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Defending the Marital Sphere: A Review of Church, State, and Family

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Defending the Marital Sphere: A Review of Church, State, and Family

Abstract

"Witte draws deeply on history, theology, and philosophy to articulate a robust conception of family that we could benefit from adopting."

Posting about the book *Church, State, and Family* from *In All Things* - an online journal for critical reflection on faith, culture, art, and every ordinary-yet-graced square inch of God's creation.

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August 1, 2019

Defending the Marital Sphere: A Review of *Church, State, and Family*

Donald Roth

Title: Church, State, and Family: Reconciling Traditional Teachings and Modern Liberties

Author: John Witte, Jr.

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“Too often, of late, Christians and other religious believers have marched to the culture wars without ammunition—substituting nostalgia for engagement, acerbity for prophecy, platitudes for principled argument, bumper sticker issues for holistic reformations.”¹

If society is in a culture war, then conservative forces were dealt a serious defeat by the Supreme Court’s decision in *Obergefell v. Hodges*, which held that same sex couples have a fundamental right to get married. In response, I saw many Christians turning to libertarian thought leaders like Rand Paul, who argued that government should “get out of the marriage business.” It’s an appealing tactic. The political fight against the revolution of rights and sexual freedoms seems lost; why not remove the sacred institution at the heart of that battle from state jurisdiction?

In his book, *Church, State, and Family: Reconciling Traditional Teaching and Modern Liberties*, eminent ethicist and legal historian John Witte Jr. argues that we should walk

a different path, pushing for holistic reformation and recovery of a fully-orbed societal promotion of the marital family. In doing so, Witte draws deeply on history, theology, and philosophy to articulate a robust conception of family that we could benefit from adopting.

The Family Sphere

The core argument of Witte's book is a pair of metaphors that help us understand the role of marriage. The first of these metaphors is that of a canopy, viewing the family in four dimensions: as contractual association, spiritual association, social estate, and natural institution. According to Witte, these perspectives respectively reflect the voluntary formation, religious sanction, social legitimation, and natural origin of marriage. Further, they link to competing claims of authority over the marital family by the couple, the church, the state, and nature. According to Witte, "When these respective claims and authorities are balanced—when each corner of the canopy is pulled with comparable weight—the marital family is stable."²

This metaphor has some obvious prescriptive applications, but Witte spends more time on a more nuanced and, I believe, more significant metaphor of marriage as a sphere. This sphere is made up of a natural and spiritual pole, with social, economic, communicative, and contractual dimensions radiating between them. In this way, the sphere metaphor speaks to how marriage ideally serves to elevate us above the state of nature and into contact with something transcendent. It can also be applied as an analytic framework, as Witte says, "The 'pressures of modernization'...have put the family and various other social spheres into ever sharper competition, often distorting and dividing various dimensions of the family in the process." He carries this further, saying, "These separations of the different dimensions of marriage are related to the new separations of the modern sexual field—the separations between marriage and sex; between marriage and childbirth; between marriage and child-rearing; between childbirth and parenting; between sex and physical contact (with the advent of the virtual world); and between sexual intercourse, childbirth, and biological filiation."³

As a result of this pressure peeling off dimensions of the marital family, the institution's ability to connect these natural and spiritual poles breaks down. The impact of this is a loss of substantial benefits of marriage for both the couple and their children, an impact that is disproportionately felt by the poor. On a bigger scale, the fracturing of marriage erodes an institution long viewed by scholars of diverse times and perspectives as the foundational institution of both church and society.

Interestingly, much of this pressure is applied in the name of increasing individual autonomy and freedom; however, the institutions of family, church, and state wield the

traditional, charismatic, and legal authorities that society uses to shape individuals toward virtue. The book's title is a nod to Witte's argument that "stable domestic, religious, and political institutions, together, are essential structures for the flourishing of individuals."⁴

The Value of the Book

Witte builds his argument with a care and precision that my legal mind deeply appreciates. That being said, at nearly 400 pages, the scholarly scope of the book might be intimidating to the average reader. However, I would urge you to consider overcoming that fear for a few reasons.

First, the first six chapters of the book provide a historical survey of perspectives on marriage that is worth the price of admission all by itself. Witte has a ready hand with history and provides extensive citations and quotations that expose you directly to the marital philosophy of greats like John Chrysostom, Augustine, Thomas Aquinas, Martin Luther, John Calvin, John Locke, Mary Wollstonecraft, and Jeremy Bentham. This not only paints a detailed picture of the development of marital philosophy that lays a clear groundwork for Witte's metaphor, it shares a number of beautiful statements by these great thinkers that can enrich your thinking about marriage all by themselves.

I personally was surprised by Chrysostom's prescient and relevant thoughts on marriage. He provided a corrective to the early church's emphasis on asceticism by preaching the transformative power of marriage, going so far as to say, "[i]f your marriage imitates the loving and sacrificial relationship of Christ and his church, 'your perfection will rival the holiness of monks.'"⁵ While affirming the headship of the husband, Chrysostom also argued that wives "possess a real authority and equality of dignity," and he urged husbands not to refuse to "endure and undergo suffering of any kind" for the sake of their wives.⁶ Luther expounded further on this idea, saying, "If no king or queen, not even the sun itself sparkles any more brightly and lights up your eyes more than your own husband or wife, then right there you are face to face with God speaking."⁷

Witte also cites a statement from Vatican II that gets to the heart of the social importance of marriage: "The family is a kind of school of deeper humanity,' holding out a model, method, and medium of love, authority, dignity, faithfulness, education, nurture, discipline, and care for each new generation of children to learn, and for other institutions to emulate."⁸

Second, Witte doesn't just show the historical grounding of his perspective, he engages a number of contemporary issues and demonstrates the relevance of his framework as a

tool for understanding and engaging difficult topics. Witte discusses the debate over the UN Convention on the Rights of the Child, why polygamy should not follow from the legalization of same sex marriage, what role faith-based family law should have in a liberal democracy, and why radical proposals to abolish the family are gravely mistaken.

Witte addresses the “get the state out of the marriage business” argument by saying that “[c]hurch, state, and family are just too closely intertwined in modern democratic life and law to place family law entirely in the hands of one sovereign.”⁹ Instead, Witte identifies the family, along with charities and schools, as classic “mixed institutions” (*res mixta publica*, if you want to get fancy with Latin), and he points to the ways that we balance the mixed interests in those other two institutions as instructive for marriage. Ultimately, marriage is too essential to maintaining a stable society and a stable society too necessary for supporting stable marriages to take the institution private.

You may notice that I’ve said nothing so far about the same sex marriage debate, the issue that galvanized most of these questions in the first place. Witte says almost nothing about it either, and it’s not easy to discern which side of the debate he was on (although I suspect he argued against it). This is because the change appears to be a *fait accompli*. In some ways, it’s difficult to articulate a public narrative around the issue that is not rooted in religious morality. Witte’s framework could perhaps have provided some alternative, but that’s not its primary application. Instead, Witte’s framework provides a solid grounding for a public philosophy of marriage, one that just might help shift us from a culture wars mindset of defending marriage against what it *isn’t* into a transforming mindset that positively articulates what it *can be*.

FOOTNOTES

1. John Witte, Jr., *Church, State, and Family*, page 377-78
2. Witte, page 13
3. Witte, pages 235-36
4. Witte, page 367
5. Witte, page 21
6. Witte, page 26
7. Witte, page 75
8. Witte, page 224
9. Witte, page 305