

# What is Marriage?

'Twelve books' series

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[netherhallhouse.org.uk/books](http://netherhallhouse.org.uk/books)

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*“Reason is not just a debater’s tool for idly refracting arguments into premises, but a lens for bringing into focus the features of human flourishing”*

What is Marriage?  
Harvard Journal of Law and Public Policy, 2012



## A course of reading

The following selection of **twelve books** aims to cover the fundamentals of philosophy and theology over course of four years (a book per term) so as to offer the reader basic knowledge in these essential fields and to equip him with a greater capacity engage meaningfully in public discourse.

All books listed are available in the **Netherhall library**. The books are categorised according to year and term: longer and more difficult in the first term of the fourth year to shorter and more accessible in the third term of the first year. Further reading for each author is also proposed, though topics may extend beyond the remit of the twelve.

The twelve books are from twelve authors, and preference has generally been made for books that are modern and short.

To compliment this course of reading, a selection of **twelve articles** are presented as an introduction to some of the topics: 1. [On Moral Philosophy, by G. E. M. Anscombe](#), 2. [On Marriage, by S. Girgis et al.](#) 3. [On Relativism, by E. Feser](#), 4. [On Culture, by J. Ratzinger](#), 5. [On Teleology, by D. S. Oderberg](#), 6. [On Ethics, by D. S. Oderberg](#), 7. [On Computation in Nature, by E. Feser](#), 8. [On Conscience and Truth, by J. Ratzinger](#), 9. [On Study of Religion, by B. S. Gregory](#), 10. [On Secular Bias, by B. S. Gregory](#), 11. [On Science and Religion, by A. Stern](#), 12. [On Moral Theory, by S. Pinckaers](#).

### First year

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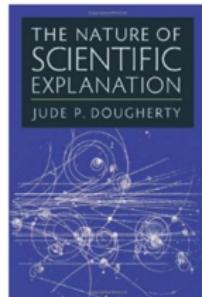
#### **The Nature of Scientific Explanation, by Jude P. Dougherty**

First term

"Jude P. Dougherty challenges contemporary empiricisms and other accounts of science that reduce it to description and prediction. Dougherty argues that a philosophy of science is but a part of one's overarching metaphysical outlook, itself painstakingly derived from considerations of nature, law, intelligibility, causality, and inference."

This book critically examines several well-known philosophical positions from a time-transcending Aristotelian point of view. It defends an Aristotelian or realist interpretation of science, employing the textual Aristotle as commented upon and amplified through the centuries. The book shows that although modernity has offered a significant challenge, only a realist interpretation of science is compatible with the advances made in theoretical physics since the late-nineteenth and early-twentieth century. Dougherty discusses the so-called sciences of man, their starting points, and limitations."

[\[Goodreads\]](#)



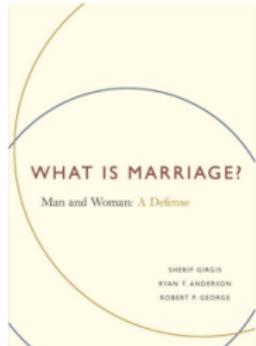
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### **What Is Marriage?: Man and Woman: A Defense, by Sherif Girgis, Robert P. George, Ryan T. Anderson**

Second term

Originally published in the *Harvard Journal of Law and Public Policy*, this book's core argument quickly became the year's most widely read essay on the most prominent scholarly network in the social sciences. Since then, it has been cited and debated by scholars and activists throughout the world as the most formidable defense of the tradition ever written. Now revamped, expanded, and vastly improved, *What Is Marriage?* stands poised to meet its moment as few books of this generation have.

Rhodes Scholar Sherif Girgis, Heritage Foundation Fellow Ryan T. Anderson, and Robert P. George offer a devastating critique of the idea that equality requires redefining marriage. They show why both sides must first answer the question of what marriage really *is*. They defend the principle that marriage, as a comprehensive union of mind and body ordered to family life, unites a man and a woman as husband and wife, and they document the social value of applying this principle in law. [\[Goodreads\]](#)



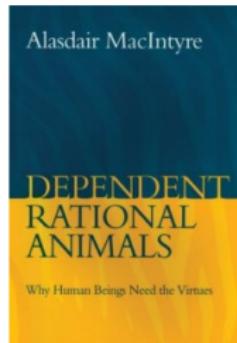
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### **Dependent Rational Animals: Why Human Beings Need the Virtues, by Alasdair MacIntyre**

Third term

To flourish, humans need to develop virtues of independent thought and acknowledged social dependence. In this book, a leading moral philosopher presents a comparison of humans to other animals and explores the impact of these virtues. [\[Goodreads\]](#)

Further reading: [After Virtue: A Study in Moral Theory](#), [Whose Justice? Which Rationality?](#)



Two views

## The conjugal view

*A union between a man and woman, a permanent and exclusive commitment of the type that is inherently fulfilled by bearing and rearing children together*



## The consentualist view

*A union of two people who commit themselves to romantically loving and caring for each other and to sharing the burdens and benefits of domestic life*



Seeking legal recognition

This relationship is special because...

**We have an emotional loving bond**

But so do parents and children, friends, relatives

**We may engage in some form of genital activity**

But what act is consummative, if any, and why?

**We are a couple**

But what is particular to couples so as to exclude three or more?

## Enshrining in law

### Is there a real distinction to be made?

- Entering, honouring, and terminating a contract
- Sufficiently well defined
- Of concern to the common good of society
- In need of legal protection
- Capable of bearing responsibility
- Vulnerable dependents

Ordinary friendship does not affect the political common good in structured ways that justify or warrant legal protection

# 20 REASONS Why you should have a Prenup

- 1  Make plans while you are most happy together.
- 2  Address debt obligations.
- 3  A divorce can lead to financial ruin.
- 4  A prenup protects victims who are blindsided by divorce.
- 5  It can protect a business.
- 6  Settle potential alimony issues in a formal agreement.
- 7  Get a better understanding of your spouse's needs, goals, and concerns before marriage.
- 8  A prenup can ensure the marriage is about the relationship, not the assets.
- 9  A prenup can protect a financially weaker partner.
- 10  You are remarrying.
- 11  You want to protect a specific asset.
- 12  You want to give up something for your spouse.
- 13  Build a firm foundation for marriage.
- 14  A prenup allows both spouses to leave a marriage that isn't working.
- 15  It can reduce pressure on the relationship.

## State of affairs (UK law)



# Marriages and civil partnerships in the UK

## Overview

You can get married or form a civil partnership in the UK if you're:

- 16 or over
- free to marry or form a civil partnership (single, divorced or widowed)
- not closely related

You need permission from your parents or guardians if you're under 18 in England, Wales and Northern Ireland.

Only same sex couples can form a civil partnership.

## Same sex couples

You can:

- form a civil partnership in England, Scotland, Wales and Northern Ireland
- get married in England, Scotland and Wales
- [convert your civil partnership](#) into a marriage in England, Scotland and Wales



# Annul a marriage

## 1. Your marriage is not legally valid - 'void' marriages

You can annul a marriage if it was not legally valid in the first place, for example:

- you are closely related
- one or both of you were under 16
- one of you was already married or in a civil partnership

If a marriage was not legally valid, the law says that it never existed.

## 2. Your marriage is defective - 'voidable' marriages

You can annul a marriage for a number of reasons, such as:

- it was not consummated - you have not had sex with the person you married since the wedding (does not apply for same sex couples)
- you did not properly consent to the marriage - for example you were drunk or forced into it
- the other person had a sexually transmitted disease when you got married
- the woman was pregnant by another man when you got married

Organic bodily union

## Faculties and coordination

### **Only one faculty in need of complementarity**

All faculties, except the reproductive, are wholly individual. The reproductive faculties need the two sexes to unite biologically to form a coordinated unity

### **Connection between marriage and children**

The generative act is fulfilled by children, thus is the consummative act

### **Participation is sufficient**

The lack of fulfilment of the act does not nullify the consummation

Until the love runs out

## Permanence and exclusivity

### **Substantial unity**

Like the union of organs forming a healthy whole person, the stable biological union of man and woman points toward an enduring bond for the life of the parts

### **Concrete focus**

The inherent orientation of conjugal union to children deepens and extends whatever reasons spouses may have to stay together

### **End in itself**

Not a mere means, even to the great good of procreation; it is worthwhile for its own sake

## Undermining friendship

# THE FOUR LOVES



by C. S. Lewis *Illustrated*



στοργή<sup>..</sup>  
storge



φιλία<sup>..</sup>  
philia



ἔρως<sup>..</sup>  
eros



ἀγάπη<sup>..</sup>  
agape



## Hidden assumptions

- “Fulfilment is impossible without regular outlets for sexual release”
- “Meaningful intimacy is impossible without sex”
- “Fulfilling relationships are impossible without legal recognition”
- “Homosexual orientation is a basic human identity, such that any state that does not actively accommodate it necessarily harms or disregards a class of people”

Reading ends in nature

## A thought experiment

Suppose reproduction was asexual and the off-spring self sufficient.

Would any culture have developed an institution anything like what we know as marriage?

"To love at all is to be vulnerable. Love anything and your heart will be wrung and possibly broken. If you want to make sure of keeping it intact you must give it to no one, not even an animal. Wrap it carefully round with hobbies and little luxuries; avoid all entanglements. Lock it up safe in the casket or coffin of your selfishness. But in that casket, safe, dark, motionless, airless, it will change. It will not be broken; it will become unbreakable, impenetrable, irredeemable. To love is to be vulnerable."

— C.S. Lewis, *The Four Loves*