

# The Libertarian Salvation of a Conservative Institution

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My broad thesis is that conservative American institutions are given vitality, and sustained in the face of assault, by the dynamics of freedom as understood by the Founders. Marriage is a case in point.

My view of marriage is conservative, even radically so. I start from the premise that marriage is *the* central institution of society, the building block upon which everything else ultimately rests, and explain why. I then present my reasons for thinking that gay marriage is a meaningless combination of words; that the concept of *marriage* is so inextricably bound up with the conception of children by a man and a woman that a gay relationship can be only a simulacrum of marriage—just as an intentionally childless marriage of heterosexuals is a simulacrum of marriage.

I then turn to the conditions under which marriage flourishes, starting with the observation that the gay marriage issue is peripheral—marriage is in crisis independently of anything gays are trying to do. I place much of the blame for that crisis on the entanglement of marriage in the legal sticks and carrots of the extensive state. My presentation concludes with the argument for limiting the state's role to enforcing the contractual provisions that any two people may enter into, stripping marriage of all the ancillary legal advantages it has accumulated over the last century. The proposition is that only by doing so can marriage regain its vitality and play its indispensable social role.