife. Exegeses throughout church history have always tried to wrestle the Song of Songs to the ground and tame it, but it has been resistant to their cold showers of interpretation. Jesus reasserts the Genesis 1 pattern as God’s intention, this like all matters of his ethical teaching framed by the command to love your neighbor as yourself, and he blesses the wedding at Cana. Priscilla and Aquila stand out as an apostolic ideal. Paul forbids spouses from depriving each other of passion for too long, prefers marrying to burning, and commands mutual submission and love. Altogether, the Bible promotes sexual passion wreathed with love in the covenant of marriage.

But it certainly has not been obvious to all human societies that love and marriage “go together like a horse and carriage.” Marriage in all its culturally multiple forms has been much more preoccupied with heirs, money, and land than love. In the centuries before overpopulation became a worry, a chief if not *the* chief concern of marriage was producing enough people to replace the adults, work the fields, and defend against larger, stronger races. The earliest celibate monks and nuns of the church were persecuted not necessarily for their faith in Christ but for their failure to contribute to the societal need for more people.³ “Love” was hardly a concern.

Love within marriage is thus innovative and culturally disruptive. To read the New Testament for regulations about how wives should submit to their husbands—an unfortunate cottage industry in certain segments of the American church—is to miss its more tremendous point. Who in all of human history, until very recently, ever thought wives *shouldn't* submit? The notion that a husband should love his wife as tenderly as his own body and lay down his life for her is the real outlier, with endless potential for upending other socially acceptable sexual arrangements.

The Intersection of the Kingdoms

All things considered, then, it's not terribly surprising that the cultural consensus has come around to ignoring one of the characteristics of marriage according to the Bible—that it be of a male and a female—in the name of another—that it be loving. (Love has also been pitted against the lifelong covenant, excusing divorce in cases where mending the broken love would have been the better option.) The disruptive nature of love can easily be put to work in the cause of homosexuality, hence the popular interpretation of the Supreme Court decision as “love wins.” The real irony is that the mandate of love in marriage is a Christian *religious* demand, yet it has wormed its way into the political sphere and even constitutes part of Judge Kennedy's opinion in its favor.⁴

In this respect, the Court's decision may be seen as just another episode in the messy, distorted reception of scriptural teaching over time. If the lifelong nature of marriage has been undermined, and the exclusivity of passion rarely observed, is it any great surprise that recognizing love, including sexual love, between same-sex couples seems an obvious development to so many? If anything, it points to the difficulty Christians have always had reconciling love and law, or recognizing the law as an expression of love, or (most fundamentally) believing that what

we do with our bodies really matters. Neoplatonism and gnosticism still have the upper hand most of the time in our Christianity.

Belief in the unique love between a couple, grounded in the biblical vision and aided by the romantic-comedy and wedding industries, has so far prevented legal polygamy from becoming another departure from Christian convention. But it's probably only a matter of time. It's easy to imagine marginal Mormons, immigrant Muslims, and polyamorous libertarians making an otherwise unlikely alliance to argue the case.⁵ We Americans still believe in love as a matter between two people, or at least only two at a time. But media depictions of a happy

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three-way or four-way or more (as already seen in a show like “Sister Wives”) might be enough to change that.

Thus, when supporters of same-sex marriage deny that it paves the way to polygamy, they are really only exhibiting the prejudices they have retained from the Christian consensus—prejudices that until a few decades ago functioned in exactly the same way, based on exactly the same cultural background, where homosexuality was concerned. In point of fact, it is much easier to argue biblically for polygamy than homosexuality. It will be interesting to see if there is a resurgence of appreciation for the Old Testament to defend polygamy after its denigration by supporters of same-sex marriage. After all, there are

no examples of even moderately tolerated polygamy in the New Testament. The “husband of one wife” rule in 1 Timothy 3:2 and 3:12's discussion of the qualifications of bishops and deacons respectively has often been taken to mean no divorce, but in its time it probably meant no polygamy.

I have no scrying glass into the future, but I suspect the final outcome of this process will be to ask why any sexual relationship should receive legal protection or financial perquisites at all. Why does the government give you more rights because someone has agreed to grant you sexual favors and you have decided to declare that fact publicly? If two are better than one in so many ways—for companionship, tax purposes, health insurance, child rearing, and so forth—it's finally another form of injustice to deny that advantage to those who, for whatever reason, have not found their way in to sexual relationships. Why shouldn't aging bachelor brothers take advantage of combining their resources? Or college roommates? Or monks or nuns? Or any two people or more who see fit to form a microeconomic unit? The permanently single and celibate can rightly protest the injustice against them. The government has no business congratulating those who have managed to score.

The Communal Critique of Desire

So much for the legal and religious matters. I doubt these are really the most serious issues at stake. Far more troubling is the kind of cultural reasoning used to defend the changes in the law (and more and more often in religion), a reasoning that reveals the loss of any communal critique of desire.

I don't mean scolding teenagers for sneaking off in a car to make out or vilifying consenting adults with tastes outside the mainstream. I mean that, on a much broader level, we as a culture are no longer capable of calling any desire into question. But this is not a fault of our sexual organization. It's

a fault of our economic organization.

Our cultural memory declares that social and family pressure will attempt to control what we are to do with our lives, vocations, and bodies. The heroic response is to refuse all that and instead find ourselves and live for our

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own desires. It's not an entirely wrong story. There are countless instances of parents imposing the family business on a child eminently unsuited for it; couples being married off with no love or attraction between them; consciences being silenced by the larger, louder narrative of conformity.

But if this is the only story being told, then it is itself a complicit narrative demanding obedience. Every American subculture must pride itself on being a counterculture, relaying heroic testimonies of independence against a convenient opposite. The recent vogue to describe the post-Christendom church as a "counterculture" is ironically only obeying the larger American imperative.

This narrative has become so persuasive that we are deluded into thinking that if we are happy then we must have broken free from whatever it is we needed to break free from; and if we are not happy then we only have to defy whatever strictures exist around us and happiness will follow. But it is rarely that simple. Personal change in our culture is usually just a matter of trading in one set of desires for another, not necessarily more genuine, just different. It's the new snake oil for a more sophisticated age.

We are all trained in this way of life from infancy: it's called advertising. Our society has refined to a high art and metric science the process of

manipulating human desire. Such an economic arrangement thrives on subcultures, in fact demands them. Subcultures multiply the markets that can be manipulated and sold to by increasing the number of changes (and accordingly the number of new purchases to reflect them) that each individual can make.⁶ Prepackaged defiance is a great business model, a lucrative exploitation of the toleration that has tried to create peace among dissenting subcultures.

The market's multiplication of subcultures, furthermore, suppresses repentance. At most there can be buyer's remorse. The problems of the past are not to be solved by the mortification of the flesh but by the purchasing of a new lifestyle. The past can be dropped off at the Goodwill; a new future with a transformed self can be charged at the mall or online. Or repentance and regret can be avoided altogether by placing all pasts in a storage unit—a growth industry in America if ever there was one—so that the stuff becomes a museum of all the things accumulated to build up a unique, irreplaceable, and eminently marketable self.

It's a caricature, and one we all profess to be familiar with and immune to, yet we capitulate to it countless times each day. Every justified purchase, every treat because I deserve it, every whim pursued: each of these in tiny, individually innocent, but collectively devastating ways conforms us to the logic of consumption. The few who opt out completely in communes or "the new monasticism" or frugality only echo the subcultures of defiance and attract their own patterns of spending, self-indulgence, and justified desire. And in the end, if you tire of fighting the system, it is always an option to walk right back in, no questions asked. It will welcome you with open arms and an open line of credit.

The deep Augustinian heritage of Western Christianity put front and center the examination of personal desire, accompanied by the habit of repentance and a healthy suspicion

of self-justifying narratives. It did not seek to eliminate desire; that is an Eastern solution with a venerable history of its own, which perhaps explains the allure of Buddhism to Americans drowning in their wants. Augustine's legacy instead honored desire as the thing that attached us to God. Anything that misdirected desire was relentlessly exposed and criticized. This could at times go too far and turn into a hatred of the body and a madness of the mind. But we Americans are unlikely to suffer from those particular extremes at present. We are rather in thrall to our inability to relativize any desire, by our compulsion to honor every desire as meaningful, serious, and deserving of fulfillment.

This certainly impacts our ability to live at peace with our sexuality. It is no secret that marriage at all, much less marriage for life, is getting harder and harder for young adults today. It's not because they are, as often accused, less moral than previous generations. It's rather that, in addition to suffering the harm done by their parents' (and even grandparents') bad sexual choices, they have been so suffused in the logic of never closing off any options, always having the opportunity to trade in, buy more, and get a full refund, that few have gained the ability to pair up with another human being and stick with that person regardless of his or her fluctuating market value. And the

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one who doesn't have another person to trust through thick and thin is going to be that much more vulnerable to the market's insinuations about the good, the true, and the beautiful, available now, operators are standing by. It is a social illness as much as a personal

weakness, if not more so. What ensues is compound interest on psychosocial disorder.

Trained as we are to indulge every other kind of desire, we American Christians cannot mount a compelling argument as to why any particular sexual desire ought not be indulged in exactly the same way. When we try, we are unconvincing, and the wider culture remains unconvinced. The abrupt cultural shift to approve homosexual desire, not to mention heterosexual desire outside of marriage, is not a cause but a symptom of a deeper problem that charges all of us as guilty.

Many have observed that the Scripture has far more to say about money than about sex. The usual inference drawn is that sex is less important than money. But I suspect the real lesson is that, if money is not managed aright, then sex will become only a subset of money.⁷ Human beings will become

commodities instead of infinitely valuable images of God. If we are going to resist this human trafficking, which is most egregious in the sexual sale of bodies yet lies on a continuum with many other misuses of human lives, then we will have to submit to a much more radical divine interrogation of our desires, personally and culturally.

Who has the credibility to lead such a self-examination? We are waiting for another—doubtless very different—St. Augustine. IF

Notes

1. See Benjamin Kaplan, *Divided by Faith: Religious Conflict and the Practice of Toleration in Early Modern Europe* (Cambridge: Belknap, 2007), for an insightful challenge to the usual American narrative of progressive tolerance.

2. Ephraim Radner, *A Brutal Unity: The Spiritual Politics of the Christian Church* (Waco: Baylor University Press, 2012).

3. Peter Brown, *The Body and Society: Men, Women, and Sexual Renunciation in Early Christianity* (New York: Columbia University Press, 1988).

4. See the text of the decision *Obergefell v. Hodges* online at <www.supremecourt.gov/opinions/14pdf/14-556_3204.pdf> (this and all subsequent sites accessed October 15, 2015).

5. For opposite perspectives on polygamy from authors who both condone same-sex marriage, see <www.slate.com/articles/double_x/doublex/2013/04/legalize_polygamy_marriage_equality_for_all.html> and <www.slate.com/articles/news_and_politics/politics/2015/06/is_polygamy_next_after_gay_marriage_chief_justice_roberts_obergefell_dissent.html>.

6. See the insightful cultural commentary in, for example, *Commodify Your Dissent: Salvos from the Baffler*, eds. Thomas Frank and Matt Weiland (New York: Norton, 1997).

7. See the discussion of popular culture's depictions of growing wealth inequality by means of distorted sexual relationships in Benjamin J. Dueholm, "Pulp Inequality," *The Christian Century* 132/17 (August 19, 2015): 26–29, and the broader discussion by Matthias Zick Varul, "Consumerism as Folk Religion: Transcendence, Probation and Dissatisfaction with Capitalism," *Studies in Christian Ethics* 28/4 (2015): 447–60.