

# Marriage is a Natural Kind

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# Introduction

## Main Thesis

Marriage is a natural kind of relationships.

- Natural kinds of relationships
- Social constitution: the main alternative
- Argument 1: cross-cultural identification
- Argument 2: discovering new rights and responsibilities
- Argument 3: cross-cultural critique
- Argument 4: fulfillment of a natural desire
- Argument 5: for conservatives
- Argument 6: for liberals
- Family resemblance

# Some characteristics of natural kinds

- Natural kinds are genuinely explanatory.
  - Non-normative: Rover has 4 legs because Rover is a dog. (E.g., biology and physics.)
  - Normative: Rover should have 4 legs because Rover is a dog. (E.g., biology but not physics.)
- Natural kinds enable inductive inference.
  - Rover and Fido are dogs. Rover has 4 legs. That's evidence that Fido does, too.
- Natural kinds capture genuine similarity... not constituted by how we contingently think about the items under consideration. (Stipulative?)
- Definition?

# Natural kinds of relationships

- A natural kind is a type. It has instances (or tokens).
- Instances can be:
  - Substance-like: vertebrate, dog, water, globular cluster, black hole, electron, carbon atom, tectonic plate.
  - Event- or process-like: earthquake, tornado, combustion, mitosis, coition, sentinel behavior(?).
- The process-like can include processes that have a significant dispositional component, e.g., sentinel behavior in meerkats.
- Relationships are token processes between individuals with significant dispositional components.
- Some relationship types are socially constituted: congressman–constituent.
- Some are probably natural kinds: parent–child.

# The big question

- Marriage as a kind of relationship is both normatively and non-normatively explanatory.
- Inductive reasoning about marriage is appropriate.
- There are genuine similarities between marriages, especially if we focus normatively and cull outliers (green card marriage? child marriage?).
  - Danger that by ruling out too many cases, we make similarity thesis unfalsifiable.
  - But narrowing the field is important in science. When we study dogs, we rule out foxes.
- So, plausibly, marriage is a natural kind **unless** it is socially constructed.
- So, **is** it socially constructed?

# Cross-cultural identification

- Typically, countries recognize marriages undertaken in other countries. (Exception: same-sex or non-binary)
- The rights and responsibilities held to be attached to marriage differ from culture to culture.
- Suppose marriage is socially constructed.
- Then it is defined by the rights and responsibilities assigned to it and the rights and responsibilities assigned to it are normally the ones held to be attached to it.
- So if  $A$  and  $B$  are cultures that hold different rights and responsibilities to be attached to marriage, then on the construction view  $\text{marriage}_A \neq \text{marriage}_B$ .
- Hence either we should not recognize  $\text{marriage}_A$  where  $A \neq \text{USA}$ , or we should warn  $\text{married}_A$  people at the border that entry constitutes a  $\text{wedding}_{\text{USA}}$ . **Implausible!**

# Growth and discovery

- People in good marriages continue to discover new rights and responsibilities.
- They are not merely learning something about what rights and responsibilities society has instituted. No secret treaties here.
- That's the kind of thing we expect with natural kinds. E.g., we learn water is H<sub>2</sub>O.
- **Objection:** Maybe they are learning the logical consequences of the rights and responsibilities (e.g., “love each other”) that society has instituted?
- **Response 1:** The subject of reflection seems to be the couple's joint life together, not social expectations.
- **Response 2:** The natural-kind theory provides a unified explanation of multiple phenomena.

# Cross-cultural critique

- Jim is from Elbonia, a very patriarchal society, and ignores his wife Alicia's emotional needs, as prescribed by his society.
- Jim is being a bad husband.
- On construction view, Jim can reply: "I am a husband<sub>Elbonia</sub>, and a good one."
- At best, we can criticize marriage<sub>Elbonia</sub> and say that it's a relationship no one should have entered into, and we can criticize Jim (and Alicia, if she acted freely) for entering into this relationship.
- It is hard for constructivists to give a **special** reason why Jim should care about Alicia's emotional needs.

# Natural desire

- People tend to want to marry those they love romantically.
- Plausibly, apart from reasonable moral and practical restrictions, they should be able to.
- A society that failed to meet this desire would be failing its people. (Important part of a potential case for same-sex marriage.)
- This is best explained by the desire for marriage being a natural one. In general, no obligation for society to meet non-natural desires.
- But it is plausible that if the desire for marriage is natural, then marriage is natural.

# Opposing same-sex marriages and equivalents

- Should not limit access on grounds of gender (or sex) to constructed institutions without very strong reasons when equivalents aren't available.
- **Test cases:** Sports competitions, bathrooms, etc.
- So, if marriage is constructed, then marriage or an equivalent should be available to persons of the same gender.
- Thus conservatives who deny the consequent should deny the antecedent.
- Conservative answer to call for equality:
  - In marriage the state recognizes the presence of a natural kind of relationship, and in fact that relationship cannot occur in the same-sex case.
  - The state shouldn't recognize what isn't there.

# Favoring same-sex marriage, I

- Suppose marriage is constructed.
- Suppose we are in a locality that doesn't allow same-sex marriage and we want it to.
- By assumption, marriage is defined by a normative complex that requires opposition of sexes.
- So same-sex marriage is impossible, when we understand "marriage" as current local marriage<sub>1</sub>.
- Could we *replace* marriage<sub>1</sub> with marriage<sub>2</sub>?
- This doesn't extend marriage<sub>1</sub>. It obsoletes marriage<sub>1</sub> and either grandfathers those under marriage<sub>1</sub> to stay married<sub>1</sub> or it divorces<sub>1</sub> all those in marriage<sub>1</sub>.
- Neither option is acceptable: the former makes it impossible for young people to have the same relationship as their parents; the latter seems really problematic.

## Favoring same-sex marriage, II

- If marriage is a natural kind, revisionists can just say that we were wrong about its objective boundaries.
- Given this, it would be easy to argue that laws should be changed to get this right.
- The last pair of arguments does have one escape for the constructivist: views on which we shouldn't have same-sex marriage but should have an equivalent that is extended to same-sex cases.
- This is not satisfactory to anyone with a principled view on the subject—it's more a matter of practical political compromise.

# Family resemblance

- Instead of making marriage indexical to a particular social package of rights and responsibilities, constructivists can say that marriage is any relationship with a **marriage-like** package of rights and responsibilities.
- Marriage-likeness is defined by vague Wittgensteinian family resemblance.
- Variation in expectation of love, gender opposition, binarity, etc.
- Simultaneous variation in **all** respects might not maintain family resemblance.
- Pragmatic and egalitarian considerations might make for state recognition of some variations but not others.
- Escapes Identification and Revisionism arguments.
- But the Discovery, Critique, Natural Desire and Conservatism arguments remain.

# Final remarks

- We can make mistakes when extending the boundaries of what we think falls under a natural kind.
- We can make mistakes when failing to extend the boundaries of what we think falls under a natural kind.
- Seeing marriage as a natural kind impels us to serious investigation of what exactly constitutes this kind and criticize social conventions that fail to do justice to the objective norms of marriage.
- That marriage is a natural kind should be agreed-on across ideological divides.