compared to the richly complex structure of the social institution of marriage. For example, consider this definition of marriage: it is an expression of love and commitment between two people. Or, marriage constitutes social approval and validation of a couple's love. Or, marriage civilizes relationships between adults, especially men. Or, marriage constitutes a means of distributing benefits for those who make a commitment. Such definitions of marriage conjured up by proponents of "same-sex" marriage reflect a relationship that is fragile indeed and surely not the historically robust social institution we have called marriage.

To his credit, David Blankenhorn does not ignore what evidence exists that challenges his own arguments and definition of marriage. For example, he carefully examines the few social groups that scholars cite as departing from the traditional definition and purpose of marriage—the Nayars (southwest India), the Nuers (southeastern Sudan and western Ethiopia), the Navajo, and certain formal "homosexual unions" in Africa and Melanesia. In each case he finds that marriage patterns may differ but not fundamentally and that the formal "homosexual unions" do not constitute the equivalent of marriage.

Although I do not agree with all statements in *The Future of Marriage*, I agree with most of them. I know David Blankenhorn and know how reluctant he has been to publicly engage this difficult topic. His struggle is obvious throughout the book. He respects the human dignity of all persons but nonetheless refuses to capitulate to demands to change marriage as a means of affording it. Opposition to "same-sex" marriage from marriage proponents like David Blankenhorn and me center on one fundamental proposition: "For every child, a mother and a father."

n March 28, I addressed part of David Blankenhorn's argument, relying on international survey data, that support for same-sex marriage ("SSM") is part of a "cluster" of "mutually reinforcing" beliefs that are hostile to traditional marriage. "These things do go together," he writes.

I responded by saying that a correlation between the recognition of SSM in a country and the views of its people on other marital and family issues (1) could not show that SSM in that country caused, or even contributed to, those other views, and (2) did not tell us anything very important about whether, on balance, SSM is a good policy idea. SSM might be a small part of a project of reinstitutionalizing marriage—despite what those who hold a cluster of non-traditional beliefs about marriage may hope for.

I do not deny that people who hold non-traditionalist views about family life and marriage also tend to be more supportive of SSM; I simply maintain that the existence of this cluster in some people is not very important in the public policy argument about SSM. By itself, it tells us nothing about what the likely or necessary *effects* of SSM will be. It would similarly not be very useful in the debate over SSM to note the existence of other correlations more friendly to the case for SSM, like the fact that countries recognizing SSM tend to be wealthier, more educated, more democratic, healthier, have lower infant mortality rates, longer life expectancy, and are more devoted to women's equality, than countries that refuse to recognize gay relationships.

The second half of Blankenhorn's argument that supporting SSM and opposing marriage "go together" boils down to this:

[P]eople who have devoted much of their professional lives to attacking marriage as an institution almost always favor gay marriage.... Inevitably, the pattern discernible in the [international survey data] statistics is borne out in the statements of the activists. Many of those who most vigorously champion same-sex marriage say that they do so precisely in the hope of dethroning once and for all the traditional "conjugal institution."

In a move that has become common among anti-gay marriage intellectuals, Blankenhorn then quotes three academics/activists who do indeed see SSM as a way to begin dismantling traditional marriage and undermining many of the values associated with it. There are many more such quotes that could be pulled from the pages of law reviews, newspaper op-eds, dissertations, college term papers, and the like. They have been gathered with great gusto by Maggie Gallagher and especially Stanley Kurtz, who regards them as the "confessions" of the grand project to subvert American civilization. (Remember the "Beyond Marriage" manifesto that excited Kurtz so much last summer? Not many people do.)

I do not deny that there are supporters of SSM who think this way, including some very smart and prominent academics. I wince when I read some of what they write; in part because I know these ideas will be used by good writers like Blankenhorn to frighten people about gay marriage, in part because I just think they're wrong normatively and in their predictions about the likely effects of SSM on marriage. But mostly I wince because if I believed they were correct that SSM would undermine marriage as an institution, if I thought there was any credible evidence that this was a reasonable possibility, I would oppose SSM—regardless of whatever help it might give gay Americans and the estimated 1-2 million children they are raising right now in this country.

So I wince, but I am not persuaded that either correlations from international surveys or statements from marriage radicals show that "gay marriage clearly presupposes and reinforces deinstitutionalization [of marriage]."

First, as Blankenhorn well knows, it is not *necessary* to the cause of gay marriage to embrace the "cluster" of beliefs he and I would both regard as generally anti-marriage. One could, as many conservative supporters of gay marriage do, both support SSM and believe that (1) marriage is not an outdated institution, (2) divorce should be made harder to get, (3) adultery should be discouraged and perhaps penalized in some fashion, (4) it is better for children to be born within marriage than without, (5) it is better for a committed couple to get married than to stay unmarried, (6) it is better for children to be raised by two parents rather than one, and so on.

Second, a policy view is not necessarily bad because some (or many) of the people who support it also support bad things and see those other bad things as part of a grand project to do ill. Some (many?) opponents of gay marriage also oppose the use of contraceptives (even by married couples), would recriminalize sodomy, would end sex education in the schools, and would

re-subordinate wives to their husbands. And they see all of this —including their opposition to SSM—as part of a grand project to make America once and for all "One Christian Nation" where the "separation of church and state" is always accompanied by scare quotes and is debunked by selective quotes from George Washington. These are, one might say, a "cluster" of "mutually reinforcing" beliefs that "do go together." But it would be unfair to tar opponents of SSM with all of these causes, or to dismiss the case against SSM because opposing SSM might tend to advance some of them.

Third, in citing and quoting these pro-SSM marriage radicals, Blankenhorn and other anti-gay marriage writers ignore an entire segment of the large debate on the left about whether marriage is a worthwhile cause for gays. While there are many writers on the left who support SSM because they believe (erroneously, I think) that it will deinstitutionalize marriage, there are many other writers on the left who oppose (or are at least anxious about) SSM because they think it will reinstitutionalize it. Let me give a just a few examples that Blankenhorn, Gallagher, and Kurtz have so far missed.

Paula Ettelbrick, in a very influential and widely quoted essay written at the outset of the intra-community debate over SSM, worried that SSM would reassert the primacy of marriage, enervate the movement for alternatives to marriage, and traditionalize gay life and culture:

By looking to our sameness and de-emphasizing our differences, we don't even place ourselves in a position of power that would allow us to transform marriage from an institution that emphasizes property and state regulation of relationships to an institution which recognizes one of many types of valid and respected relationships.... [Pursuing the legalization of same-sex marriage] would be perpetuating the elevation of married relationships and of 'couples' in general, and further eclipsing other relationships of choice....

Ironically, gay marriage, instead of liberating gay sex and sexuality, would further outlaw all gay and lesbian sex which is not performed in a marital context. Just as sexually active non-married women face stigma and double standards around sex and sexual activity, so too would non-married gay people. The only legitimate gay sex would be that which is cloaked in and regulated by marriage.... Lesbians and gay men who did not seek the state's stamp of approval would clearly face increased sexual oppression....

If the laws change tomorrow and lesbians and gay men were allowed to marry, where would we find the incentive to continue the progressive movement we have started that is pushing for societal and legal recognition of all kinds of family relationships? To create other options and alternatives?

Since When is Marriage a Path to Liberation?, Out/Look 8-12 (Fall 1989) (emphasis added).

Professor Michael Warner of Rutgers argues in his book *The Trouble With Normal* (1999) that SSM would augment the normative status of marriage, reinforce conservative trends toward reinstitutionalizing it, and thus be "regressive" (all of which for him would be *bad things*):

[T]he effect [of gay marriage] would be to reinforce the material privileges and cultural normativity of marriage.... Buying commodities sustains the culture of commodities whether the

buyers like it or not. That is the power of a system. Just so, marrying consolidates and sustains the normativity of marriage. (p. 109) (emphasis added)

The conservative trend of shoring up this privilege [in marriage] is mirrored, wittingly or unwittingly, by the decision of U.S. advocates of gay marriage to *subordinate an entire bundle of entitlements to the status of marriage*. (p. 122) (emphasis added)

In respect to the family, real estate, and employment, for example, the state has taken many small steps toward recognizing households and relationships that it once did not.... But the drive for gay marriage [] threatens to reverse the trend [toward progressive change], because it restores the constitutive role of state certification. Gay couples don't just want households, benefits, and recognition. They want marriage licenses. They want the stipulative language of law rewritten and then enforced. (p. 125) (emphasis added)

The definition of marriage, from the state's special role in it to the culture of romantic love—already includes so many layers of history, and so many norms, that *gay marriage is not likely to alter it fundamentally, and any changes that it does bring may well be regressive.* (p. 129) (emphasis added)

As for the hopes of pro-SSM marriage radicals (like those Blankenhorn quotes) that gay marriage would somehow radicalize marriage, Warner counters that "It seems rather much to expect that gay people would transform the institution of marriage by simply marrying."

Many other activists and intellectuals have written a stream of editorials and position papers over the past two decades expressing a similar "assimilation anxiety" (William Eskridge's phrase) about SSM. Here are just a few:

"[Same-sex] Marriage is an attempt to limit the multiplicity of relationships and the complexities of coupling in the lesbian experience." Ruthann Robson & S.E. Valentine, *Lov(hers): Lesbians as Intimate Partners and Lesbian Legal Theory*, 63 TEMP. L. Q. 511, 540 (1990).

"[I]n seeking to replicate marriage clause for clause and sacrament for sacrament, reformers may stall the achievement of real sexual freedom and social equality for everyone.... [M]arriage—forget the gay for a moment—is intrinsically conservative.... Assimilating another 'virtually normal' constituency, namely monogamous, long-term homosexual couples, marriage pushes the queerer queers of all sexual persuasions—drag queens, club crawlers, polyamorists, even ordinary single mothers or teenage lovers—further to the margins." Judith Levine, *Stop the Wedding!*, VILLAGE VOICE, July 23-29, 2003.

"As an old-time gay liberationist, I find the frenzy around marriage organizing exciting, but depressing.... Securing the right to marry... will not change the world. Heck, it won't even change marriage." Michael Bronski, *Over the Rainbow*, BOSTON PHOENIX, August 1-7, 2003.

"But the simple fact remains that the fight for marriage equality is at its essence not a progressive fight, but rather a deeply conservative one that seeks to maintain the social norm of the two-partnered relationship—with or without children—as more valuable than any other relational configuration. While this may make a great deal of sense to conservatives... it is clear that this paradigm simply leaves the basic needs of many people out of the equation. In the case of same-sex marriage the fight for equality

bears little resemblance to a progressive fight for the betterment of all people." Michael Bronski, *Altar ego*, Boston Phoenix, July 16-22, 2004.

Here's another "cluster" of beliefs to add to the mix: gay marriage will enhance the primacy of marriage, take the wind out of the sails of the "families we choose" movement, cut off support for the creation of marriage alternatives (like domestic partnerships and civil unions), de-radicalize gay culture, gut the movement for sexual liberation, and reinforce recent conservative trends in family law. So say what we might roughly call the *anti-SSM marriage radicals*.

These anti-assimilationist writers (some of whom have actually opposed SSM and some of whom, to be fair, are just very uncomfortable about it) have not gotten as much attention in the press as other writers because they greatly complicate an already complex debate. And indeed it's fair to say they have kept themselves fairly quiet for fear that their concerns would be seen as undermining gay equality and thwarting gay marriage, a cause that has broad support among gays. They don't want to be seen as opposing benefits for gay people (which in fact they do not oppose).

But these anti-SSM marriage radicals comprise a significant perspective among what I would call "queer" activists, those who observe that the gay movement is pursuing traditionalist causes in traditionalist ways, who think it is endangering sexual liberation, and who fear it is making gay people just like straight people (who are, by implication, all boring, uncultured philistines who couple up, vote Republican, and live in the suburbs). And they think these are bad things.

The point is not to argue that any of these writers are correct that gay marriage will have the significant reinstitutionalizing effect they think it will have. I think both the anti-SSM marriage radicals and the pro-SSM marriage radicals Blankenhorn cites are far too taken with the transformative power of adding an additional increment of 3% or so to existing marriages in the country. So are anti-gay marriage activists generally. I think all of them—including Blankenhorn—are mistaken if they imagine that straight couples take cues from gay couples in structuring their lives and relationships, if they think straight couples may stop having children, or if they predict straight couples will be more likely to have babies outside of marriage because gay couples are now having and raising their children within it.

The point is that both support for and opposition to SSM well up from a variety of complex ideas, fears, hopes, emotions, world-views, motives, and underlying theories. The debate will not be resolved by dueling quotes from marriage radicals. SSM will have the effects it has—good or bad—regardless of what marriage radicals with one or another "cluster" of beliefs hope it will have.

The Future of Marriage is lively, engaging, subtle, interesting, happily free of jargon, and deeply wrong. It is probably the best single book yet written opposing gay marriage. Blankenhorn is a serious scholar and thinker. He has thought long and hard about the needs of heterosexuals for marriage. He has challenged the idea that family structure is irrelevant. He has said that our ethical and moral traditions require that we place the needs of children above adult needs where they're

in conflict. He has been right about all of this.

But for all his integrity and sincere opposition to antigay bigotry, I do not think he has thought very hard about the needs of gay families. That is why, for example, he and many others opposed to gay marriage could imagine that protecting gay families in law means placing the needs of adults ahead of children—as if we do not already have many childless marriages and as if thousands of gay families do not already include children whose welfare the gay parents place before their own.

In addition to the important procreative and child-raising purpose of marriage that David Blankenhorn and others opposed to gay marriage have emphasized, marriage has other functions arising from our history, tradition, and actual practice that are served by allowing people to marry *even if they never have children*.

So what does marriage do? What is it for? Marriage does at least six important things. I put these here in block text for ease of reference:

- (1) Marriage is a legal contract. Marriage creates formal and legal obligations and rights between spouses. Public recognition of, and protection for, this marriage contract, whether in tax or divorce law, helps married couples succeed in creating a permanent bond.
- (2) Marriage is a financial partnership. In marriage, "my money" typically becomes "our money," and this sharing of property creates its own kind of intimacy and mutuality that is difficult to achieve outside a legal marriage. Only lovers who make this legal vow typically acquire the confidence that allows them to share their bank accounts as well as their bed.
- (3) Marriage is a sacred promise. Even people who are not part of any organized religion usually see marriage as a sacred union, with profound spiritual implications. "Whether it is the deep metaphors of covenant as in Judaism, Islam and Reformed Protestantism; sacrament as in Roman Catholicism or Eastern Orthodoxy; the yin and yang of Confucianism; the quasi-sacramentalism of Hinduism; or the mysticism often associated with allegedly modern romantic love," Don Browning writes, "humans tend to find values in marriage that call them beyond the mundane and everyday." Religious faith helps to deepen the meaning of marriage and provides a unique fountainhead of inspiration and support when troubles arise.
- (4) Marriage is a sexual union. Marriage elevates sexual desire into a permanent sign of love, turning two lovers into "one flesh." Marriage indicates not only a private but a public understanding that two people have withdrawn themselves from the sexual marketplace. This public vow of fidelity also makes the married partners more likely to be faithful. Research shows, for example, that cohabiting men are four times more likely to cheat than husbands, and cohabiting women are eight times more likely to cheat than spouses.
- (5) Marriage is a personal bond. Marriage is the ultimate avowal of caring, committed, and collaborative love. Marriage incorporates our desire to know and be known by another human being; it represents our dearest hopes that love is not

a temporary condition, that we are not condemned to drift in and out of shifting relationships forever.

(6) Marriage is a family-making bond. Marriage takes two biological strangers and turns them into each other's next-of-kin. As a procreative bond, marriage also includes a commitment to care for any children produced by the married couple. It reinforces fathers' (and fathers' kin's) obligations to acknowledge children as part of the family system.

I suppose some people would dismiss these sentiments as the product of "adult-centered" thinking about marriage, with all the emphasis here on legal contracts, finances, sacred promises, sexual fulfillment, and private personal bonds. I suppose some would say I have missed the central importance of marriage as the place for child-rearing. After all, I've placed any procreative and child-rearing function at the very end. It doesn't even make the Top 5. I suppose others would say I've placed marriage in a largely private context and given little attention to the existence of marriage as a public institution with public purposes.

David Blankenhorn would not be among those people. He drafted these very claims about marriage as part of a "Statement of Principles" by the marriage movement in 2000, at a time when gay marriage was barely a blip on the radar. In the block text above, I have copied the statement word-for-word, except that in #4 I have substituted "the married partners" for "men and women."

Blankenhorn has also explicitly rejected the anachronistic and reductive view that the only public purpose of marriage is to encourage procreation and child-rearing. Marriage is a "multidimensional, multi-purpose institution," he acknowledges. "It is *not true* therefore to say that the state's *only* interest in marriage is marriage's generative role," he wrote a couple of years ago. "Instead, marriage's role as a pro-child social institution is only one, albeit the most important, of these legitimate state interests." (Emphasis original.)

Blankenhorn has been criticized for a "change of tune" — for emphasizing procreation and biological parenthood in the context of the gay-marriage debate, while he did not emphasize these things before the debate took center stage. He has defended himself on this point by saying that it is only in the context of the gay-marriage debate that some people have insisted there's no connection between marriage and family-making. I suppose he could also say that the six dimensions of marriage are valuable only because they serve the family-making purpose of marriage by cementing the bond between two biological parents. But that is not how I read the statement and I don't think it fits the idea of marriage as a "multi-purpose" institution.

Blankenhorn, who has long been concerned about fathers leaving their families, is not necessarily being hypocritical by now emphasizing the role of marriage in bringing biological parents together. Nothing in the statement he endorsed seven years ago is inconsistent with the view that the central and important purpose of marriage is to encourage procreation and child-rearing within marriage. But that's the point: even if you erroneously thought gay marriage had nothing to do with benefiting

children, and everything to do with, for example, a "personal bond" that "represents our dearest hopes that love is not a temporary condition," it would not be a threat to marriage.

Gay marriage can very clearly meet five of the six dimensions of marriage Blankenhorn himself has endorsed: it can benefit the couple with legal advantages that help "create a permanent bond;" it can facilitate the formation of a financial interdependence that "creates its own kind of intimacy and mutuality;" it helps the couple find values, including religious ones, that go beyond the mundane and everyday and that may be "a fountainhead of inspiration and support when troubles arise;" it can "elevate sexual desire into a permanent sign of love" and be more likely than cohabitation to lead the couple to withdraw themselves from the sexual marketplace; and of course it can be a deep personal bond between two people who share the common human desire for permanence and attachment to one other person.

Gay marriage can also serve the sixth, family-making, function identified by Blankenhorn seven years ago. A gay couple can't procreate as a couple, it's true. But they can fit and benefit from all of the dimensions listed above in the same way a sterile straight couple could. Marriage can turn gay couples, unrelated biologically, into next-of-kin, as it can for opposite-sex couples. It can reinforce parents' (and parents' kin's) "obligations to acknowledge children as part of the family system," just as it can for second-marriage couples and for sterile opposite-sex couples who adopt or use some method of assisted reproduction.

Even if they never have children, married gay couples will hardly be outside the bounds of marriage as it is actually practiced and as Blankenhorn described it in 2000. By choice or by necessity, lots of marriages never result in children. We do not think less of these marriages, do not think they transform marriage into something wholly adult-centered, and do not worry that they represent a threat to "the future of marriage" by making biological parents think family structure is unimportant. There are already far many more such childless opposite-sex marriages than there will be gay marriages. We recognize that these childless marriages fit the additional dimensions of marriage that Blankenhorn beautifully articulated seven years ago and that, in doing so, they do not undermine the important family-making purpose of marriage.

Many opponents of gay marriage would deny that homosexual couples can meet even the five companionate (non-generative) dimensions of marriage. But based on his public statements about homosexuality, I think Blankenhorn would have to agree that for gay Americans marriage would be "a personal bond," the "ultimate avowal of caring, committed, and collaborative love;" that gay persons equally share the deep human yearning "to know and be known by another human being;" and that they too possess "our dearest hopes that love is not a temporary condition."

If that's good enough reason to let childless straight couples marry, to let sterile couples adopt or reach outside their sexual union to produce a child, why is it not good enough for gay couples? The answer to that question might be found in moral or religious objections to homosexuality, in a desire to

avoid placing society's imprimatur on homosexual relationships, or in ugly and unfounded stereotypes about gay people as hopelessly hyper-promiscuous or unstable. But it cannot easily be found in a world-view that affirms, as Blankenhorn recently did, "the equal dignity of homosexual love."

Perhaps, just perhaps, Blankenhorn will one day see that marriage offers gay people and their families, at no cost to heterosexuals, the best hope that they too will not be "condemned to drift in and out of shifting relationships forever."

## Principles and Heresies: Frank S. Meyer and the Shaping of the American Conservative Movement

BY KEVIN J. SMANT

Reviewed by Michael B. Brennan\*

Temporary deviations from fundamental principles are always more or less dangerous. When the first pretext fails, those who become interested in prolonging the evil will rarely be at a loss for other pretexts.

James Madison

ivilized society seeks to achieve a proper balance between freedom and order. Law is often the arbiter. The tension between liberty and order is litigated ubiquitously, from criminal courts to the "war-on-terrorism" cases. While appellate courts adjudicate this balance, the debate over government imposition on individual liberties has its deep roots in a philosophical and historical exchange.

The subject of this biography—a Communist *apparatchik*, *National Review* editor, conservative philosopher, and a central figure in the development of the conservative movement in the United States—devoted his life to that debate. The epigraph above could be his credo.

Frank Meyer, born in New Jersey in 1909, joined the Communist party in 1931 while at Oxford. For ten years he served the party as an educator and organizer. When Nazi Germany attacked the Soviet Union in 1941, he and other American Communists urged American entry into World War II on the side of the Soviets. The Communist party gave Meyer permission to join the U.S. Army, but he suffered severe foot problems before completing officer's training. An instructor took pity on Meyer and gave him free time that he spent in the library. In this unlikely spot, while an active Communist training in the U.S. Army, the seeds of conversion were planted. There Meyer read The Federalist Papers, which engendered an appreciation for the separation of powers and limited government in the United States. He was also influenced by Friedrich von Hayek's The Road to Serfdom which argued that Communism requires planning which must lead to violations of individual rights, and Richard Weaver's Ideas have Consequences which affirmed the existence of universal truths and defended private property.

In 1945 Meyer and his wife Elsie, whom he met through the party, broke from the Communists completely. This autodidactical conversion brought the Meyers and their growing family extreme difficulties. The Communists were known for Stalinistic assassination of their enemies. The Meyers took to sleeping with a loaded rifle next to their bed. During the early to mid-1950's Meyer testified in several prosecutions of Communists under the Smith Act, and the FBI debriefed him extensively.

Meyer also began to contact authors and journalists, hoping to become active in the conservative movement, which at the time was defined by Russell Kirk in his monograph *The Conservative Mind*. While Meyer agreed with Kirk's attacks on "collectivism," as it was called, he found they lacked a body of principles upon which to base their attacks on modern liberalism. Thus began Meyer's lifelong role of critiquing and defining American conservatism. Meyer had begun a friendship with a young William F. Buckley, Jr., who asked Meyer to join the original staff of a new magazine named *National Review*.

The bulk of Smant's book reviews Meyer's work at National Review. From 1956 until 1972 Meyer was a senior editor and wrote a regular column entitled "Principles and Heresies" (from which Smant's book takes its title). Throughout his tenure Meyer played a crucial role in the magazine's debates. Meyer aptly chose the title of his National Review column: identifying, developing, and applying first principles animated his work. Smant portrays Meyer as an intellectual and articulate teacher longing for ideological purity, and *National Review* as an outlet for Meyer's thinking. Meyer was a deep reader in classical literature and history with a habit of developing ideas through long argument and discussion. This book details his unceasing attempts to bring principle to bear on political, legal, and cultural issues of the day, through his column and five books, the most famous of which, In Defense of Freedom: A Conservative Credo, offered a defining statement of Meyer's beliefs.

Meyer's key philosophical contribution to the conservative movement was to address the divide between traditionalists and libertarians. Traditionalists emphasized maintaining a moral order based on transcendent virtuous principles. This strand of conservatism holds that absolute truths and an objective moral code exist, that these are knowable by man, and that a fundamental view of humanity follows from those truths: the individual person is the reference point for all politics and philosophy. He argued that traditional precepts, rather than the relativistic or materialistic premises of modern thought, were needed to undergird a regime of freedom. Meyer embraced a traditional interpretation of the Constitution understanding the Framers' intent and the importance of the separation of powers.

Libertarians hold freedom as the only absolute. Among creatures, only human beings can choose, and no ideology, government or institution should deny this right. "Truth withers when freedom dies, however righteous the authority that kills it," according to Meyer. In the 1960's libertarians constituted an increasingly vocal and sizable portion of the American conservative movement. While Meyer considered himself a "libertarian-conservative," he was wary of the extremes

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