# THE INSTITUTION OF THE FAMILY AND THE VIRTUOUS SOCIETY

# David Lutz\*

Abstract: Ethical societies are composed of virtuous communities, supported by the social whole according to the principle of subsidiarity, and virtuous persons, ruled by just laws. The most important community in any society is the family; the foundation of the family is marriage. In traditional societies, although the institution of the family takes on various forms, it has ethical obligations and promotes the common good of society. Within liberal societies, marriage is transformed into a relationship between contracting individuals, who are free to choose the rules for their marriages. Because the liberal model of marriage is based on emotions, which frequently change, marriages are less stable and their ability to promote the good of society is diminished. Therefore, we should safeguard or recover the understanding and reality of the family as a social institution with ethical obligations. Members of liberal societies are not obligated to accept the liberal redefinition of marriage. Catholics can understand the cultivation of ethical societies as one way of responding to the universal call to holiness.

*Keywords:* Common Good, Community, Family, Liberalism, Marriage, Social Institution, Subsidiarity, Virtue

# 1. Introduction

This essay approaches the challenge of building and preserving ethical societies by exploring relationships between different kinds of society and different models of marriage. It argues that the traditional understanding of marriage as a social institution is a legacy that we should strive to preserve. If it is repudiated, social

<sup>•</sup>David Lutz studied philosophy at the University of Notre Dame. He has taught at the Catholic University of Eastern Africa, Uganda Martyrs University, and the Dominican Institute of Philosophy and Theology in Ibadan, Nigeria. He is currently Professor of Philosophy and Dean of Faculty at Holy Cross College, Notre Dame, Indiana. Email: davidwlutz@gmail.com.

<sup>© 2020</sup> Journal of Dharma: Dharmaram Journal of Religions and Philosophies (DVK, Bangalore), ISSN: 0253-7222

instability will follow and the hope of achieving an ethical society will be lost.

The essay begins with a survey of a few of the mutually contradictory attempts to define "marriage". Although there exists nothing approaching a consensus about the meaning of marriage and some scholars have abandoned the attempt to arrive at a definition, there are parallels in distinctions made by several authors between two contrasting models of marriage. Moreover, these two understandings of marriage are at home within two different kinds of society.

Traditional societies are not stagnant, stuck in the past, focused on a "golden age" that never existed, but rather are vibrant societies striving to become more excellent in the future by building upon the wisdom of the ages. Some examples of traditional societies are African societies prior to European colonization, Asian societies rooted in the Vedic or Confucian traditions, and the Western tradition rooted in the wisdom of ancient philosophers including Plato, Aristotle, and Cicero. Traditional societies stand in sharp contradistinction to liberal societies, which are rooted in the theories of philosophers such as Hobbes, Locke, Rousseau, and Kant, who followed Descartes' innovation of beginning philosophy anew. are characterized by individualism, Liberal societies liberty understood as freedom from authority, and conflicts of interests and rights.

Although the institution of marriage takes different forms in different societal traditions, it is valued as essential for social stability. It is primarily within families based on the institution of marriage that children acquire the virtues that enable them to contribute to the common good of society after they become adults. In liberal societies, marriage is redefined or rejected. Ethical relativism, subjectivism, and emotivism are pandemic. The natural law and moral virtues are regarded by most liberal scholars as antiquated anachronisms.

Though most of the authors cited in this essay are Americans, this is not intended to be an exercise in intellectual imperialism. One aspect of ideological globalization is that ideas from the United States, both good and bad, influence thinking in other parts of our world. Hopefully, readers of this essay will avoid some of the mistakes that Americans have made.

# 2. The Meaning of Marriage

Although marriage exists, in one form or another, in all human societies, there also exists widespread disagreement concerning what marriage is. The classic statement of the meaning of marriage within English common law was formulated by Sir James Plaisted Wilde (later 1st Baron Penzance) in an 1866 case concerning polygamy and The Church of Jesus Christ of Latter-day Saints: "Marriage as understood in Christendom is the voluntary union for life of one man and one woman, to the exclusion of all others" (Courts of Probate and Divorce 130). Various subsequent scholars have disagreed with one part or another of this definition. In the opinion of Sebastian Poulter, writing in 1979: "The major difficulty in the definition lies in the inclusion of the words 'for life' not only when we live in a predominantly secular society but also at a time when the number of divorces in England and Wales has more than doubled between 1970 and 1976 and when for every 10 marriages there are nearly three divorces" (426). Alice Woolley wrote about the absence of agreement regarding the definition of "marriage" in a 1995 article about same-sex marriage:

In the past twenty years Canadian courts have been confronted with challenges to the understanding that marriage is prima facie limited to couples of the opposite sex, yet in adjudicating these claims have been unable to obtain a consensus and have for the most part failed to develop a coherent understanding of what marriage, as a legally protected relationship, means. In fact, it appears that the majority of the judiciary has no such understanding but rather decides cases on the basis either of the definition laid out in 1866 by the House of Lords or of some other equally unhelpful legal distinction (471-472).

The classical definition of marriage within the discipline of positivist anthropology was articulated the Royal by Anthropological Institute of Great Britain and Ireland in 1951: "Marriage is a union between a man and a woman such that children born to the woman are the recognized legitimate offspring of both partners" (110). This definition is circular, because any explanation of what it means to be "legitimate offspring" requires reference to the institution of marriage. Edmund R. Leach noted that "there are other definitions of marriage with respectable backing" that do not include the concept of legitimacy, and offered as an example one provided by Arthur G. Ranasinha of Ceylon (now Sri Lanka): "a physical, legal, and moral union between a man and a woman in complete community of life for the establishment of a family" (182). Leach then argued that the Royal Anthropological Institute's definition is too limited and that it would be more helpful to list ten of the different purposes that a marriage may serve:

To establish the legal father of a woman's children. To establish the legal mother of a man's children. To give the husband a monopoly in the wife's sexuality. To give the wife a monopoly in the husband's sexuality. To give the husband partial or monopolistic rights to the wife's domestic and other labour services. To give the wife partial or monopolistic rights to the husband's labour services. To give the husband partial or total rights over property belonging or potentially accruing to the wife. To give the wife partial or total rights over property belonging or potentially accruing to the husband. To establish a joint fund of property—a partnership—for the benefit of the children of the marriage. To establish a socially significant 'relationship of affinity' between the husband and his wife's brothers (183).

E. Kathleen Gough presented a study of the Nayars of Central Kerala and then proposed yet another definition: "Marriage is a relationship established between a woman and one or more other persons, which provides that a child born to the woman under circumstances not prohibited by the rules of the relationship, is accorded full birth-status rights common to normal members of his society or social stratum" (32). This proposed definition, unlike the previous examples, explicitly leaves open the possibility that a marriage may have more than two members. As Duran Bell pointed out, however, it suffers from the same circularity as the Royal Anthropological Institute's definition: "We simply cannot say that marriage is necessary to the legitimacy of children unless we can define marriage independently of legitimacy" (238). Bell then offered his own definition: "Marriage is a relationship between one or more men (male or female) in severalty to one or more women that provides those men with a demand-right of sexual access within a domestic group and identifies women who bear the obligation of yielding to the demands of those specific men" (241). In response to critics of the obvious narrowness of this definition, focusing on the

Journal of Dharma 45, 3 (July-September)

demand for sexual access, Bell explained that it is not actually a *definition* of "marriage" but rather "a *criterion* by which to identify it" (250).

Writing more recently, in 2006, legal theorist and political philosopher Martha Albertson Fineman agreed with Leach that the possible meanings of marriage are legion:

Marriage, to those involved in one, can mean a legal tie, a symbol of commitment, a privileged sexual affiliation, a relationship of hierarchy and subordination, a means of self-fulfillment, a social construct, a cultural phenomenon, a religious mandate, an economic relationship, the preferred unit for reproduction, a way to ensure against poverty and dependence on the state, a way out of the birth family, the realization of a romantic ideal, a natural or divine connection, a commitment to traditional notions of morality, a desired status that communicates one's sexual desirability to the world, or a purely contractual relationship in which each term is based on bargaining (34).

Andrew Forsyth abandoned the project of attempting to define "marriage": "We shouldn't be surprised that the cross-cultural and transhistorical phenomenon of marriage defies unitary definition" (318). Thus, although there is widespread agreement that marriage exists, there is also widespread disagreement concerning what it is.

# 3. Two Models of Marriage

Though the experts disagree about the meaning or meanings of marriage, it is possible to identify two groups of definitions. Although they go by different names, I shall call them the "institutional" model and the "romantic" model of marriage. Social institutions fulfil roles and follow rules. Romantic love is a powerful motivation to form personal relationships, but often fades when those relationships become difficult.

Robert N. Bellah and co-authors understand contemporary marriage to be individualistic: "Marriage has to some extent become separated from the encompassing context of family in that it does not necessarily imply having children in significant sectors of the middle class. Thus marriage becomes a context for expressive individualism" (89). These co-authors "contrast two modes of understanding love": "One approach is a traditional view of love and marriage as founded on obligation.... The other is what we have

called the therapeutic attitude" (93-94). While the traditional understanding "rests on absolute and objective moral obligations", the therapeutic attitude is "grounded in a conception of authentic self-knowledge" (102). Thus, according to Bellah et al., there is a distinction between marriage based on ethical obligations and marriage based on individuals' self-actualization. Concerning the latter, these authors comment, "Emotion alone is too unstable a base on which to build a permanent relationship" (94). Because moods swing and feelings fluctuate, they cannot serve as a firm foundation for the institution of marriage.

Catholic moral theologian Julie Hanlon Rubio distinguishes marriage as a social reality and marriage as individualistic and romantic:

The Catholic vision of marriage as a personal-social reality stands in contrast with the more common private, romantic narrative. In popular culture, marriage is valued for its potential to provide the love, care, and connection that is lacking in most other spheres of life. The Catholic tradition does not deny the value of personal love—in fact, it celebrates its depth—but it sees loving marriage as an inherently social reality (31).

Thus, the contrast, for Rubio, is between focus on the individual and focus on the social whole.

Elizabeth Freeman argues that "the term 'marriage' has pointed to two simultaneous but incompatible functions." One is a legal function and promotes social stability: "As a component of U.S. kinship law, marriage sanctions particular sexual alliances, from which property relations are determined. It thereby defines a sphere of protected sexual and economic interests, whose exterior is marked by sexual 'deviants'" (162). The other function involves the emotions: "Yet as an aspect of modern emotional life in the United States, marriage is also the ideological linchpin of intimacy-the most elevated form of chosen interpersonal relationship" (162). As Freeman understands these incompatible functions of marriage, they involve the tension between society's stability and the individual's freedom and emotions: "At the core of political debate and much critical debate in American studies and cultural studies is whether marriage is a matter of love or law, a means of securing social stability or of realizing individual freedom and emotional satisfaction" (162).

Journal of Dharma 45, 3 (July-September)

W. Bradford Wilcox contrasts traditional marriage with what he calls the "soulmate model of marriage, one that assumes that marriage is primarily about an intense romantic or emotional connection that should last only as long as it remains happy, fulfilling, and lifegiving to the self" (Wilcox). Wilcox understands the soulmate model to be rooted in individualism: "The rise of 'expressive individualism'-the idea that personal desires trump social obligations-means that Americans feel less obligated to get and stay married, and have come to expect more fulfillment from marriage" (Wilcox, Wolfinger, and Stokes, 113). And Wilcox agrees with Bellah that marriages based on emotions are unstable: "The family revolution-marked by the rise of expressive individualism and a concomitant decline in the scope and normative power of the institution of marriage—has resulted in marriages that, on the one hand, focus more and more on the emotional dimensions of married life and, on the other hand, do not enjoy the stability and normative commitment to lifelong marriage that earlier marriages did" (Wilcox & Nock 103-4). Again, we see the contrast between marriage as a relationship involving individuals and marriage as a social institution with ethical obligations.

Robert P. George, Professor of Jurisprudence at Princeton University, and co-authors contrast what they call the "conjugal" and "revisionist" views of marriage. According to the conjugal view:

Marriage is 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 (Girgis et al. 246).

George and his co-authors distinguish this conjugal view of marriage from the revisionist view, according to which:

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 (Girgis et al. 246-47).

Although Bellah, Rubio, Freeman, Wilcox, George, and several co-authors use different terminology, they make essentially the same distinction between two ways of understanding marriage. What I am calling the institutional model involves ethical obligations, promotes social stability, forms the core of families, and is stable, fluctuating emotions notwithstanding. The romantic model, in contrast, focuses on the emotions, involves individuals who may or may not be part of a larger family, regards children as optional, and endures as long as the romance endures.

The following sections will discuss relationships between marriage and society. Each of these two understandings of marriage corresponds to a type of human society, the institutional model to traditional society and the romantic model to liberal society.

# 4. Traditional Societies and the Institutional Model of Marriage

Within traditional societies, what it means to be an ethical society is understood, explicitly or implicitly, in terms of virtues and laws or rules, with virtues primary. Although the virtues as understood in the tradition of Confucius and Mencius differ from those discussed by Plato and Aristotle, they are remarkably similar. Both philosophical traditions are virtue traditions. In Śańkara's moral philosophy, "it is not Vedic actions but certain achievements and virtues of man's mind that constitute one's fitness to approach and apprehend Brahman" (Pruthi 95-96). According to Bina Gupta: "The virtues find their meaning and significance in the context of a tradition. In the Hindu tradition, an individual is taken to be one of the components of a complex social whole and is expected to perform those duties and tasks assigned to him by that social role" (392). Although most African ethical traditions are oral traditions and we have no written record of a centuries-old philosophical theory of moral virtues, traditional African ethics is also virtue ethics. We find this ethical similarity in geographically and historically separate traditions because societies that have stood the test of time are organized in conformity with our common human nature. The virtues are the excellent qualities of beings who share our nature.

Traditional societies also recognize the necessity of just rules or laws, even if they have no formal legislative system. The standard for just laws is the natural law, the unwritten law that also conforms to our common human nature. Virtues, however, not laws, are primary. John Adams, second President of the United States, understood that excellent laws are not sufficient for the preservation of an ethical society and that virtuous citizens are necessary: "We have no government armed with power capable of contending with human passions unbridled by morality and religion. Avarice, ambition, revenge, or gallantry would break the strongest cords of our Constitution as a whale goes through a net. Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other" (Adams).

A virtuous society is a large community, made up of myriad smaller communities related to one another according to federalism or subsidiarity. The common good is promoted most effectively in small communities. When a smaller community is unable to achieve some aspect of the common good on its own, a larger community should come to its aid. The smallest and most important community within a virtuous society is the family. It is primarily within families that children learn the virtues that enable them to contribute to the common good of society as adults. We learn to be ethical primarily, not by listening to lectures or reading books, but by modelling the conduct of virtuous persons. Although these can include teachers, religious leaders, and other influential persons, the chief models of virtuous conduct are children's parents and other older family members.

Though families take on various forms, the core of a virtuous family is the institution of marriage. In traditional societies, one of the purposes of the family is to educate children. This does not mean that infertile persons cannot marry, nor that if they do they are obligated to adopt children. It does mean, however, that marriage should be about more than spouses relating to one another; marriage should involve working together to promote the common good. Husbands and wives can begin to do this by helping one another grow in moral excellence. At the same time, one of the chief ways in which spouses can promote the common good is edifying their children to become virtuous adults.

Working for the common good does not mean sacrificing one's own good. The good of a community is good for each member of the community. We love ourselves best by loving others. We become virtuous, not as individuals, but in community with other human persons. When the family is a true community, children acquire the virtues that will enable them to promote the good of the larger communities to which the family belongs:

The genius of Catholic teaching on the family is its refusal to limit families by telling them to simply focus on themselves. Christian families, from this perspective, are to grow in self-giving love within and outside the bonds of kinship. This constitutes a distinctive way of being family in which communion and solidarity are connected (Rubio 30).

Though the rules of marriage differ in different traditional societies, marriage comes with ethical obligations that its members are expected to fulfil in order to promote social stability and the common good of the society. In other words, within traditional societies marriage is a social institution.

# 5. Liberal Societies and the Romantic Model of Marriage

Liberal societies focus on the liberty (understand as freedom from authority), equality, self-interest, and rights of individuals. Since one individual's pursuit of self-interest, as defined by that individual, frequently conflicts with other individuals' pursuit of their selfdefined interests, society is necessary. Society exists primarily to enable individuals to do whatever they choose to do, so long as they do not interfere with other individuals' liberty to do whatever they choose to do. One of the chief responsibilities of societal leaders is adjudicating conflicts of interest.

Liberal society is artificial, not natural. In the words of economist and Nobel Laureate Milton Friedman, an eloquent and influential apologist for liberalism, "Society is a collection of individuals and of the various groups they voluntarily form" (Friedman). This understanding of the relationship between individual persons and human society contradicts reality. Families do not come into existence by individuals voluntarily deciding to form them. We become members of our families by being born into them or by being adopted into them as children. And children do not choose the families into which they are born or adopted.

Within liberal societies, ethical relativism, subjectivism, and emotivism are popular and pervasive. According to subjectivism (individual relativism), ethical truth is different for different individuals. According to emotivism, there is no such thing as ethical truth. Language that appears to state a truth about what is ethically right or wrong, good or bad, actually does nothing more than express the speaker's or writer's emotions. Although subjectivism and emotivism as philosophical theories straightforwardly contradict one another, they have the same cash value in the popular culture. Both reject the existence of universal ethical truth. Of course, no one lives according to these ethical theories consistently. When subjectivists and emotivists believe their rights have been violated, they appeal to standards of justice to which they believe their oppressors must conform. This inconsistency notwithstanding, liberal societies are characterized by deep and widespread ethical disagreement.

Within a liberal society, small communities may be able to survive, but cannot stand in a relationship of subsidiarity with the social whole, because society is a collection of individuals, not a community of persons. There is no common good, only the public interest, the aggregate of conflicting individual self-interests. Society lacks structure and becomes unstable: "The loosening of social bonds in nearly every aspect of life—familial, neighborly, communal, religious, even national—reflects the advancing logic of liberalism and is the source of its deepest instability" (Deneen 30).

Within a society of individuals pursuing their conflicting, selfdefined interests, the meanings of love, marriage, and family mutate: "A deeply ingrained individualism lies behind much contemporary understanding of love" (Bellah et al. 108). Marriage becomes a smallscale social contract and means whatever the individual parties define it to mean. Some liberals go so far as to advocate the abolition of marriage. Most, however, seek to transform it:

The norm of stable lifelong marriage is replaced by various arrangements that ensure the autonomy of the individuals, whether married or not. Children are increasingly viewed as a limitation upon individual freedom, which contributes to liberalism's commitment to abortion on demand, while overall birth rates decline across the developed world (Deneen 39).

Elizabeth Brake argues from liberal premises to "minimal marriage":

Individuals can have legal marital relationships with more than one person, reciprocally or asymmetrically, themselves determining the sex and number of parties, the type of relationship involved, and which rights and responsibilities to exchange with each. For brevity, I call this "minimal marriage" (303).

This is a rejection of the institutional model of marriage. Marriage no longer comes with ethical obligations; the individual parties decide what the rules of their marriages will be.

Brake's argument begins with the challenge of achieving ethical agreement in a society marked by profound ethical disagreement. The attempted solution of liberalism is to make a distinction between comprehensive moral doctrines and public reason. The former category includes all normative ethical theories grounded in any religious tradition, as well as all secular traditions, such as Aristotelianism, Kantianism, and utilitarianism, that claim to be able to tell us how we should live our lives. Public reason, in contrast, is restricted to those ethical principles that we can all accept, even though we endorse different comprehensive ethical doctrines. Brake's position is that, within public reason, we can justify the existence of marriage, but can say extremely little about what it is: "A liberal state can set no principled restrictions on the sex or number of spouses and the nature and purpose of their relationships, except that they be caring relationships" (305). Consequently, a liberal society can have minimal marriage, but nothing more: "Any restrictions more extensive than those of minimal marriage cannot be justified within public reason" (312). A liberal society must accept same-sex marriage, because "prescriptions about sexual behavior and the value of relationships are found in comprehensive, not political, doctrines" (324).

The greatest philosophical problem with this rejection of marriage as a social institution grounded in a particular secular or religious ethical tradition is the attempt to draw a distinction between public reason and comprehensive ethical doctrines. The liberal understanding of public reason is itself part of a particular comprehensive ethical doctrine, according to which those who are

369

committed to alternative comprehensive religious, philosophical, and ethical doctrines are obligated not to oppose the liberal redefinition of marriage. Many persons, however, are committed to ethical doctrines that oppose the liberal doctrine of public reason and minimal ethics, as well as the liberal separation of ethics and politics. Plato believed that the virtues (and not only justice) belong to both the virtuous human being and the virtuous human polity. For Aristotle, the *Politics* is a seamless continuation of the *Ethics*. The doctrine that "public reason excludes reasons which depend entirely on comprehensive religious, moral, and philosophical doctrines" (Brake 313) depends on one among many rival comprehensive doctrines.

Political liberalism is not ethically neutral. Liberalism is a comprehensive ethical doctrine, which mandates that all members of society, not only liberals, must accept the liberal redefinition of marriage. Nevertheless, the fact that they live in a liberal society does not, in fact, obligate opponents of liberalism to become liberals. Karl Marx, himself an opponent of the Manchester species of liberalism, wrote famously, "The philosophers have only *interpreted* the world in various ways; the point, however, is to *change* it" (8). One need not be a Marxist to believe that one's liberal society should be interpreted and changed, not accepted as it is. This societal transformation should take place through peaceful persuasion and legislation, not coercion or violent revolution. But the fact of ethical disagreement does not obligate those who believe marriage should be a social institution with certain properties to accept liberals' comprehensive ethical doctrine and redefinition of marriage.

Weaknesses in the argument notwithstanding, the romantic model of marriage is now dominant in liberal societies: "All adults have a right to choose whom to marry. They have this right because of the emotional and personal significance of marriage, as well as its procreative potential" (Nussbaum 689). And one consequence of the ascendancy of the romantic model is that more marriages end in divorce:

Most Americans aspire to marriage but are unwilling or unable to moderate our individualistic tendencies enough to make marriage a lifelong commitment. If we expect our own marriage to be the epitome of a fulfilling relationship and our most cherished social bond, and we expect our spouse to be our eternal true love and perfect soul mate, then we are bound to be disappointed when the day-to-day trials and tribulations of our real marriage fail to match the fairy tale. Divorce is the obvious resolution to a problem of social cohesion in an individualistic culture—when a disappointing relationship gets in the way of our own happiness and aspirations (Hart-Brinson 172).

When marriage becomes unstable, its ability to serve as the foundation of society is weakened: "If love and marriage are seen primarily in terms of psychological gratification, they may fail to fulfill their older social function of providing people with stable, committed relationships that tie them into the larger society" (Bellah 85). The consequence is social instability: "Redefining civil marriage can cause corresponding social harms. It weakens the rational foundation (and hence social practice) of the stabilizing marital norms on which social order depends: norms such as permanence, exclusivity, monogamy" (George et al. 2-3).

# 6. Conclusion

This essay seeks to caution those who are tempted to abandon the institution of marriage. Although replacing traditional marriage with an amorphous relationship centred on the emotions of its individual participants may seem to be liberating, that is not true liberation. We cannot free ourselves from our human nature: "By nature, human beings are matrimonial and political animals" (Hittinger 23). Liberalism rejects the very concept of human nature: "Arguments from nature have no role to play in Rawlsian liberalism. Institutions are to be regulated by principles of justice; nature is not normative" (Brake 325). This is a philosophical mistake. Our purpose as human beings, to attain moral perfection, is rooted in our nature. Human nature is the basis of the natural law and the moral virtues. To reject human nature and natural teleology is to deny reality.

Ethical societies require the institution of marriage. They are made up of virtuous communities, related to one another according to the principle of subsidiarity, and virtuous persons, ruled by just laws. The family is the smallest and most important community within society. Marriage is the foundation of the family and society. This relationship between the institution of marriage and ethical societies is true for persons of all religions or no religion because it is in conformity with our common human nature. Within the Catholic intellectual tradition, marriage is understood as a matrimonial covenant instituted by God, not a mere legal contract formed by humans. This is one of the most significant differences between Catholicism and liberalism. A contract is terminated if either party fails to fulfil its terms. A covenant remains in place, however, even if one party fails to honour it. Furthermore, Catholic matrimony is a sacrament, signifying the union of Christ and the Church. Because Catholic matrimony is a covenant and a sacrament, it cannot be terminated by either party. This enables marriage to serve as a stabilizing institution within society.

All members of the human race are called to holiness. The goal of the Catholic life is to attain the beatific vision of God. This pursuit involves not only receiving the sacraments but also becoming virtuous and holy. The examples of celibate saints confirm that one can become ethically excellent without the sacrament of Matrimony. Nevertheless, for most Catholics the path to virtue and holiness passes through this sacrament. Although marriages may begin as pleasant and effortless, most sooner or later present opportunities for both spouses to grow ethically by loving one another in challenging circumstances. Beyond growing in virtue and holiness by loving one's marital partner in both easy and difficult times, Catholic marriage provides both partners with opportunities to become more morally excellent through meeting the challenges of forming Catholic children and promoting the greater common good beyond the boundaries of the family. Catholics should understand marriage "not simply as a romance but as a union of two called to live in love, sustained through their relationships with children, neighbors, church, and community" (Rubio 20).

The institution of marriage should support the ethical society and the ethical society should protect the institution of marriage. According to the liberal understanding of society, as defended above by Brake, religious communities are permitted to exist, but politics must not be influenced by religious convictions. Catholics are free to believe that direct abortion is unethical, but should not give voice to that belief within political debates. Similarly, Catholics may not say that the law of the land should define marriage as a conjugal union of one man and one woman, since such an assertion would be in agreement with the teachings of their religion. Catholic ethics is a comprehensive moral doctrine and, therefore, according to liberalism, may play no role in public reason. One consequence of prohibiting political decisions influenced by religious beliefs is an unethical society. More than sixty million abortions have been performed in the United States since the procedure was legalized by the U.S. Supreme Court in 1973 – a death toll approaching that of the Second World War.

Contrary to the dogmas of liberalism, Catholics should strive through the institution of marriage and by other means - to achieve and preserve an ethical society, in accordance with the Magisterium of the Catholic Church. If Catholic moral doctrine is true, it is true not only for Catholics but also for those who do not believe it is true. Because moral truth is not relative, members of different religious communities who arrive at moral truth arrive at the same truth, even though they approach it along different paths and express it in different words. Catholics should not be satisfied with merely being permitted to belong to ethical communities within an unethical society. As Catholics strive to attain virtue and holiness for themselves and the other members of their families, and communities, an unethical society is an enormous hindrance. We are influenced for better or for worse by our families and religious communities, but also by our societies. When society condones and encourages unethical practices, it becomes more difficult for Catholics to live according to the teachings of their tradition. Regardless of how well they have been educated in the faith, most Catholics find it difficult to swim against the current of the society in which they live. The reason most American Catholics consider artificial contraception to be ethical is not that they have been persuaded by cogent arguments that Catholic teaching is erroneous, but that they live within a liberal, unethical society that disdains the Catholic ethical tradition.

Responding to the universal call to holiness involves supporting the institution of marriage and striving to make one's society more virtuous. Marriage should be understood not as a mere emotional relationship, but as an opportunity to become virtuous and holy by promoting the virtue and holiness of one's spouse, family members, and the larger communities and society to which one belongs. At the same time, society should strive to defend the institution of marriage against those who are attempting to transform or destroy it. This reciprocal relationship between small and large communities enables us both to work out our own salvation and to cultivate ethical societies.

Journal of Dharma 45, 3 (July-September)

#### References

- Adams, John. "To the Officers of the Militia of Massachusetts." 11 October 1798. <founders.archives.gov/documents/Adams/ 99-02-02-3102> 31 July 2020.
- Bell, Duran. "Defining Marriage and Legitimacy." *Current Anthropology* 38.2 (1997): 237-253.
- Bellah, Robert N., Richard Madsen, William M, Sullivan, Ann Swidler, and Steven M. Tipton. *Habits of the Heart: Individualism and Commitment in American Life*. New York: Harper & Row, 1985.
- Brake, Elizabeth. "Minimal Marriage: What Political Liberalism Implies for Marriage Law." *Ethics* 120.2 (2010): 302-337.
- Courts of Probate and Divorce. *Hyde v. Hyde and Woodmansee*. 20 March 1866, <www.uniset.ca/other/ths/LR1PD130.html> 3 July 2020.
- Deneen, Patrick J. Why Liberalism Failed. New Haven: Yale University Press, 2018.
- Fineman, Martha Albertson. "The Meaning of Marriage." *Marriage Proposals: Questioning a Legal Status.* Ed. Anita Bernstein. New York: NYU Press, 2006. 29-69.
- Forsyth, Andrew. "Defining Marriage." Soundings: An Interdisciplinary Journal 97.3 (2014): 297-322.
- Freeman, Elizabeth. "Marriage." *Keywords for American Cultural Studies*. 2nd Edition. Ed. Bruce Burgett and Glenn Hendler. New York: NYU Press, 2014. 162-164.
- Friedman, Milton. "The Social Responsibility of Business is to Increase Its Profits." *The New York Times Magazine*, 13 September 1970. <www.nytimes.com/1970/09/13/archi ves/a-friedman-doctrinethe-social-responsibility-of-business-is-to.html> 31 July 2020.
- George, Robert P., Sherif Girgis, and Ryan T. Anderson. "Amici Curiae Brief in Support of Hollingsworth and Bipartisan Legal Advisory Group Addressing the Merits and Supporting Reversal." *Hollingsworth v. Perry.* 133 Supreme Court 2652 (29 January 2013) <papers.ssrn.com/sol3/papers.cfm?abstract\_id=2210568> 3 July 2020.
- Girgis, Sherif, Robert P. George, and Ryan T. Anderson. "What Is Marriage?" *Harvard Journal of Law and Public Policy* 34.1 (2010): 245-287.
- Gough, E. Kathleen. "The Nayars and the Definition of Marriage." *The Journal of the Royal Anthropological Institute of Great Britain and Ireland* 89.1 (1959): 23-34.
- Gupta, Bina. "'Bhagavad Gītā' as Duty and Virtue Ethics: Some Reflections." The Journal of Religious Ethics 34.3 (2006): 373-395.

- Hart-Brinson, Peter. *The Gay Marriage Generation: How the LGBTQ Movement Transformed American Culture.* New York: NYU Press, 2018.
- Hittinger, Russell. "Love, Sustainability, and Solidarity: Philosophical and Theological Roots." *Free Markets with Sustainability and Solidarity*. Ed. Martin Schlag and Juan A. Mercado. Washington: Catholic University of America Press, 2016. 19-31.
- Leach, Edmund R. "Polyandry, Inheritance and the Definition of Marriage." *Man* 199 (1955): 182-186.
- Marx, Karl. "Theses on Feuerbach." *Collected Works of Karl Marx and Friedrich Engels.* Vol. 5. New York: International Publishers, 1976. 6-8.
- Nussbaum, Martha C. "A Right to Marry?" *California Law Review* 98.3 (2010): 667-696.
- Poulter, Sebastian. "The Definition of Marriage in English Law." The Modern Law Review 42.4 (1979): 409-429.
- Pruthi, Sandhya. "The Notion of Self and Ethics in Śaṅkara's Philosophy." Annals of the Bhandarkar Oriental Research Institute 96 (2015): 94-99.
- Royal Anthropological Institute of Great Britain and Ireland. *Notes and Queries on Anthropology.* 6th Ed. London: Routledge and Kegan Paul, 1951.
- Rubio, Julie Hanlon. *Family Ethics: Practices for Christians* Washington: Georgetown University Press, 2010.
- Wilcox, W. Bradford. "For as Long as Our Love Shall Last: How the Soulmate Myth Makes Marriage Less Stable and Less Happy." Institute for Family Studies. 20 May 2020. <ifstudies.org/blog/for-aslong-as-our-love-shall-last-how-the-soulmate-myth-makes-marriageless-stable-and-less-happy> 31 July 2020.
- Wilcox, W. Bradford, and Steven L. Nock. "'Her' Marriage after the Revolutions." *Sociological Forum* 22.1 (2007): 103-110.
- Wilcox, W. Bradford, Nicholas H. Wolfinger, and Charles E. Stokes. "One Nation, Divided: Culture, Civic Institutions, and the Marriage Divide." *The Future of Children* 25.2 (2015): 111-127.
- Woolley, Alice. "Excluded by Definition: Same-Sex Couples and the Right to Marry." *The University of Toronto Law Journal* 45.4 (1995): 471-524.

374