



## DIFFERING DEFINITIONS OF MARRIAGE AND FAMILY

*COMPARING AND CONTRASTING THOSE OFFERED BY  
EMERGING SAME-SEX MARRIAGE ADVOCATES AND CLASSIC ANTHROPOLOGISTS*

**Summary:** Below is a comparison and contrast of traditional anthropological definitions of marriage with the very new definitions offered by same-sex marriage advocates. This comparison reveals some striking contrasts.

The definitions offered by **same-sex marriage proponents** as broad as we could find, tend to be:

- ☒ ...so remarkably wafer-thin, they could apply to many public relationships such as those between employer and employee, student and teacher or very close, long-term room-mates.
- ☒ ...completely unhinged from any known academic sociological or anthropological understanding of marriage, family and kinship.
- ☒ ...centered solely upon the individual adult.
- ☒ ...completely missing any recognition of marriage's tight connection to children and extended family.
- ☒ ...completely missing any recognition of marriage as a cooperative bridge between the primary, universal division of humanity: male and female.
- ☒ ...ignorant of the human and cross-cultural complexity of marriage and family.

The definitions offered by **anthropologists** tend to be:

- ☑ ...informed by how marriage is largely universal, transcending culture, law, religion, time and social development.
- ☑ ...marked by a strong and consistent inclusion of male and female as the universal basis for marriage and family.
- ☑ ...highly attentive to the key role marriage and family plays for the continuation of a people and culture.
- ☑ ...keenly focused on how pair-bonding serves the good of the nuclear and extended family, as well as the larger community.
- ☑ ...focused both on the rights and responsibilities of the members of the family.
- ☑ ...highly attentive to how marriage bridges the human divide of humanity in male and female.
- ☑ ...highly attentive to how marriage legitimizes and provides for children, as well as male and female adults.

- ☑ ...highly attentive to how complex marriage and family relationships are in a community.

### **A. Recent definitions offered by same-sex marriage proponents:**

Marriage law is the state's just response to "persons who live together in enduring, emotionally based attachments."<sup>1</sup>

David Chambers, law professor at University of Michigan

"If I had to pare marriage to its essential core, I would say that marriage is two people's lifelong commitment, recognized by law and by society, to care for each other. To get married is to put yourself in another person's hands, and to promise to take that person into your hands, and to do so within a community which expects both of you to keep your word."<sup>2</sup>

Jonathan Rauch, *Gay Marriage*, 2004

"Marriage is what we use to describe a specific relationship of love and dedication to another person."<sup>3</sup>

Evan Wolfson, *Why Marriage Matters*, 2004

"[T]oday, marriage is first and foremost about a loving union between two people who enter a relationship of emotional and financial commitment and interdependence, two people who seek to make a public statement about their relationship, sanctioned by the state, the community at large, and, for some, their religious community. And that concept of marriage, no more and no less, should hold true for gay people seeking to marry."<sup>4</sup>

Consider that Wolfson's new definition has Dr. Dobson (as well as many employers) married to most of his employees because these relationships are marked by deep love, commitment as well as being emotionally rich and financially interdependent. The government sanction of these unions is marked by both parties annually receiving W-2s. Clearly Wolfson's stab at a definition fails miserably to define what marriage actually is in *any* culture of the world.

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<sup>1</sup> David Chambers, "What If? The Legal Consequences of Marriage and the Legal Consequences and the Legal Needs of Lesbian and Gay Male Couples," *Michigan Law Review*, (1996) 95:447-491.

<sup>2</sup> Jonathan Rauch, *Gay Marriage: Why It is Good for Gays, Good for Straights, and Good for America*, (New York: Times Books, 2004) p. 24.

<sup>3</sup> Evan Wolfson, *Why Marriage Matters: America, Equality and Gay People's Right to Marry*, (Simon & Schuster, 2004) p. 3.

<sup>4</sup> Evan Wolfson, "Crossing the Threshold: Equal Marriage Rights for Lesbian and Gay Men and the Intra-Community Critique," *Review of Law and Social Change* (1994) 21:568-614, p. 579.

Wolfson goes onto to explain that marriage is highly flexible and does not serve the needs of a community, but of the individual.

As an institution, the family, like marriage, has undergone radical change throughout history... [I]t is also true that marriage is something that we can shape and that, like any social institution, it ought to serve real people and their real needs, including our individual and family needs for equality, inclusion and respect.”<sup>5</sup>

Evan Wolfson, “Crossing the Threshold,” 1994

“[Marriage] is an emotional, financial and psychological bond between two people...”<sup>6</sup>

Andrew Sullivan, *Virtually Normal*, 1995

Marriage is a “vital social institution” which is an “exclusive commitment of two individuals to each other” that “nurtures love and mutual support; it brings stability to our society.”<sup>7</sup>

Supreme Judicial Court of Massachusetts,  
*Goodridge v. Dept. of Health*, 2003

“To ‘marry’ means to join together in a close and personal way”<sup>8</sup>

William J. Downing,  
Washington Superior Court, 2004

Marriage is “the utmost expression of a couple’s commitment and love....a unique expression of a private bond and profound love between a couple.”<sup>9</sup>

Justice Doris Ling-Cohan,  
New York State Supreme Court, 2005

“Define marriage as a bond between one man and one woman, and same-sex marriage is absurd. But define marriage as a commitment to live up to the rigorous demands of love, to care for each other as best you humanly can, than all these possibilities (of ssm) are necessary.”<sup>10</sup>

E.J. Graff, *What is Marriage For?*, 1999

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<sup>5</sup> Wolfson, 1994, p. 589, 591.

<sup>6</sup> Andrew Sullivan, *Virtually Normal* (New York: Alfred A. Knopf, 1995).

<sup>7</sup> Opinion of the Justices, *Goodridge v. Department of Public Health*, Massachusetts Supreme Judicial Court, (November 18, 2003)

<sup>8</sup> Memorandum Opinion and Order on Cross Motions for Summary Judgment, no. 04-2-04964 SEA, in *Anderson v. King County*, Superior Court of the State of Washington for King County (August 2004), p. 5

<sup>9</sup> Justice Doris Ling-Cohan, Opinion in *Hernandez et al., v. City of New York*, Supreme Court of the State of New York (February 2005), p. 11.

<sup>10</sup> E.J. Graff, *What is Marriage For?* (Boston: Beacon Press, 1999) p. 252.

## **B. Historical Definitions by Anthropologists**

By the listing order of these the anthropological definitions of marriage, we learn how these have developed and how some endeavor to serve as an improvement upon others. They provide a very good understanding of how professional anthropologists have understood marriage throughout the diversity of human experience.

The most ambitious and complete effort to explain what marriage has been in human history is Edward Westermarck's three volume, *The History of Human Marriage*. The ground breaking sexologist, Henry Havelock Ellis, called the pursuit of a thorough history of marriage nearly impossible because of the complexity of the topic, but that Westermarck's was "the nearest approximation to such a completely adequate history of marriage that has ever appeared, or that any of us are likely to see..."<sup>11</sup> Westermarck explains:

"Marriage is generally used as a term for a social institution... Marriage always implies the right to sexual intercourse: society holds such intercourse allowable in the case of husband and wife... At the same time, marriage is something more than a regulated sexual relation... It is the husband's duty...to support his wife and children... That the functions of the husband and father in the family are not merely of the sexual and procreative kind, but involve the duty of protecting the wife and children, is testified by an array of facts relating to peoples in all quarters of the world and in all stages of civilization. ...As for the origin of the institution of marriage, I consider it probable that it has developed out of primeval habit."<sup>12</sup>

Edward Westermarck,  
*The History of Marriage*, 1922

Noted Yale anthropologist, George Peter Murdock, offered this early definition and explanation of marriage and family across cultures in his landmark *Social Structure*:

"The family is a social group characterized by common residence, economic cooperation, and reproduction. It includes adults of both sexes, at least two of whom maintain a socially approved sexual relationship, and one or more children, own or adopted, of the sexually cohabiting adults. The family is to be distinguished from marriage, which is a complex of customs centering upon the relationship between a sexually associating pair of adults within the family."

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<sup>11</sup> Havelock Ellis, *Sex and Marriage*, (New York: Random House, 1952), p. 30.

<sup>12</sup> Edward Westermarck, *The History of Human Marriage*, Vol. I, (New York: The Allerton Book Company, 1922), p. 26, 46, 27.

Murdock elaborates...

“Three distinct types of family organization emerge from our survey of 250 representative human societies. The first and most basic, called herewith the *nuclear family*, consists typically of a married man and woman and their offspring, although in individual cases one or more additional persons may reside with them... Among the majority of peoples of the earth...nuclear families are combined like atoms in a molecule... A *polygamous family* consists of two or more nuclear families... An *extended family* consists of two or more nuclear families affiliated through an extension of the parent-child relationship rather than the husband-wife relationship...”<sup>13</sup> (emphasis in original)

George Peter Murdock, *Social Structure*, 1949

The next historically authoritative definition is provided in what has served as the anthropologist’s “bible” or guidebook, whose first edition was published in 1874. A committee of leading British anthropologists was established by the British Association for the Advancement of Science to prepare the sixth and final version of the guidebook, published in 1951.

“The family...is based on marriage, which is defined as a union between a man and a woman such that children borne by the woman are recognized as the legitimate offspring of both partners.”<sup>14</sup>

*Notes and Queries on Anthropology*,  
Committee of Distinguished British  
Anthropologists, 1951

Edmund Leach offered the first notable challenge to the *Notes and Queries* definition, explaining that no *one* definition could apply to the diversity of marriage in all cultures, being the first to explain marriage as a ‘bundle of rights’. Of the institution ‘commonly classed as marriage’, Leach noted that marriage in different societies serves any or many of the following ten rights. Note that each of these rights either recognizes the place of male *and* female in the family and/or recognizes the production of and provision for their common children.

1. To establish the legal father of a woman's children.
2. To establish the legal mother of a man's children.
3. To give the husband a monopoly in the wife's sexuality.
4. To give the wife a monopoly in the husband's sexuality.
5. To give the husband partial or monopolistic rights to the wife's

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<sup>13</sup> George Peter Murdock, *Social Structure*, (New York: The MacMillan Company, 1949), p. 1-2.

<sup>14</sup> A Committee of the Royal Anthropological Institute, *Notes and Queries on Anthropology*, 6<sup>th</sup> ed. (London: Routledge & Keegan Paul, 1951) p. 71.

domestic or other labour services.

6. To give the wife partial or monopolistic rights to the husband's labour services.

7. To give the husband partial or total rights over the property of his wife;

8. To give the wife partial or total rights over the property of her husband;

9. To establish a joint fund of property (a partnership) for the benefit of the children of the marriage.

10. To establish a socially significant 'relationship of affinity' between the husband and his wife's brothers.<sup>15</sup>

Edmund Leach, "Polyandry, Inheritance and the Definition of Marriage," 1955

E. Kathleen Gough was concerned that there was a "simple logical flaw" in Leach's 'marriage-fits-any-or-all-of-these-criteria' because it allowed "every ethnographer...in short to define marriage in any way he pleased."<sup>16</sup> She also took exception with the *Notes and Queries* definition because of the instance of woman/woman marriage among the Nuer. Therefore, in order to "isolate marriage as a cross-cultural phenomenon" she offers the following:

"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."<sup>17</sup>

E. Kathleen Gough,  
"The Nayars and the Definition  
of Marriage," 1959

Gough explains that her "inevitably clumsy phraseology" of "one of more persons' (in place of 'a man') will bring into definition...such unusual types as woman-marriage-to-a-woman."<sup>18</sup>

This unique and "unusual" type of woman-to-woman marriage demands analysis because of its unique place in the anthropologist's understanding of marriage and kinship. This woman/woman marriage among some African tribes is explained as a relationship scheme where an unmarried, wealthy, respected barren woman of a clan will marry a woman for the purpose of having her beget children with the initiating female's male kinsman so that a male lineage is

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<sup>15</sup> Edmund R. Leach, "Polyandry, Inheritance, and the Definition of Marriage," *MAN*, (1955) 55:182-186.

<sup>16</sup> E. Kathleen Gough, "They Nayars and the Definition of Marriage," *Journal of the Royal Anthropological Institute of Great Britain and Ireland*, (1959) 89:23-34.

<sup>17</sup> Gough, 1959, p. 32.

<sup>18</sup> Gough, 1959, p. 32.

established for her.<sup>19</sup> The woman who establishes such a marriage is from there considered by the clan a man, regarding her legally as such, as well as the *pater* of the offspring of her wife. In fact, in his explanation of this phenomenon, Oxford anthropologist Evans-Pritchard regularly refers to the woman initiating the marriage as the “husband” and “he”.<sup>20</sup> A scholar doing more recent work on these marriages explains the *male identity* of this woman is a “frequently reiterated public dogma” and “she makes every attempt to conform to male role behavior.” Taptuwei, a female husband explained, “No, I don’t (carry things on my head). That is a woman’s duty and nothing to do with me. I became a man and I am a man and that is all.”<sup>21</sup> The female husband does not have sexual intercourse with a woman.<sup>22</sup> This form of marriage is an effort to replicate the functions and fruit of the heterosexual family by individuals and a community in a particularly special case for a privileged few. They are not similar in nature or spirit of same-sex families being proposed today.

“In human societies, however, there are added to the sexual and parental sides of marriage other elements: marriage is given the hall-mark of social approval...it defines the relations between husband and wife and between parents and child, as well as the status of the later; it imposes duties of economic co-operation... Marriage again is in no human culture a matter of an entirely free choice. People related by decent or members of certain classes are often debarred from marrying each other, or else are expected to marry.”<sup>23</sup>

Bronislaw Malinowski,  
*Sex, Culture and Myth*, 1962

Ward H. Goodenough, in his Lewis Henry Morgan Lectures at the University of Rochester, explained:

“Thus seen, marriage is a contractual union of a man and a woman and involves sexual privilege, economic cooperation, cohabitation, the production of children, and responsibility for the children’s care, socialization, and education. If the marriage is fruitful, the resulting social unit is a nuclear or elementary family. Marriage is thus the social transaction that establishes a nuclear family. Other definitions of marriage – variously phrased as a union of a man and woman in which they are the jural father and mother of the children

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<sup>19</sup> A. R. Radcliffe-Brown, *et al.*, *African Systems of Kinship and Marriage*, (London: Oxford University Press, 1965), p. 4, 184, 390; Edward Evan Evans-Pritchard, *Kinship and Marriage Among the Nuer*, (London, Oxford University Press, 1965), p. 108-109;

<sup>20</sup> Evans-Pritchard, 1965, p. 108.

<sup>21</sup> Regina Smith Oboler, “Is the Female Husband a Man? Woman/Woman Marriage Among the Nandi of Kenya,” *Ethnology* (1980) 19:69-88, p. 69.

<sup>22</sup> Smith Oboler, 1980, p. 69.

<sup>23</sup> Bronislaw Malinowski, *Sex, Culture and Myth*, (New York, Harcourt, Brace and World, Inc., 1962), p. 3-4.

born to the woman or in which the woman's children are regarded as their legitimate offspring imply the same thing: marriage establishes the jural basis for a group consisting of a man, a woman, and their children..."<sup>24</sup>

Ward Goodenough,  
*Description and Comparison in Cultural Anthropology*, 1970

"All known human societies recognize the existence of the sexual pair-bond and give it formal sanction in the form of marriage. With only a handful of exceptions presently to be examined, married pairs are not only expected to copulate with each other, but to cooperate in the raising of offspring and to extend to each other material help. ...[M]arriage is nevertheless the cultural codification of a biological program. Marriage is the socially sanctioned pair-bond for the avowed social purpose of procreation."<sup>25</sup>

Pierre L. van den Berghe,  
*Human Family Systems*, 1979

Anthropologist Colin Turnbull<sup>26</sup>, at the close of his career, wrote a book from his professional experiences comparing the differing cultures he experienced and discussing their similarities: the human cycle that runs through all human cultures. Regarding the human cycle of marriage and family:

"Part of becoming an adult is, indeed, getting married and raising a family; part of becoming an adult is also, certainly, getting a living from the land, or by trading, or by ruling... But part of becoming an adult is just as importantly the assumption of specific ritual responsibilities that are thought of primarily as ensuring the prosperity of the nation as a whole, *not* just the well-being of the family, let alone the individual.

Perhaps the one thing underlying all these measures of adulthood is the qualification we have introduced that whatever one does, it should be done with a *conscious* sense of social responsibility. ...[M]arriage just as plainly and with less ambivalence [than military service] is essential if there is to be a continuity of both the nation and of the social order as we know it."<sup>27</sup> (emphasis in original)

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<sup>24</sup> Ward Hunt Goodenough, *Description and Comparison in Cultural Anthropology*, (Chicago: Aldine Publishing Co., 1970), p. 4.

<sup>25</sup> Pierre L. van den Berghe, *Human Family Systems: An Evolutionary View*, (Prospect Heights, IL: Waveland Press, 1979, 1990) pp. 45, 46.

<sup>26</sup> Turnbull, a British-American pioneer in the field of anthropology had a 30 year homosexual relationship with an Africa- American man, Dr. Joseph Towles, whom Turnbull referred to as "my Josephine" and his wife. They lived for many years in New York City and rural Virginia. They both tragically died of complications related to AIDS. (See Roy R. Grinker, *In the Arms of Africa: The Life of Colin M. Turnbull* (Chicago: University of Chicago Press, 2000).

<sup>27</sup> Colin M. Turnbull, *The Human Cycle*, (New York: Simon and Schuster, 1983), p. 188, 180.

Colin M. Turnbull,  
*The Human Cycle*, 1983

“Marriage is a relationship within which a group socially approves and encourages sexual intercourse and the birth of children... Marriage is not usually a transaction confined to the bride and groom. It extends beyond them, to include members of their own families or kin group.”<sup>28</sup>

Suzanne Frayser,  
*Varieties of Sexual Experience*, 1985

Donald Brown, a leading anthropologist in the area of human universals,

The universality of kinship terminologies provides a further case of cultural reflection or recognition of cultural fact. A kinship terminology is that linguistic domain (discrete set of terms) found among every people, in which domain most or all terms are translatable by the terms required for sexual reproduction, or combinations of them: father, mother, son, daughter... Marriage – which is distinct from procreation, per se – so regularly impinges on kinship terminologies that it is usually counted as one of the two fundamental building blocks of kinship. Accordingly, the father and mother of an individual are normally husband and wife.<sup>29</sup>

Donald Brown,  
*Human Universals*, 1991

“In an overwhelming majority of human societies, marriage is the mechanism which provides for the legitimation of children and defines their status in relationship to the conjugal family and the wider kin group.”<sup>30</sup>

*Companion Encyclopedia of Anthropology*,  
1994

*Research and summary by Glenn T. Stanton, Director of Family Formation Studies at Focus on the Family in Colorado Springs, CO and Research Fellow at the Institute for Marriage and Family Canada in Ottawa.*

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<sup>28</sup> Suzanne G. Frayser, *Varieties of Sexual Experience: An Anthropological Perspective on Human Sexuality*, (New Haven, Conn: Human Relations Area Files Press, 1985), p. 248, 269.

<sup>29</sup> Donald Brown, *Human Universals*, (Boston: McGraw Hill, 1991), p. 93.

<sup>30</sup> Alan Barnard, “Rules and Prohibitions: The Form and Content of Human Kinship,” in *Companion Encyclopedia of Anthropology*, ed. Tim Ingold (London: Routledge, 1994), p. 798.