made universal, it would be easy to devise a satisfactory code. It must
be admitted, however, that either type can be made more common by
conventions designed to that end.

Much ground remains to be covered by a complete sexual ethic,
but I do not think we can say anything very positive until we have
more experience, both of the effects of various systems and of the
changes resulting from a rational education in matters of sex.

In the meantime, it would be well if men and women could
remember, in sexual relations, in marriage, and in divorce, to prac-
tice the ordinary virtues of tolerance, kindness, truthfulness, and
justice. Those who, by conventional standards, are sexually virtuous
too often consider themselves thereby absolved from behaving like
decent human beings. Most moralists have been so obsessed by sex
that they have laid much too little emphasis on other more socially
useful kinds of ethically commendable conduct.

Monogamy: A Critique
John McMurtry

It is an almost unquestioned assumption in our culture: the good life
involves getting married and living happily ever after, always remain-
ing faithful to your one true love. The institution of marriage, already
so pervasive, may even be expanding, as gay couples seek the right to
participate in its legally sanctioned bliss.

John McMurtry wonders why this vision of the good life goes
unchallenged. Monogamous marriage, he thinks, is essentially a form
of ownership over another human being's sexuality. Seen in that light,
mariage does not seem right for everybody.

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“Remove away that black’ning church
Remove away that marriage hearse
Remove away that man of blood
You’ll quite remove the ancient curse.”
WILLIAM BLAKE

I

Almost all of us have entered or will one day enter a specifically stan-
dardized form of monogamous marriage. This cultural requirement
is so very basic to our existence that we accept it for the most part
as a kind of intractable given: dictated by the laws of God, Nature,
Government and Good Sense all at once. Though it is perhaps unusual for a social practice to be so promiscuously underwritten, we generally find comfort rather than curiosity in this fact and seldom wonder how something could be divinely inspired, biologically determined, coerced and reasoned out all at the same time. We simply take it for granted...

Even those irreverent adulterers and unmarried couples who would seem to be challenging the institution in the most basic possible way, in practice, tend merely to mimic its basic structure in unofficial form. The coverings of sanctity, taboo and cultural habit continue to hold them with the grip of public clothes.

II

"Monogamy" means, literally, "one marriage." But it would be wrong to suppose that this phrase tells us much about our particular species of official wedlock. The greatest obstacle to the adequate understanding of our monogamy institution has been the failure to identify clearly and systematically the full complex of principles it involves. There are four such principles, each carrying enormous restrictive force and together constituting a massive social control mechanism that has never, so far as I know, been fully schematized.

To come straight to the point, the four principles in question are as follows:

1. The partners are required to enter a formal contractual relation: (a) whose establishment demands a specific official participant, certain conditions of the contractors (legal age, no blood ties, etc.) and a standard set of procedures; (b) whose governing terms are uniform for all and exactly prescribed by law; and (c) whose dissolution may only be legally effected by the decision of state representatives.

The ways in which this elaborate principle of contractual requirement are importantly restrictive are obvious. One may not enter into a marriage union without entering into a contract presided over by a state-investured official. One may not set any of the terms of the contractual relationship by which one is bound for life. And one cannot dissolve the contract without legal action and costs, court proceedings and in many places actual legislation. The extent of control here—over the most intimate and putatively "loving" relationships in all social intercourse—is so great as to be difficult to catalogue without exciting in oneself a sense of disbelief...

2. The number of partners involved in the marriage must be two and only two (as opposed to three, four, five or any of the almost countless other possibilities of intimate union).

This second principle of our specific form of monogamy (the concept of "one marriage," it should be pointed out, is consistent with any number of participating partners) is perhaps the most important and restrictive of the four principles we are considering. Not only does it confine us to just one possibility out of an enormous range, but it confines us to that single possibility which involves the least number of people, two. It is difficult to conceive of a more thoroughgoing mechanism for limiting extended social union and intimacy. The fact that this monolithic restriction seems so "natural" to us (if it were truly "natural" of course, there would be no need for its rigorous cultural prescription by everything from severe criminal law to ubiquitous housing regulations) simply indicates the extent to which its hold is implanted in our social structure. It is the institutional basis of what I will call the "binary frame of sexual consciousness," a frame through which all our heterosexual relationships are typically viewed ("two's company, three's a crowd") and in light of which all larger circles of intimacy seem almost inconceivable.

3. No person may participate in more than one marriage at a time or during a lifetime (unless the previous marriage has been officially dissolved by, normally, one partner's death or successful divorce).

Violation of this principle is, of course, a criminal offence (bigamy) which is punishable by a considerable term in prison. Of various general regulations of our marriage institution it has experienced the most significant modification: not indeed in principle, but in the extent of flexibility of its "escape hatch" of divorce. . . .

4. No married person may engage in any sexual relationship with any person whatever other than the marriage partner.

Although a consummated sexual act with another person alone constitutes an act of adultery, lesser forms of sexual and erotic relationships may also constitute grounds for divorce and are generally prescribed as well by informal social convention and taboo. In other words, the fourth and final principle of our marriage institution involves not only a prohibition of sexual intercourse per se outside one's wedlock (this term deserves pause) but a prohibition of all one's erotic relations whatever outside this bond. The penalties for violation here are as various as they are severe, ranging from
permanent loss of spouse, children, chattel, and income to job dismisal and social ostracism. In this way, possibly the most compelling natural force towards expanded intimate relations with others is strictly confined within the narrowest possible circle for the whole of adult life. The sheer weight and totality of this restriction is surely one of the great wonders of all historical institutional control.

III

... Perhaps the most celebrated justification over the years has proceeded from a belief in a Supreme Deity who secretly utters sexual and other commands to privileged human representatives. Almost as well known a line of defence has issued from a conviction, similarly confident, that the need for some social regulation of sexuality demonstrates the need for our specific type of twoperson wedlock.

If we put aside such arguments, we are left I think with two major claims. The first is that our form of monogamous marriage promotes a profound affection between the partners which is not only of great worth in itself but invaluable as a sanctuary from the pressures of outside society. Since, however, there are no secure grounds whatever for supposing that such “profound affection” is not at least as easily achievable by any number of other marriage forms (i.e., forms which differ in one or more of the four principles), this justification conspicuously fails to perform the task required of it.

The second major claim for the defence is that monogamy provides a specially loving context for child-upbringing. However here again there are no grounds at all for concluding that it does so, or any more, effectively than other possible forms of marriage (the only alternative type of upbringing to which it has apparently been shown to be superior is nonfamily institutional upbringing, which of course is not relevant to the present discussion). Furthermore, the fact that at least half the span of a normal monogamous marriage involves no child-upbringing at all is disastrously overlooked here, as is the reinforcing fact that there is no reference to or mention of the quality of child-upbringing in any of the four principles connected with it.

There is, it seems, little to recommend the view that monogamy specially promotes “profound affection” between the partners or a “loving context” for child-upbringing. Such claims are simply without force. On the other hand, there are several aspects to the logic and operation of the four principles of this institution which suggest that it actually inhibits the achievement of these desiderata. (It does so) in these ways:

1. Centralized official control of marriage (which the Church gradually achieved through the mechanism of Canon Law after the Fall of the Roman Empire in one of the greatest seizures of social power in history) necessarily aliens the partners from full responsibility for and freedom in their relationship. “Profound closeness” between the partners—or least an area of it—is thereby expropriated rather than promoted, and “sanctuary” from the pressures of outside society prohibited rather than fostered.

2. Limitation of the marriage bond to two people necessarily restricts, in perhaps the most unilateral possible way consistent with offspring survival, the number of adult sources of affection, interest, material support and instruction for the young. The “loving context for child-upbringing” is thereby desiccated rather than nourished: providing the structural conditions for such notorious and far-reaching problems as (a) sibling rivalry for scarce adult attention and (b) parental oppression through exclusive monopoly of the child’s means of life.

3. Formal exclusion of all others from erotic contact with the marriage partner systematically promotes conjugal insecurity, jealousy and alienation by:

(a) Officially underwriting a literally totalitarian expectation of sexual confinement on the part of one’s husband or wife: which expectation is ... more subject to anxiety and disappointment than one less extreme in its demand and/or cultural-juridical backing;

(b) Requiring so complete a sexual isolation of the marriage partners that should one violate the fidelity code the other is left alone and susceptible to a sense of fundamental deprivation and resentment;

(c) Stipulating such a strict restraint of sexual energies that there are habitual violations of the regulation: which violations are frequently if not always attended by (i) wilful deception and reciprocal suspicion about the occurrence or quality of the extramarital relationship, (ii) anxiety and fear on both sides of permanent
estrangement from partner and family, and/or (iii) overt and covert antagonism over the prohibited act in both offender (who feels "trapped") and offended (who feels "betrayed").

The disadvantages of the four principles of monogamous marriage do not, however, end with inhibiting the very effects they are said to promote. There are further shortcomings:

1. The restriction of marriage union to two partners necessarily prevents the strengths of larger groupings. Such advantages as the following are thereby usually ruled out.

(a) The security, range and power of larger socioeconomic units;
(b) The epistemological and emotional substance, variety and scope of more pluralist interactions;
(c) The possibility of extra-domestic freedom founded on more adult providers and upbringers as well as more broadly based circles of intimacy.

2. The sexual containment and isolation which the four principles together require variously stimulates such social malaises as:

(a) Destructive aggression (which notoriously results from sexual frustration);
(b) Apathy, frustration and dependence within the marriage bond;
(c) Lack of spontaneity, bad faith and distance in relationships without the marriage bond;
(d) Sexual fantasizing, perversion, fetishism, prostitution and pornography in the adult population as a whole. . . .

IV

The ground of our marriage institution, the essential principle that underwrites all four restrictions, is this: the maintenance by one man or woman of the effective right to exclude indefinitely all others from erotic access to the conjugal partner.

The first restriction creates, elaborates on, and provides for the enforcement of this right to exclude. And the second, third and fourth restrictions together ensure that the said right to exclude is—respectively—not cooperative, not simultaneously or sequentially distributed, and not permissive of even casual exception.

In other words, the four restrictions of our form of monogamous marriage together constitute a state-regulated, indefinite and exclusive ownership by two individuals of one another's sexual powers. Marriage is simply a form of private property.

... The history of the institution is so full of suggestive indicators—dowries, inheritance, property alliances, daughter sales (of which women's wedding rings are a carry-over), bride exchanges, legitimacy and illegitimacy—that it is difficult not to see some intimate connections between marital and ownership ties. We are better able still to apprehend the ownership essence of our marriage institution, when in addition we consider:

(a) That until recently almost the only way to secure official dissolution of consummated marriage was to be able to demonstrate violation of one or both partner's sexual ownership (i.e., adultery);
(b) That the imperative of premarital chastity is tantamount to a demand for retrospective sexual ownership by the eventual marriage partner; . . .
(c) That the language of the marriage ceremony is the language of exclusive possession ("take," "to have and to hold," "forsaking all others and keeping you only unto him/her," etc.), not to mention the proprietary locutions associated with the marital relationship (e.g., "he's mine," "she belongs to him," "keep to your own husband," "wife stealer," "possessive husband," etc.). . . .

V

If our marriage institution is a linchpin of our present social structure, then a breakdown in this institution would seem to indicate a breakdown in our social structure. On the face of it, the marriage institution is breaking down—enormously increased divorce rates, nonmarital sexual relationships. . . . Therefore one might be led by the appearance of things to anticipate a profound alteration in the social system.

But it would be a mistake to underestimate the tenacity of an established order or to overestimate the extent of change in our marriage institution. Increased divorce rates merely indicate the widening of a traditional escape hatch. Nonmarital relationships imitate and culminate in the marital mold. . . . It may be changing. But history, as the old man puts it, weighs like a nightmare on the brains of the living.