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Friendship and Marriage

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BIO

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ABSTRACT

This chapter asks whether marriage is of distinctive value as compared to (other forms of) friendship. It begins by reviewing the case against marriage, and at the proposal that society would do better if it abolished marriage and rather promoted wider forms of friendship. In response to problems that can be raised about marriage, the chapter argues that marriage should be reformed rather than abolished. The key argument presented for this conclusion, which is termed the Equality Argument, claims that marriage can have distinctive value insofar as it represents a form – perhaps the most basic form – of "living together as equals."

1. The Problem of Marriage – and Its Solution in Friendship?

"It is a fact universally acknowledged, that a single man in possession of a good fortune, must be in want of a wife." The famous assertion that opens Jane Austen's *Pride and Prejudice* is ironic. The novel very quickly provides evidence against the claim made apparently so confidently in its opening sentence, through the counterexample of its reluctant hero, Mr. Darcy, who has a fortune (tick!), but who seems for most of the novel not to have any desire for a wife. Austen's irony would have been resonant to her readers. The novel

makes it clear how dependent women of that class were on the whims and decisions of men, and – paradoxically – how dependent they were on the institution of marriage as a way of gaining any kind of independence. Such women, she implies, are in a position in which they must *believe* that any single man can in principle be convinced to marry, however much this belief seems to be contradicted by recalcitrant evidence of male behavior. Rather than a fact universally acknowledged, the opening assertion of the novel is, on this reading, an article of faith underpinning a practical attitude that women adopt out of necessity. Coupled with its focus on the strong, independent character of Elizabeth Bennet, the novel raises a question in the mind of readers: why *should* the fate of women be so dependent on the arbitrary decisions of men? And why *should* it be that it is only through the institution of marriage, in which a woman binds herself to a man (who may, of course, not turn out to have all the charm, intelligence and kindness Elizabeth eventually discovers in Mr. Darcy), that a woman should be able to escape social marginalization?

The questions so pointedly raised by Austen provide a perspective on the tangled relationship between friendship and marriage. If the problem facing women in Austen's time was their dependence on one-shot, all-or-nothing success in the marriage market, the price of which may be binding oneself for life to a man of questionable personal qualities, what is the solution? Might the solution not lie in reasserting the importance of wider forms of *friendship* that have been marginalized as a result of the all-consuming focus on marriage as the main vehicle of personal happiness and success?[1] If, as Aristotle thought, friendship is a fundamental good, something that, as finite, dependent and sociable creatures, we would not be without, a good society would provide its members the opportunity to form and sustain friendships of various sorts and with various people. If women (and men) concentrated more on sustaining these wider networks of friendship – friendships among women, for instance, or

across genders but without the pressures of marriage – would they not be less vulnerable to the dynamics that Austen and other writers have dissected?

The concerns raised by Austen are still resonant. The general problem with marriage, it might be said, is that it requires people to tie their fate to a single individual. That can create a gulf in power between men and women in a society where men have overwhelming control over economic resources and opportunities. But it is also an arrangement in which key support relationships of *all* agents are inherently precarious because they depend on a particular relationship in which one's life has been invested. Better to face life, it might be said, with a wide range of friendships (or, as sociologists have called it, social capital) than to concentrate one's resources on a relationship with a single person.[2]

This chapter will address the relationship between friendship and marriage by asking whether marriage is of distinctive value as compared to (other forms of) friendship. In response to the problems just raised, three options present themselves. One could argue for the status quo, understood as prioritization of marriage at the expense of friendship; one could argue for the abolition of marriage; or one could argue for retaining marriage as an important goal while at the same time seeking to maintain and strengthen the social capital of strong friendship groups. While sympathetic to the second approach, I will canvass an argument for the third position. This argument, which I will term the Equality Argument, claims that marriage can have distinctive value insofar as it represents a form – perhaps the most basic form – of "living together as equals" (Anderson 2003).[3]

2. Friendship and Marriage

To conduct an evaluation of marriage as it compares to friendship, we need some understanding of what marriage is. I will be leaving out things like marriages of convenience that are treated instrumentally and concentrating on the type of relationship that many people value intrinsically. What we want to know is: are there good reasons for valuing marriage intrinsically? For the purposes of this inquiry, I will take it that marriage is a form of personal relationship that it is characterized by:

a) an aspiration to longevity;

b) a dyadic, two-person form;

c) exclusivity to the two parties involved;

d) the sharing of (at least some of) the fundamentals of life;

e) a legal status involving a distinctive bundle of legal rights.

We might distinguish marriage as a form of personal relationship, and marriage as a privileged legal status given exclusively to that form of relationship. For instance, it would be quite possible to form a marital relationship with properties a)-d) without it being legally recognized as marriage. As we will see, this distinction is important to the case for or against marriage. For instance, in her defense of the "marriage-free" state, Clare Chambers is happy to accept that people should remain free to form marital relationships.[4] Her objections are rather to the state giving priority to marital relationships by giving them the legal status of marriage. We will begin by looking at marital relationships in more detail and how they relate to friendship.

Friendship and marital relationships have certain features in common.[5] First of all, they are ideally built on reciprocal attraction, affection, and mutual care and attention. Friends and

marital partners ideally take pleasure in one another, and it is (ideally) as an expression of that pleasure that they are motivated to spend time with one another and look after one another in a range of ways, depending on the character of the relationship. Secondly, they are relationships that typically involve the parties sharing certain activities, whether those are just hanging out together, or sharing meals, or sharing a drink, or whether they involve shared projects or specific formal activities such as sports or hobbies or intellectual pursuits. Thirdly, there are responsibilities that go along with being party to either form of relationship. These responsibilities typically have to do with some level of engagement in the forms of caregiving and/or activity-sharing that characterize the relationship. It might strike readers as odd to think that friends or marriage partners have duties or obligations to one another. But the point about responsibilities might also be expressed by the idea of the "good friend" or the "good spouse." For instance, it is quite common for people to say things like, "if I had been a better friend to you, I would have done XYZ …" where they mean to draw attention to a standard of behavior that could have been reasonably expected of them, given their position in the relationship. Fourthly, the responsibilities that friends or marital partners have to one another are assumed more or less voluntarily, and, even if there is a non-negotiable core, admit a wide range of variation. Fifthly, these responsibilities are not simply standards of virtue, but are responsibilities reciprocally directed between one party and another. In other words, it is not simply that someone in a friendship relationship should be a good friend, or has strong reason to be a good friend; rather they (X) owe it *to their friend* (Y) to be a good friend to them, where this means that X has something like a right against Y that X be a good friend to Y, and a special standing to complain and ask for appropriate treatment if they don't receive it.[6] Furthermore, this structure of directed responsibility is reciprocal in that X owes it to Y to be a good friend to Y while at the same time (and perhaps because) Y owes it to X to be a good friend to X. Sixthly, both friendship and marital relationships are often taken to be

choice-worthy elements in a human life, and the shared features listed above would figure at least partially in the explanation of why this is so.

However, there are also significant differences between friendship and marriage, which are captured in a)-e) above. Of course, marriage is a legal status, whereas friendship is not. But even a non-legally recognized marital relationship would typically be more formal than a friendship, in the sense of involving an explicit commitment to a (semi-)permanent arrangement. For instance, marital relationships typically have a datable starting point at which this commitment is undertaken and the relationship – as a marital relationship – begins. Furthermore, while there is such a thing as a "friendship group" that may comprise numerous individuals, marriage is often thought of as an arrangement restricted to two people. Although it is the case, of course, that marital arrangements such as polygamy, polyandry and polyamory also exist, and are or have been standard in some societies, in this chapter we will be interested in two-person marriage.[7] Relatedly, while one can simultaneously be in relations of friendship with a number of people – and these relations can be of similar levels of closeness and importance – a marital relationship is generally taken to be a relationship that one only has with one other person and involves some idea of exclusivity. And while friendships may legitimately be more or less intimate, it is part of the idea of a marital relationship that it inherently involves at least some forms of intimacy, in the sense that some such intimacies go along with the idea of the "good marriage" or the "good spouse." These forms of intimacy often include such things as sharing a house, or a bed, or sharing sex, or sharing discussions of intimate matters, or raising children together. What matters from our perspective is not so much any particular activity (one can easily imagine a marriage that didn't involve sharing one or other of the things listed above) but rather the idea that marriage involves *some* sharing of what we might call the fundamentals of life.

Indeed, by contrast to (other forms of) friendship, marriage might be characterized in part at least by a commitment to "share a life," where this involves both the thought, noted above, that the relationship will aim to last (possibly until the death of one of the parties), but also that the relationship will involve its participants sharing (at least some of) the basic activities of their lives and carrying them out together.

The characterization of marriage just given might be criticized for being based simply on those forms of relationship that are common practice in Western societies. Furthermore, the question might be raised whether marriage is different in kind from friendship or rather simply a form of friendship: say one in which certain features of friendship, such as intimacy and responsibility, are particularly heightened. However, our interest in marriage in this chapter is normative rather than descriptive or taxonomical. What we want to know is whether, given that various forms of friendship are socially available to us, we would *also* want to be able to enter into marriage. The characterization of marriage given in features a)-e) is simply meant to help us focus our normative assessment.

3. The Case Against Marriage

The next stage in our inquiry involves looking in more detail at the case against marriage. As we will see, some abolitionist arguments reject marriage as a particular form of personal relationship, whereas some reject marriage as a political or legal institution. Having drawn up some challenges that any vindication of marriage would need to overcome, we will then be in a position to look at such a vindication and assess its prospects for success.

a. Women's dependence on marriage for flourishing

This first form of skepticism about marriage recapitulates the concern that, I argued, most directly underpins Jane Austen's critique of marriage in *Pride and Prejudice*. The life-prospects of women should not be dependent on the arbitrary choice of men. But in a situation in which the entitlements, opportunities, liberties, and status necessary for an adequate standard of life are available to women only through marriage such dependence obtains. This form of skepticism about marriage protests against the role that marriage must take in a woman's life when only men have recognized social entitlements e.g. to work outside of the home, to hold money independently, to free movement and travel, and when women can have share in such entitlements only through the unit of their birth family, or the unit of marriage.

This form of skepticism about marriage is less compelling the more that there are independent routes to an adequate standard of life available to women. However, it would be complacent to think that marriage now matters equally to men and to women. As Clare Chambers argues, marriage remains "more central to women's life chances than it is to men's": "The persistence of the gender pay gap and discrimination against women in the workplace, both of which worsen considerably when women become mothers, mean that women are much more dependent than men are on marriage and the financial support of a spouse" (Chambers 2017: 26). Furthermore, marriage remains more deeply rooted for women than it does for men as a source of self-respect: "The persistence of cultural pressures on women to get married means that women are much more likely to feel that they have to get married in order to be valuable" (Chambers 2017: 26).

b. The cultural dominance of marriage as a life-goal

On traditional conceptions, only a man and a woman can form a marriage. This assumption has been widely criticized as discriminatory against same-sex couples, and as helping to establish the cultural dominance of "heteronormativity," which Elizabeth Brake describes as "the assumption of heterosexuality and gender difference as prescriptive norms" (Brake 2011: 89).

In response to this criticism, the defender of marriage might point out that the characterization of marriage given above specifies nothing about the sex or gender of the parties involved.[8] If marriage involves inherent goods, those goods can and should be open to same-sex couples. Indeed same-sex marriage (or civil partnership) is now available in many jurisdictions. Furthermore, it is likely that the advent of same-sex marriage will help to make the cultural meaning of marriage more inclusive.

Nevertheless, some thinkers believe that the fundamental problem of marriage lies rather in its privileging a dyadic and exclusive relationship as a life goal. Picking up on the concern we raised in the opening section about the way in which a focus on marriage devalues and undermines our ability to enjoy wider forms of friendship, Elizabeth Brake argues that: "Our culture focuses on dyadic amorous relationships at the cost of recognizing friendships, care networks, urban tribes and other intimate associations" (Brake 2011: 88). Brake and others have detailed the enormous range of ways in which our culture powerfully transmits assumptions about the desirability of marriage. Thus, Brake argues that marriage establishes and helps to promote an assumption of "amatonormativity," by which she understands a "disproportionate focus on marital and amorous love relationships as sites of value, and the assumption that romantic love is a universal goal" (Brake 2011: 88). Amatonormativity, in

Brake's view, "relegates friendship and solitudinousness [the desire to remain single] to cultural invisibility" (Brake 2011: 89).

c. The legal status given to marriage by the state

The concerns that we have looked at so far have resonance because marriage is a form of personal relationship that figures in many people's life-plans and that dominates the cultural landscape. But recent philosophical debates about marriage have also expressed a range of concerns about marriage that are specifically political, and have to do with the fact that marriage, as a relationship that is given a distinctive legal status, is recognized by the state in a way that no other form of relationship is.

For instance, the state's favoring of marriage as a life-goal might appear to violate the *neutrality* that liberals believe that the state should show to competing conceptions of the good. On this conception of liberalism, decisions about the nature of the good should be left to individuals, and the state's proper role is that of an arbitrator that ensures that forms of basic respect between individuals are recognized. But if this is the right way to think about the role of the state, it might seem highly problematic that the state favors those who make the formation of a certain form of relationship a part of their good, and gives them certain political rights that are denied to others. As Elizabeth Brake argues:

> "The monogamous central relationship ideal is only one contested ideal among many. Framing marriage law in a way that presupposes such a relationship favors one contested conception of the good and thereby fails to respect public reason and reasonable pluralism. In the absence of a public reason for defining marital relationships as different-sex, monogamous, exclusive, durable, romantic or

> passionate, and so on, the state must recognize and support all relationships – same-sex, polygamous, polyamorous, urban tribes – if it recognizes and supports any. As political values do not generally speak to these comprehensive choices, a public reason for amatonormative or heteronormative discrimination is unlikely to be forthcoming." (Brake 2011: 170)

Similarly, Chambers argues that the range of life-choices that are left out by the prioritizing of marriage include: non-monogamy (the belief that "it is better for a life to contain polyamorous relationships"); bohemianism ("it is better to pursue an unconventional lifestyle with few permanent ties"); feminism ("it is better to reject institutions that are or have been central to patriarchy"); pragmatism ("it is better for a life to contain relationships that are structured in such a way as to best enable the wellbeing of those in the relationship, and this will vary for different people"); and celibacy ("a life is better without sexual relationships") (Chambers 2017: 55). Her argument is not that these choices are better than choosing marriage as a way of life. Her point is simply that it is not for a liberal state that respects its citizens' competence and right to make these life choices for themselves to make this decision on behalf of citizens.

Having set out the case against marriage, we can now focus on whether it gives us decisive reason to reject marriage in favor of other forms of friendship. Returning to the options presented in section 1, the question is whether a) to continue to prioritize marriage over wider forms of friendship; b) to seek to abolish marriage; or c) to retain marriage but give greater importance to maintaining wider forms of friendship. I propose not to assess in detail the merits of each of the arguments presented above, but rather to take it as plausible that there are serious problems in the way that our society thinks about and "does" marriage. These

problems include the effects that our pursuit of marriage has on individual life-chances, and the state-sponsored devaluing of wider forms of friendship. With the option of retaining the status quo dismissed, the question is whether we should reconceive marriage and/or recalibrate its pursuit to incorporate a more proportionate recognition of the value of wider forms of friendship; or whether we should abolish it.

4. The Equality Argument for Marital Relationships

I will now introduce the Equality Argument for the claim that the marital relationship is a choice-worthy form of personal relationship with a distinctive value. We noted earlier that a distinction can be drawn between marriage as a form of relationship and marriage as a legal status. The strategy of the discussion will be to look first at what the distinctive value of marital relationships might be; and then to ask whether promoting this value is a legitimate interest of the state, giving it some public reason to afford marriage distinctive legal status. For clarity, and to keep these steps separate, I will from now on talk about the form of personal relationship captured by a)-d) as a "marital relationship" and the legal status given exclusively to this relationship as "marriage."

In section 2, we enumerated features a)-d) that seem non-accidentally to characterize marital relationships: aspiration to longevity; exclusivity; dyadicity; and sharing of some fundamentals of life. Why – or in virtue of what overall focus – does the marital relationship involve specifically those features? This question is related to the question of whether the marital relationship has some distinctive value. The Equality Argument claims that there is good reason to pursue the marital relationship as a life goal because it is a relationship of a

distinctive and important form of equality. It is a form – perhaps the most basic form – of "living together as equals."

Now this claim might provoke some skepticism among readers. It is an important part of the case against marriage (and marital relationships) that marriage is a relationship that is founded on – and that helps to sustain – gender oppression and inequality. However, accepting that this is true does not yet decisively answer the question of whether we should seek to abolish marriage. As with critiques of other social institutions, establishing deep problems is not sufficient to justify abolition, because we still need to show that we should not rather seek to reform the institution, preserving what is good in it and repurposing it in line with our best understanding of value. The Equality Argument should be read as a contribution to the debate over whether there is something worth preserving, some distinctive value in marital relationships that continues to make them choiceworthy. To be clear, however, the Equality Argument presents a normative rather than a purely descriptive conception of marriage: it seeks to represent how we ought to think of and practice marital relationships, rather than how we actually do.

What is the basis for claiming that it is specifically equality that, at least on a certain way of conceiving of them, marks out marital relationships as distinctively valuable? The Equality Argument begins with the claim that what is distinctive in a marital relationship is that its members take *ultimate responsibility* for one another. We have said that a marital relationship involves certain responsibilities that parties have towards one another; we have also said that it involves two people in a relationship that they do not have towards anyone else. If we put these ideas together it might therefore make sense to think of the marital relationship as involving responsibilities that the parties have towards each other but that they do not have

towards anyone else. This does not yet mark out what is distinctive about marital relationships: the members of a sports team might also have responsibilities to each other that they don't have to anyone else. However, what marks out marriage is plausibly the nature of these mutually directed responsibilities. If we put this idea of exclusive responsibility together with the idea that marriage involves a conscious aspiration to longevity, if not permanence, and to the sharing of a life, we get the idea that marriage involves two parties taking responsibility for one another's lives. Interpreting this phenomenon, the Equality Argument says that the distinctive thing about the marital relationships is that, no matter what the differences in how parties may conceive their responsibilities to one another, the fixed point is that two people take ultimate responsibility for one another's lives.[9]

Let us spell out this idea of ultimate responsibility in more detail. Firstly, ultimate responsibility is responsibility that pertains to the *detail* of the partner's life (Bennett 2003). This can involve practical matters such as household planning, or accompanying someone to hospital when they are ill, or bringing up children. It can also involve listening, paying attention, and in general witnessing and validating (sometimes critically) the responses of the other person, helping them carry on and supporting their sense of themselves as having a life that it is worth carrying on with. This can be particularly important for the maintenance of agency and self-respect in the face of criticism and challenge that might undermine them; and in the face of unhappy situations that simply cannot be made any better. While participation in many forms of relationship require one to turn up psychologically ready to play one's part in the team, intimate relationships are where we can share the detail of our feelings and vulnerabilities, get the resources from which we can draw when times are tough, and the care that we need to continue.

Secondly, ultimate responsibility pertains to the *whole* of one's partner's life. This is not to say that marital relationships involve the kind of *comprehensive* responsibility that parents have for very small children. The marital relationship is compatible with each partner retaining a strong degree of independence and autonomy. Each partner may have their own friends, projects, and interests that their marital partner need not share. Furthermore, such friends may be far better placed to help a person's projects succeed than their marital partner could. Indeed, as the case against marriage suggests, it may well be that individuals and their marital relationships are far more likely to flourish against a background of strong friendship ties and other solidaristic relationships. Nevertheless, while large areas of either partner's life may be mainly carried out with others, the marital relationship involves taking on responsibility for the whole of the partner's life in the sense that there is in principle no area to which responsibilities to pay attention to the detail of the partner's life do not extend. Where problems (and successes) arise in whatever areas of life, the marital partner's role is to offer support, to share celebrations and commiserations.

Thirdly, the responsibility is ultimate in the sense that, in the end the partner's role is to be where the buck stops: the place where, should there be no other sources of support, support can be found. Either partner may look to other friends for support with particular details of their life, or may seek to have a particular friendship in which the support to be found is global in the sense that it applies to all areas of one's life. But the significance of the marital partner is that they are designated as the person to whom their partner can turn if those other things fall through, and who is to provide relevant support when their partner needs it and cannot get it elsewhere. Thus the most fundamental element of ultimate responsibility is that in marriage one becomes the person to whom another person can turn and whom one cannot turn away: it is part of the role that you are that person's ultimate port of call, and that you

have ultimate responsibility for ensuring that they have the confidence, self-respect, emotional robustness and agency to carry on, for helping them to deal with those things that cannot be made any better, and for sharing the details of their life.

Marital relationships are distinctive because they involve the parties taking ultimate responsibility reciprocally, *for one another*. While parents may have ultimate responsibility for their children, the distinctive thing about the marital relationship is that X takes ultimate responsibility for the person, Y, who has ultimate responsibility for X.

The next step in the Equality Argument is to claim that relationships involving ultimate responsibility are highly valuable. This is so for instrumental and non-instrumental reasons. It is plausible that relationships of ultimate responsibility are valuable instrumentally because the conditions of human life and human nature inevitably mean that we require psychological and emotional support and reassurance. To keep going through the hardships of life, it is highly plausible that we need the strength, reassurance, self-knowledge and self-esteem that can come from another person or persons bringing detailed attention and care to our lives. However, relationships of ultimate responsibility can also have non-instrumental value. I will have more to say about this below, but two initial points can be noted. The kinds of skills and virtues that it takes to be a good marital partner arguably meet the conditions for being an inherently valuable human activity: giving another person the kind of detailed, sustained attention that ultimate responsibility involve requires a synthesis of intelligence, emotion and perception orientated towards addressing an in principle infinitely extendable range of situations, and involving an open-ended perfectibility. This makes being a good marital partner a complex form of excellence which people can work on and progress over a period of many years, and where it can be a justified source of pride and a sense of achievement to

be good in that role. Secondly, autonomous human beings are complex creatures, and it is a genuine achievement to have created and sustained that kind of relationship in which beings fit together well enough such that partners can express their love and gain a sense of fulfilment in providing detailed care and attention for the life of precisely *this* other person.

The Equality Argument claims that the idea of a relationship of ultimate responsibility is attractive, even highly attractive. However, for some readers alarm bells may have been set off by the description of the role of taking ultimate responsibility for another person's life. This might look, not so much like a high form of human excellence, but rather like a life of self-denial and even servitude. After all, it is a relationship in which one makes the success of the other person's life one's own success. However, the Equality Argument specifies that, as in other forms of friendship, marital relationships are reciprocal. The idea is that the parties to the relationship take ultimate responsibility for the person who is taking ultimate responsibility for them. As a result, the relationship ideally involves deep and detailed mutual care and attention between two beings who each have their own autonomous projects, rather than one-sided servitude or devotion.

We should now ask how many people can be party to a relationship of ultimate responsibility. According to the Equality Argument, the answer to this question is: only two. Some of the reasons for this have to do with the instrumental value of marital relationships. It is important that one gains sympathy, understanding, self-esteem and self-knowledge from one's friends. But should one have a marital partner in the sense outlined here, one knows that there is at least one person who is following the whole story of one's life and who is in principle able to understand the context of what is happening to you now because they know that whole story. Furthermore, in conjugal love, one gains sympathy and self-esteem from the

person for whom one has chosen to take on that same special responsibility: a person to whom one has given a special value in one's life, and whose attitudes to you one has special reason to value. This can make the support and positive regard of this person especially meaningful.

But there are also *structural* reasons for thinking that the ideal case is that in which two people take ultimate responsibility for one another. The first point to make is that taking ultimate responsibility is something that only one person can do. Where there are two or more people sharing the task, no one person is where the buck stops. Indeed, questions of fair division of responsibility start to arise. Should A, B or C deal with this problem facing D? Perhaps A dealt with the last big problem that arose for D, and, given the different kinds of competence each has, A is best placed to deal with this one again. Distributive questions like these will inevitably come up, raising questions about the fairness and effectiveness of particular responsibility allocations. By contrast, marital relationships involve one person being singled out as the one allocated ultimate responsibility, and hence as the one to whom the partner can turn (at least when there are no other appropriate sources of aid and support). Because the very ideal of taking *ultimate* responsibility brings with it the idea that only one person can be *the* ultimate bearer of that responsibility, marital relationships preclude such distributive questions.

Now this point about ultimate responsibility requiring one single person doesn't yet show that the relationship of ultimate responsibility has to have the exclusive and dyadic form of marriage. Perhaps we can imagine a relationship in which A takes ultimate responsibility for B, who takes it for C, who takes it for D, who takes it for A, etc. However, if we assume that the relationship should ideally be reciprocal then the ideal number of parties to a relationship

in which people take such responsibility for one another is two. The Equality Argument therefore holds that marriage is a distinctive, and distinctively valuable, type of adult interpersonal relationship because it is one in which two individuals take ultimate responsibility reciprocally for one another. This cannot be replicated in another form of friendship: where there are more than two people the two features of ultimacy and reciprocity cannot both be met.

We are now in a position to see what the distinctive value in marital relationships is, and why the Equality Argument is so-called. I have already mentioned some grounds for thinking that relationships of ultimate responsibility have instrumental and inherent value. However, the Equality Argument holds that a further important element of the inherent value of the conception of marital relationships described here is that they are a form – perhaps the most basic form – of living together as equals. As we have described them, marital relationships involve two partners having the role of taking ultimate responsibility for one another, doing so reciprocally. This egalitarian relation follows, with marital relationships, simply from the structure of the relationship and the responsibilities it involves. One of the reasons for which marital relationships are a choice-worthy goal, and why it can be an important aspiration to find a person with whom one can form such a relationship, is because it gives one the opportunity to build a form of living together that takes this egalitarian form.

5. The Politics of Marriage

The Equality Argument as we have looked at it above is an argument for the choice-worthiness of marital relationships as a life-goal. But what about marriage, in which (only) marital relationships are given a distinctive legal status? Part of the case against marriage, as

put forward by writers such as Brake and Chambers, is that marriage, understood as a particular legal status, violates state neutrality. It involves favoring certain choices that citizens make when choosing their life goals, when, according to the liberal outlook, the role of the state should be restricted to supporting citizens' choices equally, providing them with freedom to live as they see fit as long as they do not infringe on the like freedom of others. Could the Equality Argument provide us with a way of defending marriage against this critique? There is not space to explore such a response in detail here, but we can sketch how it might go. The liberal view takes it that the state should be neutral, but this is not to say that it is value-free. The liberal state stands for certain values. However, the liberal state distinguishes principles of right from conceptions of the good: liberal state action should be restricted to principles of right, and should be neutral as to conceptions of the good. However, principles of right are rooted in certain values, in particular, values of liberty and equality. The Equality Argument, however, is compatible with this point. A state that makes equality a fundamental value has reason to give marriage a special place, and can do so without violating neutrality, because the value ideally instantiated in marriage is that of equality. Support for marriage could therefore be akin to other forms of expressive support that the liberal state has the right to give to its foundational values.

These considerations might lead us to the following proposal. The good liberal state should seek to minimize any differences in life-chances as between the married and the unmarried. Any substantive discrimination would, as Brake and Chambers show, be inconsistent with liberal principles of equal treatment. The state should do that in part by giving robust support for non-marital relationships of friendship, and by taking seriously the idea that care might be a primary good that agents need no matter what their conception of the good. But the state nevertheless has an expressive reason to give marriage a privileged position because the state

has reason to celebrate the value of equality, and marriage represents a basic – perhaps *the* most basic – form of living together as equals. The state can and should recognize that marriage in our society is very often organized on inegalitarian principles. Nevertheless, the meaning of marriage can be, and is being, reinterpreted, and a more adequate understanding of its basis sees its structure as a fundamentally egalitarian sharing of basic mutual caring responsibilities. In offering its citizens the opportunity to marry, the state has the chance to frame marriage in these egalitarian terms and contribute to its progressive reinterpretation. If it does so, the Equality Argument can claim, it has a justification for reserving marriage for two-person relationships even in a state that abides by liberal neutrality among conceptions of the good.

The Equality Argument might be criticized as an overly abstract, even naïve, venture into ideal theory. We have good empirical evidence, it might be said, that marriage creates and strengthen conditions of gender inequality rather than equality, since it can put women into a relationship in which social pressures that lead to a gendered division of labor (for instance, regarding childcare and housework) can flourish. Furthermore, given emotional investment in marriage and conventions of privacy, women can have strong incentives not to call on outside support when things go wrong. In certain social conditions, in which men are socialized to be egalitarian, caring and respectful, such a structure may not be problematic. However, in a social environment in which male violence is legitimized, and in which conceptions of male entitlement and corresponding female deference are widespread, we might have concerns about a situation in which marriage is made a necessary part of a secure life for women.

However, the Equality Argument is not an unconditional recommendation in favor of marriage no matter what other background social conditions are in place. What I have said in

its defense takes no stand on the extent to which marriage or marital relationships should be promoted in our actual society. It is simply an attempt to say what distinctive value there might be in marriage, and thus to point out what would be lost if, perhaps in the face of such evidence about the oppressive potential of marriage, we sought to abolish it. If it turns out that gender relations are so bad in our society that, on balance, a sensible decision would be to discourage marital relationships, the Equality Argument offers an explanation of why that would be cause for regret.

NOTES

[1] For a recent discussion of this question, see (Cohen 2020).

[2] This criticism might tie in well with concerns expressed about the atomisation of modern society and the decay of social capital. See e.g. (Putnam 2000).

[3] The Equality Argument develops a view I have set out previously in (Bennett 2003; Bennett forthcoming).

[4] For a contrasting view, see e.g. (McMurtry 1972; Gregory 1984.)

[5] For a good overview of philosophical discussions of the nature of friendship, see Helm (2017). For excellent recent book-length discussions of marriage, which also give a comprehensive overview of the debate, see (Brake 2011; Chambers 2017). See also (Brake 2016).

[6] For a recent discussion of directed responsibilities, see (Gilbert 2018).

[7] For a recent discussion of polyamory, see (Brunning 2018). On polygamy, see (Calhoun 2005; Brooks 2009).

[8] See e.g. (Mohr 2005).

[9] The argument here is not meant to preclude that close friendships might have just these features. On my view, this would simply be to say that such friendships are, or are close to marital relationships, even if they do not have the legal status of marriage.

RELATED CHAPTERS

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