An Argument against Marriage[1]

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There is an obvious, perhaps even trite, argument against getting married that deserves our attention. Reduced to a crude sketch, the argument is simply that, (a) most of us view the prospect of being married in the absence of mutual love with something like horror or at least great antipathy; (b) the mutual love between us and our spouse existing at the inception of our marriage may very well fail to persist; and hence (c) when we marry we are putting ourselves in the position of quite possibly ending up in a loveless marriage of the sort we acknowledge to be undesirable, and this is a mistake.

Few people married or contemplating marriage take this, the *Bachelor's Argument*, very seriously. That may be because, like Hume, we prudently tend to leave our philosophy behind when we emerge from our study to confront the severe facts of everyday life. We may have little patience with a philosophical attack on an institution as deeply ingrained in most people's day-to-day lives as marriage. However, I propose to take a closer look at the Bachelor's Argument to see whether it can be taken seriously from a purely theoretical point of view. I will not discuss the further question of whether, if that should turn out to be so, it would be wise to apply our philosophy to everyday life in this case.

Let us first try to bring the Argument itself into a somewhat tighter focus and to clear away certain lesser objections. The first premise states that we don't wish to find ourselves in a loveless marriage; the feelings involved in love are the *basis* for any desirable marriage. Perhaps we should make the obvious explicit and note that neither this claim nor the argument as a whole will apply to marriages undertaken as a form of economic exchange, as a means of diplomacy, and so on. In these cases the feelings the two persons have for one another are beside the point. But I take it that for most of us (in the contemporary West) this is not so; though there may be many reasons marriage is desirable unrelated to our feelings for the other person—e.g. those connected with our wanting to raise a family—the feelings are a *sine qua non*.

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It is important to recognize that our resistance to marriage without love is not merely directed toward *entering into* marriage without love. To be sure, we resist such inauspicious beginnings, but only because entering into marriage without love entails *being* married without love, and it is this which we primarily wish to avoid. This can be brought out by thinking about a case in which a reliable clairvoyant informs us that marriage to so-and-so, whom we love very much at the moment, would turn into a loveless marriage within a few years. No doubt such information would cause us to rethink our options.[2]

This point is important because the second premise, that our mutual love may well fail to persist, will only seem significant if we bear in mind that our resistance to loveless marriage takes this more general form—we wish to avoid finding ourselves married to someone whom we don't have feelings for, whenever that may occur. But this premise is in turn subject to its own objections. For instance, it may be thought either that it lacks supporting evidence we could take seriously, or else that it depends on a jejune understanding of love. To the latter point it should be said that love here need only be understood to involve some rather mundane emotions and other mental states—feeling affection for the other person, wanting to spend time with him or her, feeling unhappy during prolonged absences, and so on. Nothing depends on focusing on the more exciting but notoriously evanescent manifestations of love—the knot in the stomach, the pounding heart. This becomes clear if we turn to the evidence for this second premise. Contrary to what some writers have assumed, the best evidence derives neither from the sheer length of time the marriage commitment is supposed to cover, nor from the fact that part of the object of the marriage promise (e.g. love) might be considered beyond our conscious control. It is also unwise to rely wholly on the massive anecdotal evidence we all possess which is relevant here—our personal familiarity with a large number of cases in which married people fall out of love. The most important fact to consider is rather that in countries where getting a divorce is not difficult and doesn't carry much social stigma, a great many people choose to get a divorce. In no-fault-divorce societies (where a divorce can be obtained without proof of abuse or adultery) the rate is typically over 40%, and frequently over 50%.

[2] We can imagine scenarios in which this isn't true. If our clairvoyant informed us that after sixty years of happy marriage our love would gradually diminish and insensibly transform itself into something more like respect or loyalty, no doubt this would not seem so bad to us. I am of course envisioning a somewhat more dramatic case.

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Presuming that people who choose to get a divorce have found that the feelings they originally had for each other dissipated, it seems safe to assume these divorce rates indicate that love rather often does not survive the passage of time. It's important to emphasize, however, that these kinds of sociological statistics are treacherous, and that I only mean to appeal to them in a general, impressionistic way, as an indicator that in some sizeable number of marriages the feelings that motivated the marriage to begin with do not persist.[3] But this is all that the Argument requires. What matters for the purposes of the Argument is only that an appreciable number of marriages eventuate in a loveless relationship. For from this we can infer that unless we have special grounds for believing that we are somehow relevantly unlike most people, we ourselves may very well suffer the same fate if we marry. If we marry, we cannot be what one might describe as *reasonably sure* that we will not find ourselves morally committed to a permanent relationship with someone we do not love.

The Bachelor's Argument concludes that marriage involves creating a state of affairs in which one may well find oneself married to someone in the absence of mutual love, and that since this is foreseeable and highly undesirable, marriage is, for most of us, a mistake. It might be objected that the Argument requires us to envision ourselves giving up a commitment which we may not even be able to imagine ourselves ever giving up. We are asked to acknowledge that we might change in ways we may not want to believe we could change, merely because this happens with great frequency to others who we probably have no reason to believe are relevantly unlike us. On the other hand, this objection may seem hard to reconcile with a sober appreciation of the facts as described above. Susan Mendus comments on this difficulty:

> I promise to love and to honour and in so doing I cannot now envisage anything happening such as would make me give up that commitment. But, it might be asked, how can I be clairvoyant?

[3] Treacherous because divorce rates can indicate many things besides the presence or absence of love between spouses. In some countries people may stay married because of conservative social mores or oppressive divorce legislation. On the other hand, high divorce rates may be encouraged by permissive legislation and liberal social mores, even when couples might rediscover their feelings for one another if there were a waiting period for divorce, or one simply couldn't divorce easily. Still, I presume that these other factors roughly cancel each other out and that people would not, by and large, seek divorce if it weren't the case that at least one person had ceased to love the other.

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> How can I recognize that there is such a thing as divorce and at the same time declare that nothing will result in my giving up my commitment? The explanation lies in the denial that my…commitment (here) has the status of a prediction. My commitment to another should not be construed as a prediction that I will never desert that other.

Rather, Mendus continues,

> If I claim that A is unconditionally committed to B, it is a claim that there is in A a present intention to do something permanently, where that is distinct from A's having a permanent intention.[4]

It is true that intentions are not subject to falsification in the way that predictions are. But intentions can go unfulfilled, and just as we might worry about predictions in cases where we seem to have grounds to wonder whether they might not turn out false, so we might worry about intentions which we have reason to suppose might go unfulfilled. This may be so even in cases where the intentions are absolutely firm. How could *you* know that your intentions were likely to go unfulfilled if you held them with absolute firmness? Well, by looking around at others who were relevantly similar to you. When I was a child, I firmly intended never to kiss a member of the opposite sex, and at the time I found it incredible that I should ever give up that intention. Still, had I thought much about it, the evidence of others around me—the fact that most of the adults I knew had grown up to become unabashed kissers—should have alerted me to the likelihood of my failing to fulfil my intention. Similarly, however firmly we may feel committed to our spouse, it should not be beyond us to imagine that we or our spouse might change in ways that would lead us to wish to give up our commitment. To do so we need only carefully examine how others, who felt just as we do now, have changed over time.[5]

We might further quibble with the Argument's conclusion by pointing out that it depends on a particular, perhaps outmoded, conception of what marriage is. For unless we assume that marriage

[4] 'Marital Faithfulness', *Philosophy* 59 (1984), 247.

[5] Another problem arises if we construe the marriage commitment as, among other things, a commitment to *love*, as Mendus does. You can't intend to do things you have little or no control over (e.g. to have certain feelings toward particular objects), and it's doubtful that you have a great deal of control over your loving someone. John Wilson discusses related issues in his 'Can One Promise To Love Another?', *Philosophy* 64 (1989), 557–63.

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involves a *permanent* commitment, we cannot infer from the strong possibility that our feelings for the other person will prove impermanent that this will leave us in the position of being married to someone we don't love. There are such things as 'trial marriages,' after all, which are not permanent. To meet this point, let us simply stipulate that the Argument is meant only to apply to those marriages in which the parties do in fact pledge to a permanent relationship, as most contemporary Western marriages do.

We are now in a position to explore more serious and complicated objections to the Bachelor's Argument. A marriage-apologist might resist the Argument by suggesting that it may make sense to enter into a permanent commitment even in light of the fact that part of the basis for the commitment—the mutual love—may well dissolve in the future. Why shouldn't we take our chances, it may be asked. We might reason that if our feelings for the other person *were* to persist (and sometimes they do), then we would have lost nothing in making our commitment, and should we turn out to be wrong, that might not matter greatly. What, after all, would be lost? We would have benefited for several years—even decades perhaps—and could simply initiate divorce-proceedings or otherwise break off the relationship once the feelings had evaporated. True, we would face the same untenable position whether the other person ceased to love us at the same time we ceased loving them or we ceased loving them but they still loved us, but this might not matter either. Even if they wished to maintain the relationship, we could still leave them if this seemed more desirable from our own point of view.

What the apologist says here is true, but the same goes for any promise we make: we can always reason that we may as well make a promise that will get us some benefit and then simply not hold to our commitment if that would be more profitable for us. The suggestion here is no different, on the face of it, from a proposal that I may as well promise the bank to pay back a loan since if this should prove inconvenient I can simply default. In both cases what seems particularly objectionable is the thought that it may be all right to put oneself under an otherwise questionable obligation (from the prudential point of view) simply because when all else fails one can always just ignore one's obligation. I take it this response will be of little interest to morally serious people. However, it might be said that one can *permissibly* break one's marriage commitment when one ceases to love one's spouse. If this were so, then the objection could perhaps be reinstated. The marriage-apologist could argue that there's nothing to lose in making the marital commitment since if

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the feelings which lend sense to the relationship subside, it is always possible *and permissible* to break things off. For this reason it will prove worthwhile investigating in some detail whether it is permissible to fail to uphold one's marriage commitment if one ceases to love the other person.

To start with, we all recognize that there *are* conditions under which it is permissible not to fulfil a promise, but usually we focus on only two kinds of cases. The one is where the *pro tanto* reason we have to fulfil our promise is outweighed by even stronger reasons. Thus if I promise to meet you for dinner at six, and my wife goes into labour at five, most people would feel it would be permissible to break my promise, even if I were unable to obtain your consent. The other kind of case usually cited is that in which the promisee simply no longer desires that the promise be fulfilled. If I promise to wash your car tomorrow, my obligation to keep my promise can be cancelled by your simply letting me off the hook. We wouldn't understand someone who insisted on washing the promisee's car ('But I *promised*!') even after the promisee had stated she no longer wanted her car washed.[6]

Now consider another set of cases, less noted, which also seem to involve its being permissible to break our promises. Suppose I promise to meet my students in class on Thursday. The University then cancels the whole course in order to divert funds to the business school. I am not, in that case, still obligated to meet my students on Thursday, even if they very much desire this, and despite the absence of any overriding reasons for doing something other than turning up in class on Thursday. Take another example. If my sister were to all appearances have died in a plane-crash, I might promise her surviving son to raise him. If it later turned out that my sister had in fact survived, I would not be under any obligation to raise my nephew, even if he desired this very much, and despite the lack of any new countervailing reasons. Like any reaction to an imaginary case, these reactions might of course be challenged. However, many people seem to share them, and I will

[6] It's worth noting that only the second kind of case involves the dissolution of the moral force of the promise. When there are stronger reasons to break our promise than to keep it, we do still have reason to keep our promise—it's just that the reason isn't strong enough to prevail, as it were. But when the promisee signals that he no longer wishes me to uphold my promise, the promise ceases to carry any weight at all. Cp. W. D. Ross on *prima facie* duties, *The Right and the Good* (Indianapolis: Hackett, 1988), 19–20.

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presume that the reactions I have mentioned are at least worth taking seriously.

What distinguishes these latter cases and what should we make of them? This question is difficult; in fact, I'm not at all sure how to answer it. It's tempting to say that the relevant feature of these cases is that the basic assumptions underlying the promisor's promising have turned out to be mistaken, but this would be difficult to reconcile with various other kinds of cases. If I promise to give you some money next week in exchange for your lending me your car today, and if, further, I turn out not to require your car today after all, I can't permissibly fail to pay you next week merely because the basic assumption behind my promise—that I'd need your car—has turned out to be false. It would make no sense for me to promise you money in exchange for use of your car unless I really did have some use for it, but I'm not excused from paying you if my assumption ends up being wrong. It may be that further tinkering would enable us to explain more clearly which non-moral features of certain promises create the moral intuition that the promise may permissibly be broken; however, I won't pursue such tinkering here. Instead, I will simply take for granted that there are such cases and that we recognize them by their moral stripes when we see them. That is, sometimes we simply recognize that a promise may be permissibly broken, and sometimes this appears to be largely because some fundamental assumption made at the time of the promise has turned out to be false, though it may be unclear which further conditions allow that fact to make breaking the promise permissible.

It will be clear where all this is leading. Marriage, it might be argued, is similar to these latter cases. Of course, some marriage dissolutions are like the first two kinds of cases of permissible promise-breaking. If both persons lose their feelings for one another, then the marriage promise is cancelled in virtue of the promisee no longer wishing the promise to be carried out. Or, in the case of abuse, there is an overriding reason not to keep the promise. But perhaps some marriages fall into the third category of permissible promise-breaking, in which some fundamental assumption underlying the commitment proves false. We might say the *commitment* made in marriage is to the permanence of the relationship. But the basic *assumption* behind the commitment is that the two persons love and will continue to love each other. When that assumption proves false, the claim would go, if other things are equal it is permissible to break the marriage-vow and break off the relationship which figures in it. Since the assumption involved is that *each*

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person loves the other, the assumption can prove false even if only one person ceases to love and the other does not.[7]

It may seem hard to believe that someone could make a promise and then be allowed to break it whatever the desires of the promisee, simply because his feelings have changed. This contention can be put in a more plausible light, I believe, by considering in more detail the situation of two married people, one of whom has ceased to love the other. Suppose my wife has ceased to love me. I take this to mean, among other things, that she no longer enjoys spending time with me and doesn't feel much affection for me. (Assume that these feelings are stable and long-term.) Imagine, further, that I attempt to keep her to her promise to maintain a permanent relationship with me. I could say to her:

> It's true that you have ceased to have feelings for me, perhaps even that you actively dislike spending time with me. Nonetheless, I find it necessary to remind you that you *promised* to stay with me ('to love, honour, cherish and protect'). If you were to break off our relationship, that would amount to breaking the promise you made, many years ago. It may be that you don't care about doing wrong here, but if you do, if you are morally serious, then you must see that you have an obligation to maintain your relationship with me.

Of course, I may be uninclined to make such a response. I might feel that even if such a response were warranted it would be futile or childish—what would be the point in forcing my wife to maintain a relationship with me against her will? But this isn't the thing I wish to consider. I wish to consider whether such a response *could* be made and taken seriously. And this response may well seem wrongheaded. My wife could reply to me:

> It's true that I did promise many years ago to maintain our relationship. But the basis of that promise was mutual love. When I made that promise, I assumed that we would always love each other. That has turned out not to be the case. Accordingly, since the basis of the promise has been dissolved, it is no longer binding. Compare the case of the students whom I promise to teach next week. When the class is cancelled, I am no longer under any obligation to teach them, despite my promise, and however great

[7] The preceding argument in favour of permissible promise-breaking in the case of marriage does not take into account various special circumstances which might affect the moral situation, e.g. the existence of children or the health of the spouse.

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> their desire that I show up and teach all the same. Our case is like that.

Why think that the second statement should be taken more seriously than the first? For this there is, to say the least, no knockdown argument. But few people seem moved by the first response, and perhaps this is telling. Few people seem inclined to take seriously the claim that a married person can, on the basis of the initial marital-vow, morally *force* their spouse to maintain a relationship with them against their will if they wish to do so. (Would they have to live together? Go on holidays together? Have long conversations?) The best explanation of that reaction may be that it really is permissible, other things being equal, to break one's marriage vow once one or the other person's feelings have changed. If this rings true to us, we can respond to the unease about the promisor's being permitted not to live up to his word when all that's changed are his feelings by pointing out that this is one of those rare cases where one of the assumptions behind the promise itself involves the promisor's feelings. Since this situation is quite rare, it is only natural that we are uneasy about the case.[8]

However, we may not be so sympathetic to the second indented response. We may feel the second statement is unconvincing or that it's simply unclear which statement is right. I don't wish to press for either side any further, and there is no need to if we bear in mind why this topic was introduced. I had said that someone might object to the Bachelor's Argument that there's nothing the matter with making a commitment we may well not end up wishing to keep, because we can *permissibly* break the commitment when the time comes. And I have just sketched some support for the contention that it indeed would be permissible to break our commitment to the relationship should we cease to love our spouse or vice versa. If the view I have been developing is mistaken and it is wrong to break the marriage commitment just because one party has ceased to love the other, that does not affect the argument against marriage we are examining; it just means the objection to that argument fails.

Supposing, however, that there *is* something to the claim that one may permissibly break one's marriage commitment, we can now see why this creates several additional problems for the marriage-apol-

[8] Of course, even if it is permissible to break off a relationship when certain assumptions have turned out false, presumably one is nonetheless obligated to weigh carefully the great damage one might do to the promisee. Breaking off a relationship *casually* may indicate a lack of proper respect for the other person.

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ogist. For one thing, it would seem bizarre to make a promise based on some deep assumption which you aren't reasonably sure will prove true. It would be very strange indeed to promise your students to see them on Thursday if you had grounds to believe the class was possibly about to be cancelled by the University, or to promise to raise your nephew if you suspected your sister were about to be discovered alive. And it's not hard to see why these kinds of promises seem so strange to us. In the first place, it may be *wrong* to make such promises: in promising you raise the promisee's expectations in a way that you have reason to believe you might well end up disappointing, and this seems objectionable.[9] More basically, it's just part of the institution of non-defective promising that likely contingencies which would dissolve the force of the promise are mentioned, usually by employing an explicitly hypothetical promise. What would be natural in the doubtful circumstances described above is to promise my students that *if* class turns out not to be cancelled I will see them Thursday. Since this is a general feature of our promising practices, not to incorporate such hypotheticals in relevant situations is misleading. Finally, and most importantly, if the marriage-commitment can be broken at will in the only circumstances that its force might be needed, as it were, then we will begin to wonder what the *point* of making such a commitment could be. After all, as long as two married people do still love each other, they are unlikely to seek the dissolution of the relationship (why would they if they still felt as they did when they married?). And now it appears that as soon as they might wish to break off the relationship—when, in other words, one or the other person no longer loves the other—they may do so regardless of their commitment. So what purpose could the commitment possibly serve?

Perhaps there is an answer to this question. Marriage will indeed seems strange, it might be said, if we focus only on the extremes of profound love and the utter absence of feelings for the other person; but the value of the commitment might involve the messier area between these two extremes. Someone who is perhaps temporarily unclear in his or her feelings or as yet is feeling only twinges of uncertainty about the relationship might be motivated by the sheer fact of having made the commitment to renew his or her efforts to maintain the relationship. Since this may have great and foreseeable value, we might then say that the marital commitment is of great

[9] Though this is not to say, as some do, that the moral force of a promise consists solely in the raising of certain legitimate expectations and the wrongness of disappointing them.

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significance despite its lack of binding power at the extreme point where one person has finally and conclusively ceased to love the other. In effect, on this view marriage does not so much *proceed* from the *certainty* of the permanence of the relation as it *contributes* to the *hope* thereof.

There is some force in this reply. Certainly we should not ignore the complications of any real marriage relationship, which is likely to include, at some point or another, a wide range of murky feelings between love and loathing. It is unclear, however, why the fact of having made a commitment would move someone attempting to decide what to do even in such a murky situation. Suppose Calpurnia is considering putting an end to her relationship with her husband Eustace, though Eustace is in love with her. On the hypothesis we've adopted for now, her commitment would have no force if she no longer loved Eustace. And I've already pointed out that if both persons in a marriage still loved each other, it's unlikely their commitment would be relevant to a decision of whether or not to break off the relationship, for there would be no need for such a decision. So if it turned out Calpurnia really did still love Eustace, then the commitment would again have no role to play. But if both Calpurnia's loving and her not loving Eustace make her commitment seem of little real importance, how can her doing both or neither (as it may seem to be the case if she is confused about the relationship) suddenly promote the commitment to genuine significance? Normally, of course, part of the importance of having made a commitment by promising is that as we contemplate doing something inconsistent with it we can think to ourselves, 'But I *promised* not to do that,' and in our better moments that thought will affect our deliberations, since we will have realized that only one action is compatible with values that matter to us. In this case, however, we have been assuming that thought, in itself, carries no weight, since the moral force of the promise may have been dissolved, depending on the feelings of the deliberator. I conjecture that those who are persuaded that the commitment might be of great significance in holding together relationships on the brink may be improperly influenced by the possibility of saying 'But I *promised*.' Another distorting factor, I suggest, is that in circumstances where we are uncertain or of two minds about a relationship it is just common sense to hesitate, rethink, reconsider and generally avoid precipitate action, since relationships, like egg-shells, are more easily broken than put together again. We may thus be tempted to clutch at any rationale whatever which might support this hesitancy. But this is unnecessary: we need not appeal to our commitment to underwrite

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such hesitation and reluctance; we can simply remind ourselves of Humpty Dumpty.

It may help to offer a brief summary of the ground we've covered. If you marry, then either you will intend to keep your promise to maintain the relationship or you will not. If you do marry with such an intention, you are opening up the possibility of finding yourself in the strange position of having a permanent relationship with someone you don't love, and, for reasons discussed above, this will seem unacceptable to most of us who would marry for love. For in that case, we will be unwilling for it to be reasonably likely that we end up married to someone we don't love, which is precisely what the considerations discussed above indicate may well turn out to happen at some point in the future of any marriage. So marriage entered into with the intention to keep the relevant promises would be imprudent. On the other hand, you might go into marriage without any such intention to honour your commitment; you may simply think to yourself that if things work out, fine, and if not, you can always break your promise as a last resort. But if breaking your marriage vows is wrong—if the moral force of that promise cannot be dissolved by a change in feelings on the part of the promisor—then making a marriage vow without any intention of keeping it is itself wrong for the same reason any insincere[10] promise is wrong. On the other hand, if it *is* permissible unilaterally to break off a marriage relationship, and it is this which allows you to make the marriage commitment sincerely and without imprudence, then such a commitment just seems pointless, for there won't be any significant difference between committing and not committing yourself.

There are many other ways to resist the Bachelor's Argument, and I can't explore them all. What our investigation seems to reveal—and this is the modest conclusion I propose—is that the Argument isn't as trite as it may seem, and in fact may present us with grounds to reconsider marrying. However, I'd like to end with one last objection. Since the Argument revolves around risk, it might be suggested that it depends on a certain level of risk-aversion some people may lack. Sure, marriage involves the risk of finding oneself committed to someone one does not love, and perhaps there is no ethically and prudentially satisfactory solution in such a predicament, but then there's a strong 'up-side'—the joys of raising a family and enjoying the comfort and security of a permanent commitment—and for some people this may just be a risk worth taking.

[10] Perhaps 'insincere' is the wrong word. We could call promises in which the promisor only intends to keep his or her promise if this proves convenient 'quasi-sincere.'

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In a way I want to concede this point, for the Argument undeniably *does* depend on a certain level of risk-aversion and I have no argument to show that the level of risk involved in marriage is somehow rationally unacceptable. But I also want to try and put things in perspective by removing the element of time involved in the cases where the marriage eventually goes bad. This is important because we are 'biased toward the near':[11] we tend to discount the value of future goods and bads, and discount them more the further off they are, and it's unclear that this is rational. So imagine the situation is this: the gods have decided to amuse themselves by inviting you to participate in a divine game-show. You have the choice of either playing a game which involves opening one of two doors or else opting out of the game and opening neither. If you do choose to open a door, then if your choice is lucky you will be married to the person whom you find behind the door, and the gods have arranged that that person will be someone you love very much and whom you would be happy with the rest of your life. If you choose the wrong door, you will also be married and asked to make a permanent commitment to the person behind the door, but he or she will be someone you do not have any feelings for.[12] This, of course, will deprive you of the opportunity of having a relationship with someone you do love, should you choose to honour your commitment. The question is, Would we choose to play this game?

I am not claiming that this is, in all respects, a good analogy to marriage. For one thing, removing the element of time changes what the pay-off is in the case of an unlucky choice, since often marriages that end up loveless involve years of happiness. However, perhaps the divine game-show can nonetheless help us focus more clearly on what it would mean to enter into an ultimately loveless marriage than our bias toward the near would otherwise permit. If we would be reluctant to play, that may in part reflect our unbiased attitudes toward the risk involved in marriage.

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[11] See Derek Parfit's *Reasons and Persons* (Oxford: Oxford University Press, 1984), § 62.

[12] We can adjust the game by adding 'good' or 'bad' doors till the ratio matches whatever we think the chances of a marriage turning sour are.

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