The Philosophy of Divorce

A Night Owls Event

Ben Callard and Agnes Callard

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https://www.youtube.com/watch?v=2Nd8LOQg-UQ

Agnes: Hey everyone. And by everyone I do mean everyone. There are some seats here. I feel like there's some valuable floor real estate over here. So some of you should try to find a way to make your way over here and then you don't have to stand. Like at least, I would say four or five people could sit here if they squish. So yeah, just kind of, I don't know, maybe even through the middle there. Anyway, my suggestion. Okay. Hi. I'm Agnes Callard. I teach in the philosophy department.

Ben: Hi, I'm Ben Callard. I also teach in the philosophy department.

Agnes: Okay. And welcome to our first Night Owls of the year. Before we dive into this one, I just want to announce that we have some exciting Night Owls in the winter quarter. On January 31st, economist Tyler Cowen is coming to talk to us. And on February 23rd, which is a Saturday, We're having a night owls on the meaning of death. We're going to show Bergman's Seventh Seal, have dinner, and have a discussion. I'm going to be talking to Dan Morgan, who's the chair of Cinema and Media Studies. So that's going to be awesome. And both of those will be in a bigger room. So in fact, all night owls from now on will be in a bigger room. I don't apologize to you because you're not people that got turned away, but I feel very badly about that. Okay, and one other thing, which is that before, I want to just thank a few people. I want to thank Andy, who is doing the video recording under non-ideal circumstances. Thank you. And Rory, where's Rory? Okay, Rory made the poster, which, let's face it, is why you're all here, right? Thank you, Rory, for the awesome poster. And then finally, basically everything else is William Weaver, who he's probably out in the hallway right now helping people. But anyway, thank you to William. Okay, so here's the format for this discussion. Ben and I each have a set of questions that we're going to ask each other. We don't know what the questions are. We just came up with the questions. Before we start, I'm going to give Ben the job of kind of like giving some background. I'm not going to do that. I'm kind of an oversharer, so that's not a good job for me. So Ben, background.

Ben: Thanks a lot, Agnes. Baby, before I do that, just thank you all for coming. This is an unbelievable turnout. Also, I'm sure we're violating fire codes right now, so just be sort of respectful. You know, if people need to leave, you know, let them, you know, get out. This is slightly scary and dangerous, but, you know, I think it'll work. so I was talking to my full perspectives class today about the Aristotle's doctrine of the mean. And so Agnes just said she tends to be an oversharer. I tend to be an under-sharer. The happy medium is no doubt somewhere in between. So, yeah, what to say? So Agnes and I are divorced, which means we were once married.

Agnes: First step in the philosophy divorce.

Ben: So we got to know each other in grad school at Berkeley, and then we got married in 2003. We got divorced in 2011, which is just shy of eight years, I think. Is that right? And so we've been divorced ever since. And so that's almost 8 years now. So we've been divorced about as long as we've been married. We were married. I think that's all I'm going to say, at least for now. This is not a conversation about us, it's about divorce. And in particular, it's a chance for us to think philosophically about divorce. I mean, we sort of thought about doing this, you know, we went through it, so we thought a lot about it. And But I mean, the main thing is just it's a really interesting and important topic. Needless to say, it will have touched or will touch many people in this room. Sorry, I didn't mean for that to sound ominous. And there's a, I don't know whether Claudia Hogblake is here. Are you here? Anyway, she said to me yesterday that we don't do enough sort of applied philosophy. We don't do enough philosophy about subjects that actually bear on, you know, our lives as we lead them. Needless to say, we are talking about human life when we do philosophy all the time, but we tend to approach it at this very, very abstract level, right? You know, what is a mind or, you know, what is free will or what is courage? And Sorry, I won't go on. But there's a reason why we do that. We often think that that's where we'll get the sort of fundamental answers. Maybe that's true and maybe it isn't true. But in any event, I'm talking in a more applied way, I think, it's both, it can sort of get us to see why we're doing that more abstract stuff. And sometimes it can actually just help us to see the truth about the subject in a way that we don't normally. Oh, yeah, I'll stop. I'll stop talking. Yeah.

Agnes: One thing is, you should feel free to leave at any time, too. So we'll go on for three hours, but if you don't want to go on for three hours, we won't be offended at any point. The way these go is just that people stick around for a while and leave when they feel like leaving. So that's totally fine.

Ben: We'll be offended if you leave right now.

Agnes: Yeah, I mean, also good luck leaving, but yeah. Okay, so can I ask the first question? Yeah, sure. About half an hour before this thing started, Ben and I were talking on the phone. He's like, I can't print my questions because printer's broken. I'll just bring my computer in and read them off my computer. I'm like, no, that's a terrible idea, sitting here with your laptop. Just e-mail them to me. I was in my office. e-mail them to me. I'll print them. He's like, no, it's fine. I'll just read them off my computer. I'm like, no, obviously the right thing for you to do is for you to e-mail to me so I can print them. And as we're going back and forth on this, I'm realizing that he just cannot believe that I won't read the questions. He just can't, he's just like, I'm not emailing them to you, and I can tell he's thinking, you're going to read the questions. And I don't want you to know what the questions are. Okay, so my first question is, what is trust? And why is it important in marriage?

Ben: All right, Good. Okay, so I have to say something now. So the first thing in the mode of confession is I did not trust you. You're right about that. I trust you about the important things in life. I trust you about the crucial things. It's precisely

about this kind of inconsequential thing where I don't trust you at all. Inconsequential. But then, and I'm sure, again, we've been reading Aristotle's ethics. I'm sure there's somewhere in there a thing about not putting somebody in the position of having, you know, it would have been so tempting that it would have been wrong of me. Thank you. Yeah, But trust, so you want to know what trust is? Yeah. We really didn't, we didn't tell each other the questions ahead of time. So can I back my way into this? Because that's a hard question. I mean, the first thing to say is, It's clear that trust is extremely important in a marriage. Now, and it's important in lots of different sorts of relationships, maybe especially important in a marriage. I mean, I take it that when you trust somebody, you're, this is something we actually did in my class in the spring, You might think that it's a belief in the other person that isn't resting on evidence, that isn't in any direct way. So it's not that, so to speak, you've got good reasons or good evidence for thinking that the person will do what they say or that what they're saying is, that they're not deceiving you.

Agnes: So you're saying trust is irrational belief?

Ben: It's, I think it's non-rational belief. Okay. Yeah.

Agnes: And why is that important in a marriage?

Ben: Yeah. So it would have to do something with the non-transactional character of the marriage relationship. So it's not when you're dealing with somebody in a way that's let's say, a commercial or something, you should go entirely on evidence, it seems to me. But when you're in a marriage relationship, in a certain sense, it isn't. I mean, this is something I want to get into a little bit later on, but what's the relationship between marriage and sort of obligations, rights, expectations, and so on? Legally, those things are center stage when it comes to defining marriage. And it's when one party, in at-fault divorces, when you fail to meet your obligations, that's when the other party can say, okay, I get to have a divorce now. But it looks like that's the wrong way of thinking about marriage in the 1st place. It's not defined by a set of obligations and rights. That's a, it's the wrong model to think about the nature of the relationship. Anyway, so that, I mean, that would be.

Agnes: So you're saying trust figures in the sorts of relationships that are not governed by obligations and rights?

Ben: Yeah, That's the thought anyway. I don't know whether it's.

Agnes: Okay, your turn.

Ben: My turn? Okay. All right, so a comedian, who I won't name, a disgrace these days, made the following claims. I'm going to quote him. Someday one of your friends is going to get divorced, it's going to happen, and they're going to say, they're going to tell you, don't say, oh, I'm sorry. That's a stupid thing to say. First of all, you'll make them feel bad for feeling really happy, which isn't fair. And second of all, divorce is always good news. I know that sounds weird, but it's true because no good marriage has ever ended in divorce. It's really that simple. Is it really that simple? That is, it possible for a good marriage to end in divorce? Or is it a criterion on the quality of the marriage that it ends in divorce?

Agnes: Great question. So I think it's possible for a good marriage to end in divorce. Here's a case I'm thinking of. And maybe people used to think a lot of divorces were like this, and maybe very few of them are, but it still seems like a conceptual possibility. It could be that you're with someone and you're like pretty happy. But you have a kind of a kind of fantasy or mirage or image that you could be so much happier than you are, right? And maybe you're someone who, this is like a characteristic fact about you, where no matter what you're doing and no matter what you're involved in, you always think things could be a bit better. And maybe they couldn't be. That seems at least like a conceptual possibility. So it seems like there could be a case where a person essentially gets divorced on the grounds of a kind of fantasy. And whether it was a good divorce or not depends on whether or not the people are happier after the divorce. And they could be less happy, it seems to me. So it could be that it was a bad decision. I don't have enough experience of divorces to know how often that happens. But I would tend to think that most of the time, the barriers against it are high enough that wouldn't be most of the cases.

Ben: Okay. Are we allowed to answer our own questions or do we have to wait for the other person to re-ask?

Agnes: I'll allow it.

Ben: Thank you. I mean, I just thought of a case. I'm not sure this counts as that case, but I mean, suppose some nefarious people frame one of the people in the marriage. They make them look for all the world like they're a horrible person who's done all these terrible things. Couldn't the other person have a reason to divorce them? even though it was actually a good marriage. Like a tragic case.

Agnes: Yeah, good. So yes, there could be cases where you would have a reason to divorce them, even though it was a good marriage.

Ben: It goes a little bit to your earlier question about trust. You might think trust should handle that case, but I don't think it...

Agnes: Yeah, you can make, you could sharpen the examples such that it wouldn't. Yeah, good. So that would be another kind of funny case. But I think the point is basically well taken, that most of the time when people get divorced, they're kind of happy about it because it's what they wanted, right? They did it for a reason. Okay. Can I ask my next question?

Ben: Sure.

Agnes: Okay. Why is divorce so upsetting for children and why are they prone to see themselves as a cause?

Ben: This is much harder than I thought it was going to be. So I mean, the first thing to say is children's reactions to divorce vary a huge amount, I take it. And it partly depends on the nature of the divorce and partly on the nature of the kids. So there isn't a kind of single way kids react to it. But you're saying why is it so often the case that kids are? Yeah. So I mean, sorry, I take it, can be a bunch of different reasons. So sometimes it's that they, see the parents in a different light. They might think that the parents have, they cease to see them as the anchor of their, a thing

that they can feel secure about. Depending on the details of the case, it might be some specific worry that they have about one or both of the parents. And then there's the, I take it the, feeling that their fault is not a small part of the story of why they're so upset. And now your question was, why do they feel that way so often?

Agnes: Yeah.

Ben: I mean, I don't know is the short answer.

Agnes: Well, maybe we should, maybe we should hold off on that one, because I bet there's going to be questions. We're going to do like a couple back and forths, and then we'll have like questions from you guys, and then we'll do more back and forth. And probably a number of you are children of divorce, so maybe you want to We want to answer this question. But, so maybe we should leave it at that.

Ben: Okay, yeah.

Agnes: Or is there anything else you want to say?

Ben: Yeah, I mean, again, I think there could be lots of reasons, but I take it that, and again, it depends on so many things, the age of the kid, right? But quite often it's that there's a kind of, earthquake quality to it. It's that there were some things that they were taking as firm or fixed and those things are called into question or disrupted and that's the, so it's a kind of loss of balance or a loss of a sense of.

Agnes: I think that's a really good point, that there can be things where we presuppose them and everything seems to rest on them and we don't even notice that we've presupposed them, like that the sun's gonna rise or something, right? And then if that thing is taken away, it could be super destabilizing even if you never you can't quite articulate why. So that could be, it could be that there's this presupposition that the children are making. Okay.

Ben: All right.

Agnes: Yeah.

Ben: Should I go? Yeah. So I was asking before, you know, can a good marriage end in divorce? There's a prior question, which is, can a marriage end in divorce? our divorce is possible metaphysically. And there's, right? And there's, I know very little about the Roman Catholic doctrine that's relevant here, but my sense is that that's the doctrine. The doctrine is that you can nullify a marriage, right? You can get a, I looked it up, what's it called, a declaration of nullity, which is in effect a declaration that there never was a marriage in the 1st place. But you can't, if you have an actual marriage, dissolve it or end it. It's impossible. Not that it's wrong, it's impossible. You can't do it. I don't want to get into the sort of the specifics of the metaphysics of Catholic doctrine, but I guess my question for you was, can you see anything in that idea, the idea that once you've made a commitment of the kind that you make when you get married, that you sort of can't unmake it or can't get out of it. Can you see reasons for accepting that don't rest on any particular theological or other reasons, but just a sort of reason that everybody in the room might be able to share? Is there anything to that idea? See what I'm saying?

Agnes: Yeah, I mean, I guess like the kind of state, if someone says, I now pronounce you man and wife, right, that's a speech act of a certain kind. where now you are in like a new category, and it's been made to happen by it's being spoken, right? And so they made it true that you're married, the person who said that, let's say. But it's not clear why someone can't just then also make it true that you're not married by another speech act, right? you could have a speech act that declares this is money, right? And now it's money and we can use it. Well, until we decide that kind of currency isn't valid anymore. If we decide no more pennies or something, well, then that's not money anymore. So it's hard to see how, like, once you admit the sort of metaphysical magic trick of making something happen by declaring it to be the case, why you can't just undeclare it to be the case, But one grounds that I could see for that, but it would only be specific to something like opposition to no-fault divorce, would be, say you think that when you get married, you make a promise to stay married to the person, right? You do, basically. You assert vows, right, which are promises. In order to not be married anymore, you would have to not be bound by that promise, right? Okay. And so divorce requires like being released from the promise. But A no-fault divorce, that says that like, say I just want to get divorced and Ben doesn't, right? Then we can get divorced. That's what no-fault divorce is, right? That is one party can initiate the divorce proceedings. But if Ben, say Ben wants to stay married and say I want to be divorced, well then, In effect, I've made this promise to Ben, and he hasn't released me from the promise, right? And so I'm still bound by that promise. And so you could think that really the only way out of marriage would be mutual release from promises, but that requires a kind of divorce where both people agree to release one another from the promises. And otherwise, you're still bound by that promise, whether you say it or acknowledge it or not. So that would be like one case one could make. I was thinking of it as like a case against no-fault divorce, right? A kind of metaphysical case against it, effectively, because you're still bound, no matter what, you'd still promised, right? Someone can say, oh, I don't call you married anymore, but you still promised. But I don't know, like, yeah, so.

Ben: There are two cases. There's the question, can you unilaterally release yourself from a promise? And there's the question, Good. And you might think the answer to the second question is obviously yes, but I'm not sure it's obviously yes.

Agnes: Okay, I was presupposing that the person to whom you make a promise can release you from the promise. And I was also presupposing you cannot release yourself from a promise. But you disagree with either of those.

Ben: I'm not sure. I'm not sure about it. Can I, in a way, it's a follow-up question, but you've written about a kind of puzzle about anger. The puzzle is, How can you cease having reasons to be angry? If you have a reason to be angry at somebody, they stole your bike, how can anything give you a reason to stop being angry since the fact that they stole your bike is just sitting there in the past? That's not going anywhere, right? So, I mean, it was sort of in the neighborhood of that thought. The thought is, so to speak, your promise is just sitting there. Now, you sketched a, you said, look,

given that these are, There's the magic of performatives, but your thought is, however we understand that magic, if you can do it once, you can do it twice. But in any event, that was the worry or the question is, so to speak, how do you get rid of a promise once you've made it? It's sort of sitting there. You still promised, right? And it's that sort of worry.

Agnes: Yeah, I guess I would distinguish the claim that it's still true that you promised in the past from the claim that it's still true that you're normatively bound by that promise in the present.

Ben: Okay, yeah, good.

Agnes: Okay. How about you ask, wait, was that?

Ben: That was mine.

Agnes: That was yours. Okay, how about I'll ask you another question and then we'll have some questions from you guys and then we'll ask more questions. Okay. It's really hard to decide. What's good about being married?

Ben: So I take it they're sort of accidental goods and per se good, essential goods. So I think even in a bad marriage, there can be good things, right? So I take it that you meant sort of what's good, was the thought what's good per se about marriage or what is good about a good marriage or?

Agnes: I mean, I was thinking of it this way. Like, A lot of people in this room are probably thinking, like, someday I might get married, right? And so I want you to tell them, like, why they might. Like, what's good about being married such that they'll have those goods if they get married?

Ben: Yeah, okay. Right. I mean, again, in a way, the problem is that there can be good things. even in a bad marriage and a marriage you shouldn't be in. So it's, so I can, some of the things that I would say to answer your question would be things which I wouldn't be saying by way of recommending getting married.

Agnes: Good. So what are the good things about marriage that also constitute reasons to get married?

Ben: Yeah, okay, good. I mean, in a certain way, this is related to a question that we should have started with, but we didn't, which is sort of, what is a marriage? Like, what are we talking about here?

Agnes: I know, that was on my list.

Ben: Yeah, it was on my list too. Socrates would be ashamed of us, we should start with that. And I take it the, can we maybe start there and we will get an answer out of that?

Agnes: Sure.

Ben: So, I mean, but that's itself a really hard question, I think. There are maybe a couple of ways to approach, to try to get an answer, but there it's not clear you get a good answer from either of these. So one would be to try to think of a paradigm case or a kind of canonical example of a marriage and then try to read what a marriage is off of the paradigm case. The other way would be just to look at a whole bunch of things that are pretty clearly marriage and try to find something common to all

of them. I think the first approach will tend to be too narrow. It'll tend to rule out things that are marriage. And the second one will tend to be too open. It'll tend to will win things that aren't marriage. Like for example, we don't want, I take it we don't want to say that marriage is just like two people agreeing to live their lives together. That's too broad, right? That could be a friendship, it could be a business partnership, right? So we got to add something, but now what do we add that doesn't then start ruling out things that clearly are marriage, right? Do we want to add, you know, the prospect of sex? Do we want to add the possibility of children? Do we want to add, what do we want to add to, what's the differentia? Clearly, a marriage does involve two people spending their lives together, but it's not just that. We need something else. I mean, obviously, the modern answer is love. I mean, that's, or at least that's the ideal. But we don't want to include love in the definition of marriage, I think. That's not, that would rule out lots and lots of marriages. That is, we want bad marriages to be marriages, too. And we also want old-fashioned traditional marriages to be marriage, where love maybe was less of a defining feature. So anyway, all this is to say, I'm not quite sure what marriage is. Let alone what's good about marriage. The reason it's related to your question is, I'm not sure there's anything good about marriage per se, once we get this, the broad enough conception of it. There are some wonderful things about a good marriage, but But can you try to answer the hard question?

Agnes: The question of what is a marriage?

Ben: Yeah.

Agnes: I mean, I guess I would say that it is a romantic union bound by commitment. I just made that up right now, so. And so I say romantic. That's supposed to cover broader than love, a little bit broader than love, but be in the love family. to suggest sex, like, so, and to exclude the workplace relationship and the partnership and all that. I mean, business prior. What's good about that? I guess I would say a certain form of cooperation, like a certain kind of working together. That is the best thing about marriage. And how, I don't know, in say elementary school or less so in university, but in high school, there will always be that point where the teacher tries to make you do a group project. And with the idea that it's going to somehow be better if you do a group project. And my kids are always really annoyed by this. by sort of, I don't want to work with other people. And it's sort of like marriage is the, I would feel like marriage is the context where that thing works. Like it actually is better that you're doing it with someone else and you couldn't, you couldn't live better on your own. Like it's like the ideal group project. That's what I was saying. It's good by marriage. Okay. I think we should like open up for a few questions and then we'll ask each other more questions. Yeah.

Ben: What do you think would be a good reason, or what would be good parts of not allowing divorce? So if you get married, that's it. You're done.

Agnes: Right. Good reasons not to allow divorce. Do you want to start, Ben?

Ben: Yeah. So we already saw that there are some traditions on which it's not a matter of not allowing it. It's not possible whether they wanted to allow it or not,

right? It's metaphysically impossible. I take it most religious traditions don't have that view, but some do. But so your question is, sorry, can you just maybe say a little bit more about where you're going? I know you talked about the conflict idea, but let's say you, I think you could make good arguments for why you should have divorce, but why would you make an argument for why you shouldn't? Why would you say, if you would at all, that once you've decided to get married and thought about it pretty hard, that's it? Like, you're in it, and whatever problems you have, just work it out. Yeah. Would that ever end up well? Yeah. I mean, I guess my own two cents on that is I can't think of any good reasons. There are certainly lots of reasons accidentally why it might be good in a particular case not to, but you're talking about sort of a general policy. And there, I guess I can't see reasons that would support a general policy. I mean, can you?

Agnes: Yeah. So you might think, we actually have these norms with other relationships, not with marriage, and it's kind of, can from a certain point of view seem kind of arbitrary. We think that about your kids, right? You're not allowed to be like, I'm tired of you, like, right? I mean, there is this thing of disowning, but like it's just heavily, heavily normatively sanctioned, right? And like basically, if you have kids, you keep, you don't get tired of them when they're five or something, get rid of them, right? So like you're supposed to, you make a commitment to them and there's not really any way of divorcing from them, right? So you might just think like, wait, why don't we do that with more relationships, right? I'm like, why don't we do it with romantic relationships? That is, and in a way, right, it's kind of an interesting fact about the way we think about romantic relationships that we think of it the norms work serially, right? Like, so serial monogamy is seen as fine, right? Like, you have one romantic relationship, you break up, you have another romantic relationship, you break up, right? Whereas like multiple partners at one time, like, and I have questions about that, but later, that's somewhat sanctioned, like against, right? With kids, it goes the other way, right? You have multiple kids, you don't get rid of your kid when you have a new kid, right? They worry about that, but you don't do that. You do it with marriages, right? But you don't do it with kids. right? It's interesting, isn't it? Like that we have these norms that are so divided in this way. So it would be like, I think that if you somehow saw the marriage relationship as more like the, having more of the structure of the parent-child relationship, then maybe you could have that, but then maybe you would also be inclined to favor like allowing multiple partners, just like how we allow multiple children, right? So I guess my feeling is that the permissibility of divorce and the impermissibility of multiple spouses are like connected.

Ben: But I would have thought there were important, relevant differences between the kid case and the grown-up case. In the kid case, first of all, they're dependent on you in a pretty strong sense. And in the second, on the second front, they can't consent. It's not a consensual relationship, right? They didn't ask to get born as they like to remind us. So I would have thought that the reason it, there's an asymmetry there, that there are reasons having to do with the relationship between parents and

children and the nature of children that make getting rid of, just opting out of that impermissible that don't apply in the case of. in the case of marriage.

Agnes: It's true, but it's not like we do it with our children when they get old enough. Like we don't ever divorce them, right? So even when they're like independent.

Ben: That's true, but I'm not sure it would be wrong to.

Agnes: Okay, that would be very weird.

Ben: I think the violinist Jascha Heifetz divorced his kids. He just said, I don't like you people. And he just.

Agnes: But that's like, that's seen as like not okay, right? So whereas like divorcing your spouse, it's like broadly okay. You pick the next one.

Ben: Oh, yeah. Go ahead. Yeah, yeah. What is a bad?

Agnes: Marriage from your definition or after your definition? Can you have a bad marriage?

Ben: Oh, yeah, yeah, yeah, yeah, yeah, yeah. I mean, I take it, it can be bad for, again, for all kinds of reasons. So, We were talking before about the definition of marriage, and I didn't want to include love in the definition because, I mean, we could certainly use the word marriage that way, or we could either use it as part of the definition, or we could at least use it in the statement of the ideal. But in any event, I do want to include it in the ideal. And so I take it the paradigm case of a bad marriage is a marriage where that people don't love each other, and that's – but there are lots of ways to have a bad marriage, I take it.

Agnes: Do you want to – Yeah, I guess I would say, just going along, what I was saying about what was good about marriage is a bad marriage is one where, in one way or another, people can't work together. And I mean, so if I think about what makes a marriage good, which isn't the same thing as what's good about marriage, right? So like we were answering earlier, what's good about marriage? I think that there are sort of like arenas of working together that are particularly important. For me, I would say conversation, sex, child raising, financial stuff, like being able to work together financially, apparently some huge number of fights are about money, right? So financial stuff, basic like bodily needs, like eating and sleep, those are like people can be food and sleep incompatible. And that it's kind of important when you're like a lot of your day is spent asleep, right? So if you sleep in really different ways, that could be a problem. So these are like arenas of working together, right? And they can work or not. And I guess what a good marriage is when each of those forms of working together work. That's what I would say. And so a bad marriage would be too big of a failure on too many of those fronts.

Ben: Can I add something to that? I looked up how you can get a declaration of nullity in the Catholic tradition. And Mostly it has to do, so what you have to show is, roughly speaking, that there wasn't a marriage to begin with. But then there are lots of ways to show that. And many of them have to do with the terms of the marriage, the initial terms having been, it having been misleading or something like that. So I wrote it down. Deliberate deceit about some personal quality that can objectively and gravely

perturb conjugal life, for example. That, right? And that, So Agnes, this point about certain kinds of compatibility, one question you could ask is, which of those forms of incompatibility might you deliberately cover up in such a way that you could then get a declaration of nullity later on in terms of it? And that opens out onto a much larger question about, which is interesting quite apart from the issue of marriage, about the role of knowledge and consent, right? So the part of consent that gets focused on the most is, you know, If somebody does something forcibly, that's the kind that we tend to think most about. But there is another kind of consent violation where it's, and there are names for this, I'm forgetting what it is, but you know, you can violate somebody's consent via deceit rather than via force. And again, I take it that's in the neighborhood of the thought here. It's that you might, so to speak, have had a fraudulent marriage by virtue of misrepresenting these facts about yourself in such a way that the marriage doesn't work. And they would have, if they had known that, they wouldn't have gotten married. I don't know who was next in terms of– My turn. Yeah, okay. Backing up to the idea of good marriage involving working together, how do you understand then a marriage where the partners are through external circumstances forced to be like physically separate?

Agnes: For example, living in different countries, do they then essentially have a bad marriage? That's a great question. I think that often they do, but I think not necessarily because of facts about the world we live in that allow people who are far apart from one another to work together, like phones and Skype and e-mail. So it's hard to imagine that such people could have had a good marriage, like before any of those things. Like even letters, you know, I mean, with the amount of time it takes, like that would just, it would just be like living most of your life by yourself, right? Not living with the other person. But I think that, I guess I think that we have ways of working together at a distance now. There's just a question of like how good are they? And like how many of the things on my list can you do together when you're physically apart, right? And a number of them you can't. So then the issue is like how often can they see one another, right? And then I don't know if any of you have ever been in a long distance relationship, but one thing that's kind of weird about them is that then when you see the person, it becomes this sort of very intense thing where you have to be together every minute and make every minute count. And that's also like a weird way of living with someone. Like that's not the normal way, right? So that's a kind of additional, I would say something like pitfall or something of a, of the long distance thing is even that when you see each other, that form of being together is not the natural or normal form of being together. So I would say it's a lot harder for it to work. So it seems empirically that there's harm done to kids by divorce. Do you take that to be a contingent, socially constructed fact about how we view parenthood? Or is it a necessary, essential feature? And if it is necessary and essential, does that change how we should legislate divorce? Great question. Yeah. I mean, I remember, like, the main thought going through my head when we decided to get divorced was, we are harming our children. And like, I firmly believed that. And I was like, I need to

be aware that I'm agreeing to this with the knowledge that I'm doing that. It actually turned out to be less harm than I thought it would be. But that's not to say that I had the belief that it would be less. I had the belief that it would be more. The thing that I've sort of realized is you harm your children all the time, kind of constantly. And so then the question is sort of how great of a harm is it? And how much does that, like how much of A consideration is that given other harms that you could be doing by not getting divorced, right? To yourself, you can say, right? That is, I don't believe that children's needs always trump. So, which is to say, the fact that the children are being harmed doesn't automatically, it's a consideration, but it doesn't automatically count against divorce, right? But you asked about legislation specifically. And like, I take that to be like a question at the political level about what kinds of laws we should have about divorces. Or was it not? think that it's in virtue of a socially constructed fact of how we view one man and one woman as how kids are raised? Or is it even if, like, even without these social constructions around marriage, there is some essential harm being done to kids when they are not raised in this kind of household? So I definitely don't think that it's necessarily a harm to a kid to not be raised in a traditional household. But divorce is a different thing because it's like the breaking of that, right? And so that could be a harm to a kid, even if the kid would have been maybe perfectly happy just to be raised by the one parent, right? But the question is like, I guess I think that however marriage would be, I can imagine marriage, being understood in a variety of ways, and it has changed over our lifetimes, right? So when we were young, we never thought that there would be gay marriage. And now there is, and that's a change in our norms about marriage, right? So I can imagine it changing in a variety of ways, but I guess I can't imagine it changing so much that there wouldn't be some things that could happen that would be harm to kids, if you see what I mean. That is, there's going to have to be some kind of like expectation, and then that can be broken. And it's something about, I do think Ben was right earlier when he said something about like there are these very deep assumptions that kids make when they sort of come into the world and they just like, they make these assumptions where they're so deep you can't really articulate them. Like at first they kind of assume they're the only person or something. And it's like traumatic for them to learn that they're sort of other important beings. And it's like they're just assuming that there's a certain world. And then if you break that world, that's going to be upsetting for them. But of course, what counts as breaking it is going to be socially constructed, right? But could there be, like, in some sense, could there be a world without some social construction or other? It's like, probably not. And then however you broke that would be traumatic for the kid, is my thought.

Ben: Right, but it does seem like whether your parents staying together are one of these sort of grounding background assumptions of kids is going to be... at least largely socially constructed, that is, if you're in an environment where, you know, even as a kid, you know that lots and lots of your friends' parents are getting divorced and stuff, that will affect how you react psychologically when you're on due. It may not

eliminate the response, you know, the being upset, but it'll certainly affect it. Sorry, just to answer sort of your, I take it your thought was like, is there, In a way, there's two questions here. One is about whether it's socially constructed or not, or to what extent it's socially constructed. And the other is just whether it's a construction or not. Is there like a per se problem? Like, are all children traumatized by divorce? I take it the answer to that question is no. It does depend on the circumstances. It's common that they are, but it's not, I take it isn't necessary, even given our mores and, you know, the way we've constructed it. It's just, it's typical, but not necessary, I think. Do you want to?

Agnes: Yeah. Yeah, you go ahead.

Ben: Yeah, I have a question about promise you mentioned. Like, you guys analyzed how promise works as a mechanism of promise, but isn't promise, like, when a man says to a woman that I will, like, stay with you forever in my life? Isn't he just describing his mental state at the moment? In this sense, like promise is just a description to a kind of good feeling. So like, for example, like 10 years after when a man no longer feel bounded by the promise, the promise just automatically dissolved. So how would you like respond to this idea? So I don't think that a promise is just a description of your your psychological state, right? It's a commitment. Whether you ought to make such a commitment, given that it, you know, is a different question, and one of the standing problems with the ethics of promise-making is that it looks like very often the conditions on keeping the promise are not entirely under your control, as it were. It partly has to do with your will and what you decide, but it, very often anyway, I take it almost always, extends beyond your will and the world has to play ball in order for you to keep your promise, that fact, you might think, makes promise-making an ethically hazardous and therefore an ethically problematic thing to do. I mean, everybody in this room has made promises. There's a question, should you make promises given this fact? But in any case, I don't think it's just a, when you say I promise to do this, you're not just saying something about how you're currently feeling. I take that you're bonding yourself, committing yourself to future actions. It's a normative structure once you say it.

Agnes: There's a difference between promises and predictions. So it sort of sounded like the thing you said was a prediction.

Ben: Or, I took it, you thought it just, I feel like doing something right now. I feel like I want to be with you with your best self right now. But you're just saying, right now I feel that way. Yeah.

Agnes: Yeah, in the back there. Yeah, you.

Ben: So when you were talking about the metaphysics of making promises of a marriage, do you think there's any way to move into that sort of like a clause which says that this is a promise which holds metaphysically until and unless one party in this contract decides that this is no longer good for them, and that is part of the promise. So not being bound forever just by virtue of saying it at that time, but with the ability that it is sort of broken in one person's mind, that's okay.

Agnes: Is that possible? Great question. So the thought is, like, could you structure the promise so that you write into it that it's going to be one where no-fault divorce will apply, essentially, right? I think you can, because it's sort of like – I mean, you might wonder whether that's a promise, right? So let's say Ben and I say, let's agree we're going to play tennis on Tuesday, unless either one of us doesn't feel like it, right? And then it's like, have we promised or committed to play tennis on Tuesday? You might think we haven't actually committed to anything there. Because what we've said is whether or not we'll do something depends on whether or not we feel like it, right? And that's exactly to not promise. So it's a good example, because it sort of shows Like, it shows the difficulty of legitimating no-fault divorce, right? Because it sort of shows that if we try to legitimate it by building it into the promise, we actually turn a promise into a non-promise. That's a cool point. Did you want to face anything?

Ben: No, that's good.

Agnes: Okay. Yeah, in the back, back there, sorry. You want to face one?

Ben: So I don't mean this to be sensational, I think, and I think this is in the vein of defining marriage, but to what degree did you did you, when you were dating or in advance of your marriage, fear the condition of only being able to have sex with one person for the rest of your life? And then how big of a factor was that when you were considering divorce?

Agnes: Good. Well, can I actually – hold on. I actually want to read you something, okay? This is going to be one of my questions, but So this is from American Sociological Review 2015. It is difficult to think of any other legal practice of which more people disapprove than infidelity. Legal meaning it's not illegal. According to a recent poll, 91% of U.S. adults consider extramarital infidelity to be morally wrong, a higher percentage than object to suicide, polygamy, or human cloning. The overwhelming... Weird group, isn't it? The overwhelming majority of married persons expect their spouse to have sex only in marriage and assume their spouse expects the same. There's a bunch of research cited here that I'm not reading you. Yet, infidelity is relatively common. Due to social desirability and impression management concerns, precise estimates are hard to come by. However, researchers estimate that in the United States, between 20 and 25% of married men and between 10 and 15% of married women have engaged in extramarital sex. The incongruity between our attitudes, expectations, and behavior suggests that there are socio-structural factors that promote infidelity. Interesting, right? Promote infidelity. Okay, so the sort of like bigger question to step back is why, what's so bad about infidelity first, right? And you might say, infidelity is bad because it's a form of lying or cheating or deception, right? Fine, but then, like, why is the idea of having sex with only that person tied to the idea of marriage, right? We can put it that way. That is, infidelity involves cheating because there are these expectations that people have that they then get one another to agree to, right? So then it becomes a case that you can only have sex outside marriage if you violate those agreements. But you could have different agreements. Why don't people have those agreements? So what is the, sort of like, what is both the appeal and maybe the lack of appeal of committing to

only have sex with one person for the rest of your life? Clearly, what this passage shows us is that idea has great appeal for us. like as a country, but then also the violation of the idea has great appeal for us. So we're really conflicted about how we feel about whether we want to commit ourselves to having sex with only one person. I'm going to make you answer this, Ben, because it was one of my questions. So, well, I'll try and answer too, but I'm going to pass to you first. So why do you think that marriage is connected with a kind of like, with sexual exclusiveness?

Ben: Yeah. So I mean, you can give, there's sort of different kinds of answer you can give to that, and the question is which is the most illuminating kind of answer, right? So you could give an answer, you could give some evolutionary answers to that question or sociological answers.

Agnes: I want a rational answer. Like, is there any good reason?

Ben: Yeah, So you might think that it's entailed by love. romantic love, that you will only be interested in having sex with that person. And if you take love as essential to a good marriage, or at least to the ideal marriage, you might just draw it out of that. But I take it that premise might be.

Agnes: Good. So if we tie love, marriage, and sex all together, right? And then we think, oh, we need some more premises, like you can only be in love with one person at a time. Right? So if we somehow think you can only be in love with one person at a time, and love and sex are essentially tied, then that would underwrite one side of this, the anti-infidelity side. We still need to explain the other side, why people still cheat, right? They clearly, clearly some of those premises are not working for people, right? I mean, like, it's pretty clear that people have sex with people for all sorts of reasons, right? And not only because they're in love with them, and not only because they want to spend their lives with them, right? On the other hand, there is still a kind of tie, right, a kind of thought that sexual intimacy has like a kind of natural home in a committed relationship. And maybe part of that has to do with trust, right? That, at least for a lot of people, they're, like, the trust would be the, like, because you might wonder, like, you know, even if, even if love and marriage are both love is tied to sexuality and sexuality, and then love is also tied to marriage. Yeah, I guess why think of the tie as being so tight when clearly it can also break? At least the love and sexuality one. And so I guess what I would think is like something that pulls it back. like people's sexual desires clearly do somewhat extend beyond love, right? But what might pull them back, the kind of gravitational force that might pull it back towards monogamy might have something to do with trust. Does that make sense to me? Yeah, I don't feel like we've really fully answered this question, but I have more questions along these lines, so I'm hoping we'll get back to it. I think it's a really deep one. Carolyn.

Ben: So I feel like there are kind of two accounts of what a good relationship requires. One is like, oh, people in a good relationship, like you have to put in effort.

Agnes: A good relationship is hard work. And on the other end, you also hear people saying like, oh, when you find love, like it's easy. Love should feel easy and you

shouldn't have to put in a lot of effort. So I guess like, does a good marriage require work? Or should you seek a good marriage that feels effortless?

Ben: Good question. So, yeah.

Ben: I mean, you might want to distinguish two kinds of hard work or something, right? And sorry, one question is, are they phenomenologically distinguishable from the first part, right? But you might think that there's a kind of work or effort that is part of a good relationship, but there's another kind that isn't, where, so to speak, if you're having to work in that way, it's not a good relationship. I think that's probably true, but then there's the question, so how do you How do you tell which is which? That's there. I'm not sure there is a kind of a nice test or a nice mark of the two. I'm still thinking. Go, go, go, go.

Agnes: I have a friend who says, like, the key to a good marriage is errands. Running errands together. And I think his thought is that that's like the sort of perfect balance between something where you are putting some effort into it in that you're going to Costco or whatever together, doing shopping. It isn't just all fun because you're doing work, but you kind of are hanging out while you're doing– a lot of life involves doing stuff that you don't feel like doing that much. And part of what a marriage can give you is someone to do that stuff with. so that this stuff doesn't seem as bad. Like the errands have to be done one way or the other, but you can do them with someone. So that would be like a way of saying that marriage makes some of the harder things easier. But I guess I just do think that, I think that, I guess I think when you're choosing your marriage, you want it to be as easy as possible, but then once you've chosen, you want to be willing to work through the difficult stuff. And how you do that, like how you deal with the difficult stuff, I think is maybe, my list of what makes a good marriage, I realized I left out maybe the most important thing on the list that you have to be able to do well with the other person, which is fighting. I think fighting well is a really important virtue of a marriage, right? And that's hard, right? And It's sort of like, we're all inclined when we fight with people to just become our worst selves and to be vindictive and to interpret them as uncharitably as possible. And if you find someone where you can fight with them, but at every moment they're just trying to say the truth about you, and they're not trying to get back at you or get revenge on you, and they're seeing any terms of moral criticism as being really serious tools that they shouldn't abuse or try to exploit, like you're such a jerk or something, they wouldn't just say that, they would only say it if you were really being a jerk. I feel like that's probably like number one thing. If I had to, number one on my list of like, so and that's like something difficult, right? Fighting is difficult, but if you can do that with someone well and stay serious throughout the fight, like that's kind of like excellence in marriage from my point of view.

Ben: I agree with that, but I'm inclined to be a kind of pluralist about good fighting in a way.

Ben: I was just reading about Dylan Thomas, the poet, and his wife, Caitlin, and they had fights that did not fit this description. But I, and I'm not even sure it was

a good marriage. Maybe it was a bad marriage, and maybe it was a bad marriage for this reason, but it was a different model. It was sort of like, they just went at each other and just said horrible things and like, screamed at each other, and then they had makeup sex, and it was like a, it was a very tempestuous sort of high energy, like sort of a relationship. So I think there might be just different, different, I mean, would you just say that's just a bad marriage?

Agnes: I mean, it's not for me. But I guess I think, maybe it's not necessarily a bad marriage, but I do think it's a bad way to fight. Because I think that fighting actually offers you the opportunity, especially fighting with your spouse, offers you the opportunity to learn something and become a better person if you do it well. And they're not doing it in that way. And they might be doing it to let off steam or whatever, or to deal with the fact that they have incompatibilities. And like that's, maybe that, maybe that's like a release valve on their marriage and it still works out overall. But I guess I would describe it as non-ideal marriage fighting.

Audiance member: Yeah. Okay, so I want to return to the discussion on promises and of marriage because I think a lot of it depends on a certain account of personal identity and the implications that personal identity has on what we should do. So I kind of just run around this through like a transportation case. So I'm gonna give two cases. So say person A is married to person B and then person B steps into a room and then it scans each part of person B destroying it and then sends it over to Mars. Now, would person A be married to person B? And if yes, what if there is like an exact replica and person B isn't destroyed? Would person A be married to both of those people? So that's kind of what I'm doing. Turn your seat.

Agnes: That's Ben's kind of question. He's been waiting for someone to ask this question.

Ben: No, no, I haven't. Yeah. I mean, as you're asking the question, so I take it you understand that the question, forget marriage for a second. The question, is the person who steps out identical to the person who stepped in, that's a fraught, contentious question. People disagree a lot about it. We can certainly agree that, so to speak, with the conditional. If it's the person who steps out, then they're married. And then we have split cases, what to do about those. I guess I don't think that there's anything, those are just hard questions and I'm not sure there's a kind of nice answer to those questions quite apart from the relationship part of the story. That is, should we say these are both identical to the original person? Should we say that that neither of them is. That leaves us with a sort of, well, first of all, a practical question. You're this person's spouse. Now you're confronted with, first of all, a person who went to Mars, we have to ask whether they survived that. And then second of all, suppose you have two type identical people. Are these both your spouse or what? There's also a practical question there. There's also an ethical question in the following sense. we can ask, what are the reasons to love somebody? And if the reasons have to do with the kinds of properties that both of these people have by virtue of being type identical, then, so to speak, you ought to love both of them. That's not to say you are married

to both of them. It's to say that, so to speak, you have the same kinds of reasons. Or you might have, you might add to that, you know, a causal history condition. And then we're just back to the problem of identity across time. We have to say, so which Which of these satisfies that condition? That's our question. Yeah, go ahead.

Audiance member: Do you think the answers to these questions affect the answers to the previous questions, like on promises and the metaphysics? Do you think these two issues are connected in any way, and that we can't have answers to one without kind of substances to the other?

Agnes: Can I say a way that I think they are connected? So it's like if I make a promise to stay married to someone, all sorts of things could happen to that person that would not affect my promise. Like they could lose an arm or become sick or become disabled that I would still have promised to stay with them, right? And now just imagine that like instead of using your example, I'm going to slightly change it. just imagine that people could undergo mitosis, right? Where it's like they could just split into two people. That's like a thing. It was super rare, almost never happens, right? But like, so it turns out that, you know, like that's what happened to your spouse, right? And then this question is like, well, does that fall under like being injured or acquiring a disability or something like that, such that, well, you did promise, so now you have promised to two people, effectively, right? Or is there something in the promise where it's like implicitly, I promise to stay with you, singular? And I guess that I would be inclined to think that there isn't. That number isn't written into the promise, and so in the very weird possible world in which people could split in that way, like, I mean, it might be indeterminate whether or not you've promised. if it were known, then of course that would start to be written into, marriage contracts. But it could be that, yes, you're now like married to two people, and you could divorce one of them, right, or both of them. But I guess I would think it is, that's the way in which it is relevant to the question of promises.

Audiance member: So you both talk when people get married, they're not thinking like I'm entering into a bad marriage. Right. So there seems to be some sort of deterioration of the marriage. And I'm kind of curious as to why you think this happens. Like when people get married, they're sort of, you know, things are usually proved, I would hope. And even just sort of like in relationships in general, like a lot of times they start out when they're really good, everything's great, and that can last for like a really long time. But then something happens along the way that ends up with divorce. So what do you sort of think that is, and does that have sort of?

Agnes: A philosophical education ? Good. Was it you who was telling me the statistic about seven– apparently people get divorced not that much years one to five. And then a lot between 5 and what, 12 or something? And then not that much after that. So there's actually kind of a period, right? It has a kind of pattern.

Ben: Almost nobody gets divorced in the first five years. It's like close to zero. You can stick it out for five years no matter what's going on.

Agnes: Yeah. But like, let me, instead of answering your question, let me make it look a little worse. So here's another question along these lines that I was asking myself. Like a lot of people don't get divorced, right? So a lot of people will stay married maybe 50 years. But is it that they don't get divorced, or is it that they didn't live long enough to get divorced, right? Because, if they lived another 100 years or something, right, would they have eventually gotten divorced, or is it just that, like, Some divorces don't have time to happen because of the shortness of the human lifespan, right? Now the pattern that we suggested suggests like maybe that's not true because like maybe there's like a period and if you get beyond that point then you're good. Okay, so I just made the question worse. So Ben.

Ben: Yeah, I mean, there's the case of deterioration. We have to say what that would be exactly. And then there are, I take it there are cases where it's That would be the wrong way of thinking about it. It's not that it deteriorates. I mean, we could also call the following case that, but it would be more like a case of realizing that it was the wrong thing to begin with. So it's, I don't know what to call that, disillusionment or something. So it wouldn't be that it gets worse. It's that you start to see that it was never good to begin with. And I think both of those things can happen.

Agnes: Why does it take five years to start to see that, though?

Ben: Yeah.

Agnes: That's amazing that it would take you that long to see that.

Ben: Yeah. But I'm still trying to think about, so I'm trying to think about a case of deterioration that isn't that the other case. I mean, I take it, you know, if an event occurring, you know, one person cheats on the other, that would be a case maybe where, so it's not Now, of course, you might also say, it turns out that that's not the person that I thought they were to begin with. So you might bring it under the heading of disillusionment rather than deterioration, even in that case. But do you think that once we make that distinction, are there cases, as it were, of pure deterioration as opposed to coming to see that this wasn't the right person? It's not that this was the right person initially and now they're not the right person. It's that they were never the right person.

Audiance member: I mean, I think I may be a little too , but it definitely seems conceptually I could think of relationships that you're talking about that sort of, you know, the two people are compatible to get along, right? All the sort of arenas, everything's working well, and then just as time goes off.

Agnes: Yeah. I definitely think that's possible. I also think there's a lot of psychological pressure to rewrite those cases as cases where we were never meant to be. Because then it's like, oh, we didn't do anything wrong and we didn't like screw this up. It's just like we made a mistake. That is, our mistake was all at the front end. It wasn't in how we conducted ourselves, right? And I think that's a reading we prefer often. So we should be suspicious of it's being universally applicable. I think that I guess I think that there is some of people ceasing to try. So if you just think about dating and what it's like at the very beginning, right? So don't think about marriage. Just think about

the first few weeks of dating, like you're really nice to each other. And you accommodate the other person. I remember my high school boyfriend, my first boyfriend, he would only eat at this one restaurant, this Italian restaurant, that he'd like, he just had this idea that it was his restaurant. That's the only restaurant he would go to. And we dated, like the first few months that we dated, we just went to this restaurant. That was fine. By like a year into this relationship, I was like driven insane with rage at the prospect of going to this restaurant. I remember one time I said, I'll only go if I can order everything on the menu. And he's like, okay. And I ordered everything. And it was actually horrible and really embarrassing because we dissolved his food and we couldn't eat it. And it was, the whole thing was a total disaster. But anyway, like that was a thing where at first I was like happy to accommodate him, right? And so I guess, like, we're friends now. But, you know, there's a thing where I guess Where maybe it's something in between discovering that– there's things where you actually can't know how much it would annoy you. There may be no determinate fact yet. If you'd asked me when I started, are you going to be driven insane with rage by the prospect of going to this Italian restaurant over and over again, I would have been like, no. What's the big deal? There were tons of dishes on the menu. Lots of stuff for me to try. But enough time of trying all those things, somehow it became a symbol. And it acquired this kind of meaning that I couldn't have predicted that it would acquire. And I think those transformations are like a huge part of what happens over marriage, is that things acquire like symbolic meaning. And you can, I do feel like people have some agency over that. But also they have like, you know, there is something at the beginning of a relationship where you sort of feel like anything is possible. It's like the beginning of a quarter, right? Like the beginning? No, but isn't it the beginning of the fall quarter or something? Like, you It's like there are all these classes you could take. They all seem amazing, right? There's this kind of sense of possibility. And I don't think it's a lie, but a sense of flexibility about who you are, too, right? And I think that it is kind of natural that, like, that's part of starting something new. And then the question is just, how do you navigate it? And I guess I think there is a fair amount of doing so well or badly with the person, that affects how it goes, rather than it just being a question of were we fated to work out or not. Yeah. No, sorry, you. Yeah.

Audiance member: So – I would say that like – Yes, yes. So, like, there are personalities, I think, that are set, right? versus there are other parts of somebody that may be changing their time. And so what role do you guys think personal growth takes in a marriage and accommodation of that personal growth? And either accommodating and at what point does it become uncommable? Or how do you know whether it's something that they're growing through or whether it's something that is integral to their personality?

Ben: By the way, that point allows us the optimistic possibility of the reverse of deterioration. You start out with something that didn't seem so great, and then each person grows and grows, and it starts getting fantastic, you know. It's much better than you're going.

Audiance member: Well, like, five years, seven to twelve, and then everything beyond what they grow, and then they hate each other, and then they just accommodate that. I said that. It's not a lie.

Ben: So what's the case? The case is they're growing, and then– They grow.

Audiance member: And then they reach a point where they're like, oh, I've dealt with this shit that this person has done for so long that I'm capable of accommodating it. And it's like, oh, yeah, this person's– OK, I like them. They do this annoying thing, but that's fine. And in spite against other people, it's not even.

Agnes: Can I say something... like, here's just an observation, like I say this non-scientifically, but I've observed that there's a bit of a gender divide on this question. So I think that, and this is a broad generalization, but men tend to want to grow less than women want them to.

So that's a source of tension in relationships in that the men are often saying, why don't you love me for who I am? And the women are often saying, if you love me, why don't you become better.

It may even be that... because I don't know what causes this. And I'm sure there are people for whom it's not true. But it may be, for instance, that men see themselves as having a fixed nature more than women do.

So, that's like one source of tension in relationships is that one person is expecting there to be a lot of growth, and the other person is not, is saying; 'no, you have to accept me'. Because there's both growth and acceptance and they pull against one another.

You can defend men for my...

Ben: No, not defending men. But the thought you just had about how men might think; 'why don't you love me as I am?' That wouldn't explain the asymmetry. I take it that there was a second thought, which is men aren't expecting this of women. It's not just that they resist it, it's that it's asymmetric also in the expectations.

Agnes: Right. Men, I think, want to love women for who they are, and the women want to be loved for who they could be.

Ben: So why is that? What explains this?

Audiance member: Patriarchy.

Agnes: Yeah, I mean, it's not exactly clear, right? So do you have a theory? I'm writing something on misogyny right now, so I'm actually really interested in this question. So, like, how would patriarchy explain that asymmetry?

Audiance member: You're making me explain a joke, but okay. I think there's a general allowance for men not having to change, and not having to improve themselves in any capacity while also being rewarded, in a general sense. Obviously, this is talking about broad systems, not individual people. But then with women, there's the expectation that women are always going to seek a more perfect version of themselves. A really dumb example is, so I'm transgender, and I felt a lot more permission to not wash my hair since I started living more as a man than I did as a woman. Because

there's this expectation that women have to seek this ideal, while men can still be taken seriously even if they haven't showered in a week.

Agnes: Right, so one question is, what kinds of norms do we hold them to? And what kinds of norms of hygiene do we hold men and women to? Maybe we hold women to higher standards of hygiene than we hold men. But...

Audiance member: And also that men and women internalize those things, so women hold themselves and also other people, including men, to higher standards, while men maybe don't.

Agnes: Right, what's interesting about that is that the women who presumably are just as much informed by patriarchal thinking as men are, in fact, holding the men to the higher standards. So it's like they didn't realize those were men who are supposed to be happy with who they are, right? The women are like, no, I'm not happy with this. You need to become better. But I wonder how far historically going back this is true, or whether it's even true. It's true in my experience, but, okay, you take some questions.

Audiance member: So you mentioned that there are like those elements in marriage. So can we take one element out and is that still called a marriage? Like sex and finance and then the other child together? Or if you take one element out or two elements out, that stops being called a marriage.

Agnes: So my thought was that those are the arenas of cooperation, which when they go well, the marriage is going well. Right? So those are the things that are good about a good marriage. Like if you ask me what makes a particular marriage good, not why one should be in a marriage, but like what are the features of a good marriage? Those are the ones. But I didn't mean those to be definition of marriage. So now on the other hand, it's sort of, like if the two people didn't have sex or converse or cooperate with respect to food or sleep, at a certain point it wouldn't be a marriage because they wouldn't be doing anything together, right? But child rearing is in there, and I think you can have a marriage without children. And so I definitely think you can cut things out of there. But some of them are more important than others, right? And I think there's a lot of question, can you cut sex out? Could you have a good marriage without sex? Can you cut conversation out? Could you have a good, and I mean, and by conversation, I don't just mean speaking to one other occasionally, right? I mean actually having a conversation where you're devoting your attention to thinking about something together, not like, can you pass the salt or something, right? How important is that to a marriage? Like from my point of view, extremely important, but I may have a bias here. So I guess I don't think they're all the same in that like I kind of, some of them are like, you can't really imagine, I can't really imagine cutting out.

Ben: It's tempting to try to find something that organizes these things together, that is, such that it's not just a list, but even a list that has this kind of, this structure that Agnes was just saying, where you can take one away, but you can't take all of them away. But there's something around, something such that we can get a kind of

unity or cohesion. But whether, I mean, and maybe, love is the answer to that question or something, but that's it.

Ben: I would certainly hope that we could do that.

Ben: We don't just want a list of disparate things, each one of which seems like it can contribute to the thing being a marriage, and none of which is essential, but some of which are more important than others. We want to want some kind of...

Agnes: Yeah, maybe let's hope that will emerge with further questions.

Ben: Yeah.

Audiance member: One question that's kind of been, I don't know, blowing around in my mind. So something which often happens when people get divorced is that they get remarried to another person. So I guess I was wondering how you would think about remarriage in the context of divorce. Is there something fundamentally different about getting married again after having previously been married and divorced, and how can we think about that?

Agnes: I'm remarried, so I'm a good person to answer that question. I think here's one way that there's a huge difference. You feel completely free of all the wedding norms the second time around, which is awesome. That is the second wedding feels like you can do whatever you want, whereas somehow the first wedding, it feels like, oh, there's some way that a wedding has to be. And for a lot of people maybe, or maybe just for me, a lot of those features were horrible. I mean, we hated our wedding. Yeah.

Ben: We basically gave it over to our families, and so it was this nightmarish.

Agnes: Yeah, it was like the worst day.

Ben: Yeah.

Agnes: We were happy to have gotten married, but not in the manner that we did. So the wedding, and my second wedding was awesome and fun. And it was because I just did what I wanted, rather than having my parents do it, decide. So that's one difference. But does one, here's a question you might have. Like, well, when the first time you get married, you're just like, I'm going to be with you forever. Can you really say that the second time around? I think yes, if you're me. I mean, there's a more general, really interesting philosophical question about whether you can sort of take a non-predictive stance towards your own agency, right? So like, sex, we all know that 30 to 40% of marriages end in divorce. I think it's like lower than 50, so I think that's it's about right. And so like when you're getting married, can you have that in your head? It's like, there's a good chance that we'll get divorced, right? It seems like you should think that rationally, right? You should think there's a good chance we'll get divorced. But like if your spouse said that to you as your future spouse, this is about to get married, like there's a good chance we'll get divorced, you wouldn't feel okay about that, right? And like, but they're just saying a true thing. right? What's the problem with saying that true thing? And so there it looks like, well, you need a certain kind of faith, right, which is related to trust, kind of trust in yourself. And I think that you can have that. You might think like, well, once you've had faith in yourself and then broken it, it's hard to have it again. And I think maybe it is harder, but just like

trust can be repaired even within a relationship, I think faith in yourself can be too. And so I think like you can, you can get married a second time and still have faith in yourself and still avoid the thought, there's a 30 to 40%, and a higher chance if you've gotten divorced once, right? It's probably like 60% or something, right? There's a 60, you know, I didn't have that thought, even though like on some level I probably knew that there's a, you know, even higher chance I would get divorced this time around, that is, I still had faith in myself. But perhaps the sort of standards for having that have gone up.

Ben: There's a question, which isn't about marriage per se, it's about relationships, but there's a question, how should your earlier relationships, whether they were marriages or any other sort, sort of how should you relate them to your current situation, again, whether it's a marriage or some other relationship. Should you, I mean, the question's partly psychological, should you push those things away, ignore them, Try to learn from it, like what's the right... There was a woman who wrote, it was in the New York Times maybe a month ago, or a couple months ago, she wrote a letter to all of her exes on the occasion of getting married, I think for the first time, but she had a whole bunch of relationships before then. And it was her attempt to kind of not pretend that she hadn't gotten something out of those early relationships or that she hadn't had them. And so it was like, not a love letter, but it was just sort of a letter acknowledging these things, and I think it was a letter that she showed her husband, it was sort of like, so she wanted it to be something that he also saw, and so she thought it's very important not to, as we were, cut these things off, which is what people, I think, are often inclined to do, but rather just see them as part of who you are, part of your experience. But I think that's something people can, I think there's reasonable disagreement about that. what should you make of, what should you do with these things once you're, maybe especially once you're getting married? Anyway, that wasn't quite your question, but it was that your question inspired.

Agnes: Yes, but good, there is something there where I, that I neglected, which is like, of course you think you've learned something the first time around too, right? So you think you have in some sense better reason to have faith in yourself than you did last time around because Now you know some of the things that you didn't know then. And so you're making this decision on the basis of more information. So in effect, you might go at it two ways. One is that you need more faith, and the other is that you need less faith because you have more information. I guess I would fall on the more faith side of that. Yeah, sure.

Ben: So I have a question regarding.

Audiance member: The previous point that you brought up about the length of marriages and how this must be like a period where most things happen.

Agnes: Yeah.

Audiance member: So like bringing the example to the example you gave with your high school boyfriend, the restaurant example. So do you think that the restaurant was actually a reason that actually bothered you or was it kind of this urge that you

wanted to break away the relationship or you didn't complete, you weren't completely convinced of the relationship and you kind of rationalized between the restaurant and bring that to the marriage example, do you think it's just we have this maybe sometimes the irrational needs to kind of dissolve everything. And sometimes without doing that, I don't know, seven-six-year period, you just stop fighting that urge. And you're like, OK, I'm going to dissolve it. And the people who are married longer are like, maybe it's going to get better. So do you think there's this assumption that when you actually do dissolve it– and how true is it? When you actually do dissolve it, how do you know your happiness after divorce is better than your happiness if you stay in the relationship?

Agnes: Good. I definitely think there's such a thing as people who try to dissolve or destroy or rethink or radically kind of like reimagine their lives on a regular basis, because I'm definitely one of those people. But I think that if you're one of those people, then you also tend to sort of partner with people who understand that and who can survive it, because it wouldn't be like seven years, it'd be a lot shorter. So there's a way in which divorce is still yet another level, like even if you're a person who has a really hard time establishing, say, habits, right? That's true of me. I actually have a really easy time. I just then break them again really quickly. But like with the restaurant case, it came to symbolize a kind of what I saw as unreasoned, self-stylized sort of like obstinacy. right, where it was like he was sort of defining himself as a certain kind of person by way of these extremely arbitrary choices about other things too, his car, his attire, like he always wore jeans. Always. And we were high school debaters, and you had to wear a suit, so he would wear jeans under his suit. And he was like, when you first find that out, you're like, that's kind of cute or charming, whatever. And when it's like the 17th thing, where it's like, oh, you have to do it that way. And so the point is all these things became connected. He was a very weird person. became connected in my mind into like a pattern, right? And then it's that point where you start to hate the person, because you see the pattern as like who they are. So, but like, I mean, I guess I think your basic question, which is like, how do you know which way is better? Like you never get to live the other life in which you stayed married, and then like you compare that life, right? And so I think you just never know, really. You just, yes. How do you justify anything? I mean, that's true of every choice, right? With every choice, you don't get to live the other life in which you made the other choice. Yeah.

Ben: I think you can know that you should get divorced, even when you're not at all sure what the future holds, and even when you're not at all sure you'll be happier, at least in some sense of happier. You can still, doesn't that seem right, that you can know that, so to speak, This marriage is not right.

Agnes: Yes. I think that's right. I think one way you can have that thought is you can think, you can sort of think to yourself, I can see myself becoming a bad person if I stay in this. And then you're like, okay, that's not worth it no matter what. Still kind of a prediction, but yeah.

Audiance member: To what extent do you think that marriage is setting us up for failure. I mean, there are a lot of redefinitions of marriage that you have brought today to the table, including the idea of love, which is relatively recent. There are a bunch of people and families and households that have been excluded traditionally from the definition of love. There are a bunch of ages that have been excluded historically because people didn't live until they were 80 or 100. So how do you think those standards of marriage we still aspire to are unreasonable or are setting us up for failure eventually?

Ben: I mean, one thing to say is that there are parts of the world where marriage is very much on the decline. Europe, especially, or parts of Europe, it's in precipitous decline. There are areas of Europe where people just don't get married, or it's an unusual thing. Maybe not geographic areas, but there are socioeconomic swaths of areas where it's very, it's actually unusual at this point. Though cohabitation is still common, but not marriage. And so, I mean, sorry, this is not to answer your question, it's just to say like, one thing we can ask is, that a Should we be happy about that, unhappy? Should we take the decline of marriage as a... Sorry, go ahead, yeah.

Audiance member: I'm asking based on Professor Callard's idea that there are still a lot of people in this room that are thinking about getting married, right? And even in cohabitation, there's still a kind of a premise of like this long-term commitment, right, where it might not be declared through a speech act, right, but there's no like end term to that contract, right? So Yeah, I just want to understand whether those kinds of promises, right, are setting us up for failure, right, or are reasonable for the state of society that we live in and for the kind of people that we are.

Agnes: So maybe one framework for thinking about this question is, how much is philosophy setting us up for failure? And the answer is, like, a whole lot, right? Because Philosophical questions like about, say, free will or what kinds of things we can know, knowledge of the external world, what is courage? Like those questions are so hard and as we start to think about them, we start to realize all the ways in which we're like not getting to the bottom of something, right? And it's like, if you sort of commit to that, I mean, Socrates thought, it's fine because your soul is immortal, so you can just keep going, forever, right? Another way to put what he thought is like, it's fine to just try to do what's impossible. Setting yourself up for failure is not such a bad thing. And so like you might think from that point of view, I think marriage does in a certain way, the norms of marriage are like, it's sort of like, we know that a lot of us are going to fail at it. In the sense that a lot of our marriages will end in divorce. I'm not sure though that like, say, so one thought that I had, one of my other questions, but I think we shouldn't go back. These are better questions than what I had. One of my other questions was about a different model of marriage where it's like five-year contract marriage, right? Where so you don't like promise to stay married, you just are like for five years let's stay together, then we'll reevaluate, right? You can have like, it would be like, yeah, like a work contract where you re-up or something, right? So it's like what if we had five-year contract marriage instead of what we have? It would raise some problems

for child rearing, I think, right? Of course, not like those problems aren't also raised by divorces. But you might think that say you had a five-year contract marriage, and say at the end of the five years you decided not to renew, okay? And you might be both a little bit upset and hurt by that, right? And let's say instead of that, you'd had the five-year marriage but gotten divorced after five years. It's just not obvious to me that the first one's better than the second, right? Like you might think, yeah, it was better to fail at something bigger than to go for the smaller thing and succeed at it. And in fact, maybe a lot of, like a lot, in a lot of ways, I think we don't see our marriage as a failure. Like we're not like sad that we got married, right? And you could think that, you could think that there are ways in which a marriage succeeds, that the most important ways in which a marriage might succeed, like can't be measured totally in its duration, right? That's part of why I raised the point about like if we were to live 150 years, it's sort of like maybe we're artificially inflating these marriages where people die before they get divorced, right? And we should be thinking about the kind of joy and happiness and companionship and kind of cooperation that was possible in the marriage. And even if it, it's still failure if it doesn't last longer, right, by the standards that we've set, but it may be that it would be a deeper failure if we didn't have those standards. Like it's good to be able to fail in those ways. Moving on.

Ben: Can I add on to that? There's a very, very abstract question, which is sort of like in the theory of normativity as such, which is like, when does something count as a failure? We certainly intended to stay together, and that intention was not satisfied. Is anything that fits that description a failure in some normatively interesting sense? Part of why I'm asking is that I think that quite apart from all the other things that go along with marriage, the children, case and stuff, I think that's sort of the official view, is that the answer to that question is yes, it is a failure. And I remember when we were getting divorced, like you have to go through this whole thing, you know, you have to be in front of a judge and the judge, I forget, I blotted all this out, but you know, they'd say, have you like tried really, really hard or is there an irretrievable breakdown? And I remember both of us thinking, First of all, how is any of your business? And second of all, you wouldn't want us to try if you knew what would, but there's a thought that it, and I think it's a very, in a way, a very abstract thought. It's sort of like, it's too bad. Like there's this thing and you were trying to do it and it's broken and it's failing, and it's bad to fail, and so it's bad, and so we should try to make sure that we see if we can try to save it. And I'm worried that that's a kind of fallacy, that we have an overly formal conception of what failure is. I mean, I don't know. I was going to ask Agnes this, but I'll just throw it out to the group. Is divorce a failure, per se, in some interesting sense normally? That's my question. I mean, it can be a failure, substantively, depending on what happens, maybe. Is any case where you set out to do something and then you don't succeed a failure? That can sound trivially, yes. I mean, failure is the opposite of success. But anyway, I'm not putting this too clearly.

Agnes: Let me say one. Oh, yeah, go ahead.

Audiance member: It's the failure in the promise. Right? Going back to the definition of the promise, where I think that's where the point of the failure would be, because it would also be a moral failure, right? And not living up to your promise.

Agnes: Right. But I think it isn't out of the philosophy case, because I think the point is, you've got to commit yourself to finding the answers to these questions. It's not good enough for you to be curious or something. You've got to really be like, no, we're going to figure out courage. We're actually going to do it. And then you can fail pretty spectacularly. So, and so I think you're right that, like, you do commit yourself to something. And I even think that committing yourself to that thing, at least in most cases, is part of what makes the thing work or be good, right? But then it opens you to this distinctive form of bad thing. But so what I wanted to say is, like, that's also just life in the sense that, like, People die. And so the people you love die. And that's a big failure case, right? In that you like have built your life around them and now they're not there anymore. And that's like a vulnerability of every single one of your relationships. And of course it's not a commitment. It's not quite the same, right? But it is a distinctive kind of failure where you're open to psychological trauma as a result of like a bond that you've formed that can be broken by the world, right? And so I guess I just think more generally, we shouldn't always be avoiding those sorts of failures. And we should be okay with setting ourselves up for failures. Yeah, Max.

Audiance member: @@@

So I was wondering. I was wondering, there was this problem with the promise in that like, it's not just a question of like hurting the other person's feelings. Like there's the question of like, whether it's an ethical or like actually in the definition of the promise, it's not possible to undo it in some way. And I was wondering, and your definition of marriage was that it's a romantic union bound by commitment, right? But then in what you said, what's good about marriage seems to actually have nothing, as far as I can tell, to do directly with commitment. And what I'm wondering is, like, can you just do away with this problem? So what is good about marriage insofar as it is marriage? In other words, do you actually need the commitment or do you need just some kind of understanding? In the same way that I have a relationship to everyone who's alive as alive, but not permanently alive, I can have a relationship to the person I'm with romantically that's defined not by its permanence, but by its presence.

Agnes: Yeah, so let me say how I think the commitment thing fits in. I think that if you're going to do something by yourself in general, you don't need to follow rules. You can kind of do it however you feel like. So like if you're going to eat lunch, you don't necessarily, by yourself, you don't necessarily just need to decide ahead of time what time are you going to eat lunch, right? And you might just decide at a certain time you're going to eat it, and then just decide, go to the food trucks and just pick whichever one you want, and eat it wherever you want, right? All those things, you can just do it however you want. But now suppose you're going to have lunch with someone else. Then you need to coordinate, right? And so you need to be like, let's meet at noon, and let's go to this food truck, and then let's eat here. And there, coordination

is sort of like agreeing to be bound by a set of rules, such that you Like, it's not an accident that you're doing something together, right? And so I guess that's where I see the commitment as figuring, where all those things that you're doing together, right, like conversation and financial matters and whatever, you're sort of like, it's not like when you walk by someone on the street, a stranger, and you happen to be walking in exactly the same path together, right, where that could be like, you know, accidental. It's like, no, you're making it, you're making sure that you do it together. And that's a cross-temporal fact, too. It's sort of like you need to be now ensuring that you will be able to do it together in the future so that you know that if you, like me, if you're too dictatorial about lunchtimes and changing them all the time, then your spouse is going to not want to have lunch with you anymore. And so you have to be like, OK, I'm going to just, even though I'm not hungry yet, I'll have lunch. where that's partly for the sake of future coordination. So I see commitment as connected to rule governance and that as being a solution to a coordination problem.

Ben: Can I say anything about that? And I think I'm, in effect, disagreeing with you here, and I'm maybe more worried about the thought by your question. But I would have thought that, I mean, there certainly is a coordination problem in a sense, but I would have thought that Love solves the coordination problem, per se, right? That is, if you love, if two people love each other, it's going to sort of, as it were, follow. I mean, what's to coordinate, right? And especially when- Appetites.

Agnes: Like, I mean, like sometimes one person, this is a problem I have all the time. Like, what if one person's hungry and the other person's not hungry, but you're going to have lunch together? Right? And it's like, well, how long do you wait? Right? Love doesn't solve that one for you.

Ben: Good. So maybe love doesn't solve that one, but I thought the kind of commitment in question was the... Spending your whole life. Right, spending your whole life. And there it seems to be, so to speak, the following speech act would be a funny speech act. I love you, but you know, I'm going to go now. I'm going to, you know, we're not going to spend the rest of our lives together. You might have thought that that first thought takes care of the second thought in a way that doesn't require a separate commitment, let alone the kind of public promise-making that we do. So why do we need...

Agnes: What about Casablanca?

Ben: Casablanca.

Agnes: Reputation.

Ben: Wait, say what?

Agnes: Well, I love you, but I'm going to let you go. And I'm going to let you go because I love you.

Ben: Okay, good. But that's a tragic case, right? That is, suppose, setting aside cases where, you know, you've.

Agnes: Got- Shows that love doesn't entail commitment.

Audiance member: @@@

But is that, but wouldn't the argument have to be done that in that case, like staying together is not the best thing? Like if it's true that love doesn't entail commitment, like surely when you say I do and like you make the promise, it's because you're kind of like, you're saying explicitly something which is hard to say just through saying I love you, which is exactly what you were just saying, namely that me loving you entails staying together with you. But promising it is something which seems like you're just, you're explicating a certain part of it, which is like important and surface level in some sense, right? So then when, if I actually no longer, or maybe if I love you in some way that involves not staying together, that actually is more important than staying together. What's good about staying together then, right?

Agnes: Yeah, so I think I'm just like not quite following in that, is your thought that I love you entails something like, I will do whatever is good, where that could be a matter of staying with you, or it could be a matter of not.

Audiance member: @@@

No, I mean, I think the Casablanca case is kind of, like, I don't know, I mean, I can't really imagine, That's not really how I meant it. So maybe that could be an issue. I don't really, like, I don't have that perfectly.

Agnes: Yeah, I mean, it's a fair point that, like, my account of marriage seems to leave love out. I think that's a fair objection to it. Yeah, in the back.

Audiance member: Yeah.

Audiance member: Does romance create volatility in a relationship and therefore is a worse kind of long-term relationship?

Agnes: You can mean like some different things by romance, right? So one of them you could mean, one thing you could mean is like, are people prone to sort of like romantic gestures and kind of like romantic activities, right? And another thing you could mean is kind of like strong, passionate emotion.

Audiance member: Strong, passionate emotion.

Agnes: Okay. I think that's a really hard question. People, I think people really differ as to how much their emotional life tracks, sort of like what makes sense. Let me give an illustration of this through this summer. I became obsessed with Ingmar Bergman, and I watched a ton of his movies and changed my life. And that's why we're doing Bergman the next, second, next Night Owls. But anyway, the thing I realized that really spoke to me in Bergman was that there would be these super emotional exchanges over what seems totally trivial. And then there would be these things where something, what you would think would be really, really emotional was happening, but people, like a divorce, something where people didn't have any emotion at all. And the emotions were out of place in terms of And that made so much sense to me. And I'm like, oh, that's what I'm like. So I was like, finally, someone who gets me. So the point is, if you're like, for some people, their emotions are like really, really track what makes sense, right? And there I could sort of see, so whether or not emotions are going to, like romantic emotions, are going to make the marriage work or not, it's going to depend a lot on like what the emotions are tracking, right? And what they're connected to.

And It's also going to depend on how important someone's emotional life is to that person, right? So someone might have a lot of strong emotions, but feel like, yeah, but that's just something that I undergo and it's not like a really big part of my life and this other thing's really part of my life. So I feel like there's so many variables there in terms of the role emotion plays in your life, in terms of whether you feel like it is predictable or something or tracks what makes sense to other people, that it's like, I guess maybe I'll say one, I think there's like a little bit of it that has to be passionate. There has to be something like a possibility of anger, I guess I would say, and like something like that somewhere in there. But just because that's so fundamental to like how we feel importance. If nothing the person did, nothing they did, could ever make you angry, it would be hard to see yourself as being in the moment, I would think.

Ben: Any thoughts about that? But I take that, that doesn't necessarily entail volatility in the sense that maybe you had in mind. Maybe it does, I'm not sure.

Audiance member: I mean, like a friendship, there isn't this element of romance, and so maybe it's more stable long-term, or thinking with your siblings. you love them, but not in a romantic way. And therefore, there's a different kind of quality to a romantic relationship that makes you want marry a person, but also might, by the fact of being a kind of romantic relationship, make it the kind of relationship that is more volatile than the love that you find for a friend or for a sibling that makes it not conducive to a long-term relationship. As that other love does.

Agnes: Good. So I think that's true, but there's a flip side, which is that same emotionalness also sticks people together a bit, where like friendships can kind of just dissolve almost without people noticing them, right? And like one thing about romantic relationships is that it's extremely rare that they would dissolve without people noticing it, right? And so like I think that volatility is the flip side of like being glued together in a certain way at a psychological level.

Ben: Yeah.

Audiance member: I feel like you guys have been working under the assumption of monogamous marriage for the whole time. However, obviously there's a lot of cultures in the world where it's normal to have multiple spouses. How does polygamy, does that fall under the definition of marriage that you guys are working under? And if so, how does it complicate the picture of marriage and divorce?

Agnes: Yeah, good, that was one of my questions too. why should people, what is to be said in favor of being married to only one person, if anything? I mean, it's the same point, but in a way, sexual exclusivity, I think, again.

Ben: I think there's a sort of boring question, which is, should we count it as marriage, like a polygamous marriage as a marriage? That's largely a question of nomenclature. And then there's a kind of substantive question, which is, what are the possibilities for a polygamist situation. That is, what kinds of relationships can you have with each of the people? That's a that's a that's not a terminological question. That's a and there I take it it's that's going to be a function of I mean, that's we'd have to do an investigation of like, you know, psychology and, you know, social factors.

And some of those might be hard and fast and some of them might be tangible. So the first question for me is less interesting, sort of like, do we want to call that marriage, and then there's the question, just so to speak, could that be a good thing? Could it be good in the ways that are analogous to monogamous marriages? I don't know, do you have any thoughts about that second, about the substantive question?

Agnes: I guess I'm inclined to just think, yes, it could be good. in kind of pretty much all the ways that monogamous marriages are, but that it's like trickier and that a whole bunch of social structures would have to be in place to make it work, right? Especially, because if you're thinking about like both men and women having multiple spouses, like it gets very complicated very quickly, right? Because then some of those people could be married to each other, right? So like if you're imagining this on a large scale, it just becomes really hard to think through the form of social organization that you have, right? And it makes you see why, oh, like monogamous marriage creates like these kind of units, right? And even if you just had like, oh, only men can have multiple wives, that would still create the units, right? But that's obviously sexist. And so then you're like, okay, that's not good. So you have to allow the women to have multiple husbands too. And then once you make that move, it just radically changes the sort of structure of the whole group, right? The group dynamic. And it means that like everyone's relationship to everyone else is sort of like indeterminate. It reminds me kind of like, well, maybe like a commune or maybe something like Plato's Republic, right? Where sort of like there aren't, like in a way, no one is married to any other specific person and no one is sure which two people are their parents, right? I guess I think like one could imagine that working, but it requires a lot of steps of imagination that a lot of things about our culture would have to change. So that it's like, it's hard to imagine, I guess.

Ben: I guess I'm also, I'm a bit of a skeptic here. That is, I'm not sure that any amount of those sorts of changes would, there may just be some hard limits here. I mean, take friendship as opposed to romantic love. There's the question, what does it take to have a friend? And I've had people who insisted that their Facebook friends were all their friends, really their friends. And I think, no. You can use the word friend there, and there's some relationship that you have with these people, but you can't be friends with that many people. It's impossible. If you push me on it and say, well, what kind of impossibility is that? psychological impossibility? Is it, what's, I'm not sure what the answer to that is, but it seems to me there may be just some, and in the case of, obviously you can have more than one friend. Now with the question of, monogamy versus polygamy, can you have more than one person who you stand in that sort of relationship with, that is romantic relationship? I don't know, but I guess it's not, for me that would be an open question. I'm not convinced that you can.

Agnes: I mean, it is interesting how deep this idea of excluding others from the partner runs in a lot of people, right? So a lot of people sort of think part of what it is to like have a romantic partner is being able to say they're not allowed to have any other romantic partners besides me, right? So that's almost like a kind of ownership

you have. And so the question is like, is it just that some people have that and other people don't have that kind of idea of the ownership? Or is it that certain cultural facts can make the desirability of that form of ownership seem really, really appealing to you? Like if you think about how at a certain point in the history of this country, like owning land was just like a really big, really important deal in like owning your house. And people now like tend to like identify their property more in terms of like their career because people move around more and like who they are is tied maybe more to their career than like their house, right? So that would be like a change in the way of thinking about property and what it is to be me and where my status resides, right? And so could there be a corresponding change with respect to sexual exclusivity where somehow that would just seem way less important to people? And I guess I'm inclined to think yes, I could sort of imagine it. But it might also be a psychological fact that it would be a lot more difficult for some people than others.

Ben: So I can say one more thing. It's hard to know, again, how to approach this, that is, it psychology or metaphysics or ethics? Like, what's the right way to think about this? But, you know, so Aristophanes has the myth of, you know, people are looking for their other half in some literal sense, right? They're looking for the, there was a single being there and got ripped in two, and you're trying to find, you're trying to complete yourself in some sense. and who you're attracted to is just a function of which what the other side looked like. That thought, which again, I mean, it's a kind of a myth, and so we have to decide how seriously or how literally to take it. But I think a lot of traditions have leaned pretty hard on something like that thought. Again, I went and looked up some of this stuff before coming here, and in both the Christian and Jewish traditions, for example, there's talk of like a person being incomplete until they're married and it sounds very Aristophanic. If you think anything like that has any real, is true in any interesting sense, then you might take that, those facts, whatever they are, to dictate the answer to the question about polygamy versus monogamy, that is, can you have three, you know, Aristophanes imagines it like this, whether, it could be three parts. But anyway, if you take love to be at least illuminated by the thought that you're looking for your other half, that might affect, you know, the question, can polygamy sort of be a good or a real relationship?

Agnes: I feel the obligation to give Socrates' comment on that story, which is, love is not of a half or of a whole, but of the beautiful. I've always been deeply suspicious of that story. I agree with Socrates.

Audiance member: Yeah.

Audiance member: I have a question.

Audiance member: Since we're talking about this is so like marriage is kind of like a semi-rational, semi-rational process, but since I study economics and I believe that people are still more or less motivated by these external factors that affect their positions, then maybe saying that like if you get married, you have to get married, your whole life would be too extreme. Would it be a prudent idea to, for example, impose some cost upon your divorce so that at least you discourage your divorce? Wouldn't

that be rational logical choice, since when you get married, you at least to a certain extent rationally decide, or at least wish that you two could go on forever, then in that case, wouldn't you want to nudge your decision that way a little bit? Say, for example, if you get divorced, you lose half of your property to the government or something. If you make this decision, wouldn't this make your marriage a more reliable thing, that at least is more proof from the these irrational changes in your sentiments or something that you can maybe get over any short period of time.

Agnes: Great. I'm really glad you asked that. Actually, I had a really similar question about... So I read about these two economists that sort of did this, but throughout their marriage, not just with respect to divorce. So like they just monetized everything in their marriage. So like you do the dishes, you get $10 or whatever, and you do this. So it's like everything becomes a kind of monetary exchange. And then of course, you're just asking about like a limit case, right, where it's like just the divorce, monetizing just the divorce part of it. And so one, I think, really interesting question is like a lot of people find that absurd to do that. Why do they find it absurd? And I'm going to let Ben say something about that. But before that, I just wanted to tell you a really interesting sort of like economic fact about marriage that emerged like through no-fault divorce, which is that in effect, so no-fault divorce incentivizes the person who wants to stay in the marriage to be nicer to the other person, right? And so the kinds of divorces that happen are actually going to be shaped by questions like, and not only that, but the way people treat one another in marriage is then going to be shaped by the nature of divorce, right? And so if you, in effect, no, this is a good thing about no fault, no fault divorces are really good for the victim in the marriage. And they are, there a way to incentivize the perpetrator or whatever to make the marriage better. But I'll let you say something about the economic, economizing your marriage, monetizing it. Do I have something to say about that? Do you? I mean, I have stuff to say about it.

Ben: All right. I mean, what, sorry, I do have a question.

Ben: So were you imagining this as the state?

Audiance member: Incentivizing, or no, I'm saying like, why wouldn't it be rational for people to voluntarily gotcha this agreement before, like when people sign contract, they want it to go on, right? So they say that if you like fail this contract, you have to pay a certain penalty. I mean, it doesn't necessarily have to be monetized, it could be like... other costs you have to bear. For example, if you get the war somehow and you need to bear some other responsibilities or stuff, but I mean, wouldn't it be rational for people to voluntarily make this agreement or something like that?

Ben: Yeah. It's a.

Agnes: Little bit like tying themselves to the mask, you know?

Ben: Yeah. Though we don't usually tie ourselves to the mask, so to speak. That is, normally when we make promises, we just make the promise. So we don't normally say, I promise this and let me know add some like enforcement, some carrot or some

stick. And I think that's not an accident. But you're thinking of some cases where we do that. Sorry, yeah.

Agnes: Yeah, I mean, but I think that is really, the real of the question is really about whether the fundamental mechanism of marriage is trust or whether it's some kind of self-interest, right? Rational, enlightened self-interest. Because you could, of course, do the same thing to promise-making in general, right? So you could Instead of like every time your friend made you a promise, you could create an arrangement where they're going to suffer a certain penalty if they don't keep the promise, right? Like pay me $50 if you don't keep this promise. And instead, we just like instead of that, we have trust. So trust is like in place of that. And so then in a way, your question goes back to like our first question about like, are we just irrational, right? Is it just irrational to trust people and to believe in a way that outstrips the evidence and to form these commitments, but then not create an enforcement mechanism for them. And I guess my feeling is that when we feel that there's something weird about the economist couple who monetizes, and it wouldn't, again, have to be money, it could be other forms of punishment or payment, right, who monetizes their marriage in that way, I think that My own feeling is that yes, there is something weird about it, not necessarily that it's wrong. My sense is that actually probably they're not really even doing it. I'm suspicious. I think, so in the text that I was reading about this, it was clearly like, oh, we think we have all these trust relationships, but in fact, there are like bashful markets hiding behind a lot of human interactions, right? So there are economic analyses, like Becker's famous economic analysis of marriage, right? There are economic analysis of marriage, and you might think, oh, well, something like that kind of monetizing is going on in all marriages, but it's being hidden, and these people are making it explicit. I suspect it's the other way around. They're pretending to monetize their marriage, but what does that actually mean you have $50 if we have the same bank account? I'm just not sure. At the end of the day, if there was a crisis, I mean, even if you had separate funds, if there was a crisis, wouldn't they work together? And I think it's just that the idea of a market exchange is not the same thing as the idea of collaborating or working together, where like in a market exchange, the two parties fundamentally define their interests separately from one another. And they think that they both benefit from the exchange. But the idea of a marriage is that in some way you have like a shared interest. And having that, being in that position is a kind of vulnerable position in that you're seeing the other person as like included in your self-interest and they could sort of defect and then screw you over, right? And that's similarly true about belief. Like if you believe in a way that outstrips the evidence, then, you know, well, to think about it from a Bayesian point of view, like you can be Dutch booked, you can be deceived, right? You can be milked out of value if your beliefs are not formed. formed using a certain standard set of mechanisms. So you're making yourself vulnerable in that way. But there's an advantage to making yourself vulnerable in that way in that it allows for certain forms of collaboration, deep collaboration with other people. So I

guess I think sort of much like a prenuptial agreement, that sort of agreement would be a way of saying that I don't really trust the person.

Ben: Speaking of enforcement mechanisms, so one question that I wanted to raise tonight and get an answer to, hopefully, is Why do we have weddings? We said earlier that we had a lousy wedding. That's, I think, fairly common. But set aside the lousiness of it. What's the point of the wedding? One theory of weddings would be that they function, in effect, as an enforcement mechanism. That is, making promises in private is one thing. But if you have to say it in front of a whole bunch of people, So to speak, now everybody knows that you've committed in these ways. I don't know whether that's the right answer. It's a kind of cynical answer. But I mean, that is the standard answer is it's a celebration or something. But I think that's not, that can't be quite right or that can't be the whole story. So.

Agnes: Well, they are really fun for other, we've enjoyed ourselves at other people's weddings. So maybe it's fun for other people.

Ben: Yeah, but absolutely. It is, among other things, like a big party and stuff, but a wedding is defined, not in terms of the party, but in terms of witnesses, in effect. People are witnessing it. And the question is, why do we do that? Because we have various nested possibilities at this point. Earlier we were saying, why don't we just say we love each other and not make promises or commitments? Then we have promises and commitments, but they're in private. And then we have public, you know, in a social or religious context, and then we have legal, the legal side of marriage. But so why do we do that?

Ben: Why do we have weddings? What's the?

Agnes: No, I think that's a really, that's a good point though. Like I think I was too dismissive, because I actually now think it's true that we kind of do have some enforcement mechanisms. But maybe it's kind of important to us that the enforcement mechanisms themselves sort of rely on a little bit of trust, like the fact that we care about the point of view of the people that went to the wedding and stuff like that. But let's take a few more questions.

Ben: Yeah.

Audiance member: So how common is a good marriage? If a good marriage is not common, should we avoid marriage or do so very cautiously? Or might there be some reason to seek marriage even if a good marriage is uncommon?

Ben: I think this goes to some earlier discussions about prediction versus intention and knowing that marriages are going to, whatever, 40% of marriages end in divorce and so on. So it plugs into that. But I mean, take another case. Trying to write the great American novel or trying to become an NBA basketball player, I take it that's extremely unlikely and rare for any given person. But I think you wouldn't say it's therefore irrational to pursue it. Or certainly, if everybody thought that, then we wouldn't have any great American novels and we wouldn't have any NBA players. So setting aside the case of marriage in particular, do you think that if a thing is rare, it's irrational to pursue it, or if it's unusual?

Audiance member: I don't, but I was curious to hear what you would say.

Ben: Yeah, I don't think it's irrational.

Agnes: I think it's really hard to say whether it's common or rare. Because it would be like saying, how common is happiness? And it's like, well, what you'd have to do is live as each person to know, right? And so I think it's really, really hard to know. I think even children in a family will often not know is their parents' marriage a happy marriage or not. And so I think the answer, like there's a very deep indeterminacy. It's very, very hard to judge people's marriages. So I don't know the answer about how common they are. It may be that like, it's a kind of threshold issue, so that like, there's sort of a good enough marriage and that you can get a lot of goods out of a marriage if your marriage is good enough. And so that really, that should be our question. Like, Like how often are marriages good enough that they provide the characteristic goods of marriage such that they're worth entering into? But see, even that's like really hard. And yeah, I mean, I guess, I think that in order, I think that's an empirical question, and what we would need to do is find what we take to be correlates, right, of a good marriage. So like, you might think. self-reports about happiness, or you might think income going up when they enter the marriage, or you might– who knows, right? Having children? But whatever, you'd have to find some things that you're going to take to be correlates of it, and then check for those things empirically. I guess that would be the best way. Yeah.

Audiance member: @@@

Could you talk a little bit more about love, and how love may or may not be constitutive of the marriage bond? relationship of love, the pain of divorce, or like, if you don't feel the pain of divorce, I don't know, because you can get divorced, but you can't unlove the person you love. And also how that love might relate to the child, because what they're seeing is what they assume to be a permanent relation based on love between their parents disintegrated, and that is also what they have to their parents.

Ben: So yeah, there's several issues there. Again, I think we can't define marriage in terms of love, even in terms of love is the ambition or the aspiration of it, because again, in the old days, people got married where love, you know, they got married, it was a practical relationship, at least largely, again, we're on the verge of saying, well, how does that count as a marriage in some interesting sense? Maybe that's just a kind of practical partnership or something, but in any case, I don't think that love was taken to be a necessary condition, and we don't want to say, well, none of those things were marriages before he started taking love away. And then, of course, there are marriages now where, just as a matter of fact, there isn't love, but we still want to call those marriages, they're just bad marriages, so I certainly wouldn't want to into the definition, we still have this other option, which is taking it as the ideal or taking it as constituent of a good marriage.

Ben: But do you want to speak to the other, the second part of the question?

Agnes: I saw that was a really good point about children, that like, maybe part of what is so traumatic for a child is that they're creating a new universal principle, which is that love can die. And there's no reason for them not to apply that to the relationship between themselves and their parents. That's a really good analysis of what might be traumatic about divorce for children. So that's all. That's what I want to say.

Ben: Yeah.

Agnes: But I don't know. I guess, I think I might have something to say about love, but it's really hard for me to try to say it while looking directly at the problem. It's one of those topics where you almost have to approach it from the side by thinking about something else, and then you found yourself talking about love and you said something good. So if I'm just like, what's love? I once did give a talk about this. Actually, right when then I got divorced. I'm like, okay, now's the time I'm going to explain what love is. And like then I felt very inspired then. Like, and it felt like I knew it and understood it. But I, like, I think that now I could speak on the topic, but only by like, yeah, by trying to answer all the questions and then landing there. Bruno.

Ben: We overcalled, yeah, yeah.

Audiance member: So we've talked about kind of the relation of love to marriage, but I'm kind of wondering about the relation of respect to marriage, like mutual respect, particularly with this idea of kind of like arenas of cooperation. Is there any particular way we might think that mutual respect would play into that? And if not, is there any sort of relation between this idea of mutual respect and kind of this construct of marriage?

Agnes: Yeah, how's respect related to trust? I guess one way that respect seems important is that it's kind of a counter pressure. Like I've been sort of saying, oh, there's this cooperation and collaboration. But it is pretty important to see that the person you're married to is like another person independent of you, like even if you do share interests, right? And like that's, I think that's where sort of respect figures, or at least one place where it figures is that your interests may not, like your, any rate, your desires or whatever may not always like align and that things about them that don't make them fully collaborative are still them, and that would be a part of it. That your sort of collaborations are not like some kind of meld, but they're genuine collaborations of two, in some sense, still independent beings, and respect is part of that. It's part of the difference, in a way.

Ben: The issue of two independent beings versus one, I mean, I was talking a minute ago about the Aristophanes case, and we talked earlier about transport cases and so on. I take it that the thought of a marriage is often the thought of many becoming one, one flesh, right? And so, but I also see your point, which is that we want there to be two people in a marriage. And I don't know whether to treat that as a paradox, you know, it's like.

Agnes: It's the oldest problem in philosophy.

Ben: Yeah, exactly. How do you make a one out of a many, or how can a many be a one? Yeah. Godel said that was the problem with set theory. It's like, yeah. But yeah, how do we– what's the sense in which we want to have a one? Because I take it one of the central questions in the theory of marriage, so to speak. Do you have any brilliant ideas about that?

Agnes: I guess I think it's got to be like a looser unity. Like if you think about like, you know, I don't know, form and matter are two, but they're one. But like spouses are less one than that. It's pretty important that you're like still metaphysically independent beings. Like one of you can die and the other one doesn't die, right?

Ben: But we have some resources here. We can say two people are of one mind, meaning they share values and so on and so.

Agnes: Right. But even like the idea, if I'm right, that there's something very important about sort of collaboration, that's essentially like an activity between two different things, right? All right, cool.

Audiance member: So, pushing the point a bit further, I'm just wondering, what is the point of marriage? And thinking about marriage, maybe in terms of promises or explicit commitments, which seems like any definition of marriage would just include... What is the point of relationships built around explicit commitments to be certain kinds of people with each other? Maybe to stress out why I think it's not obvious that this is something good. First, I think that there are lots of other rich relationships that we have, like friendships that aren't necessarily based on commitments that actually capture a lot of the value of maybe something like a marriage to say an emotional type of connection or even a sexual connection. There are certain kinds of friendships that can have these things, and then maybe you might say that Commitments are still valuable to have, but commitments in relationships, and especially in marriages, are really strange to me. So take an example of trust, right? So it's like you make a commitment to trust your partner, and then you live up to that over the course of the relationship. In marriages, or sorry, in friendships where I trust my friends, they've had to prove to me first that I can trust them, and then I trust them. Or maybe even in the case of parenting, it's not like you get into a marriage knowing that this person is going to be a good parent, they kind of need to prove to you over the course of that marriage that they can be a good parent, right? Over, say, another world where we go out explicitly trying to find people who we could be good parents with, and they would have the proof to us first that they could do that, right? And so there's a weird way in which commitment comes first in marriage, and then people live up to that commitment, while it seems to me like other types of relationships where people have to prove that they can make those commitments first before. You know, they're explicit. And so that's like another point. And then I guess, I don't know if that just makes sense and I can get into that a bit more. And then it's finally like you talk about how in marriages, like if it's overly demanding or too all-encompassing or people can change over time. And so it just isn't obvious to me that like a relationship built around explicit commitments is even able to have.

Ben: Yeah, I mean, so often the rationales given for marriage are not in terms of the, they're sort of, in some sense, practical or extrinsic to the, let's say, the bond that you have with the person. It's designed to create and raise children. It's an economic, so you can certainly appeal to those rationales, but you might take those rationale, you might think those are fine as far as they go, but they don't, they don't justify marriage in the way that you would want it justified. I think that, I sort of, I see what you're saying. I guess I'm maybe sympathetic to that thought. One, I mean, again, we've already been talking about what the role of the commitment is, even in in a marriage, that is, it's taken to be definitional on a marriage, but you might think you can have a marriage where you just love the other person and express love to the other person and that's it. There's a kind of, I don't know whether it's, again, a psychological question or a sociological question. The way you're seeing it is there are these other options, right? There's friendships, friends with benefits, that there's all these other things you can have. And then why have this other funny institution, right, where you make these funny promises and so on? And that may be the right way of thinking about it, but you might think that it can turn out that those other things are in fact parasitical on the existence of marriage or something like it in ways that aren't immediately obvious. And so since we can't throw away marriage that easily because the other things are maybe in some sense defined on it. I'm not saying that's true, but I'm saying that's something we need to consider.

Agnes: Yeah, I guess my thought is like all those other relationships also involve commitments. And they include often lots of different kinds of promises. And I don't think it's true that the person you marry doesn't in some sense have to prove themselves. Like, I mean, like with arranged marriages, no. But, you know, And I think some people do go out looking for someone who they think will be a good parent. But I guess I think that– so I think that commitment is– certain kinds of commitments are parts of a lot of different relationships, and some amount of trial is available before marriage. But maybe why I think– what I think is sort of important about the scale of the promise that's made I mean, it's related to the question about setting us up for failure. I think we, I think it's important to set us up self. up for certain kinds of failures. Like it may be that there are certain things that we can only achieve when we set ourselves up for certain kinds of failures, right? So it's sort of like marriage, like we make all kinds of promises to our friends and we consider ourselves bound, but like marriage is like a really big one. We make like a really, like, because it's sort of like you could be in a relationship and be like, well, let's not put a label on it, right? And then you'd be like, no, I want to put a label on it. What is it to put a label on it? It's sort of like to have a norm with respect to which that thing sort of like aspires to live up to and it can now fail, right? And I do think that we exaggerate the sole importance of the temporal part of the norm, right? Like it's not just a promise to like keep loving the person, but it's also a promise to like love them a lot, like at any given time, right? And so holding yourself up to that norm is like saying, like, you know, we're going to aim big in this relationship. And we'll never have enough reason to know that we'll

succeed. But I think that it wouldn't be better if we didn't try, even though it would be less painful if we didn't try. Yeah, go ahead.

Audiance member: Well, I mean, I'm not entirely convinced. But this idea of it's important to have certain projects in our lives and set ourselves off for failure, it also seems important to have projects in our lives and set ourselves off for success, right? And so there seems, there needs to be some kind of like, limit or line between how far you want to push projects that have the failure and projects that don't. And so this, I mean, part of the tension of marriage is like a lot of people have terrible marriages, right? They'd be much better off with other sorts of relationships. And that could fulfill the same kind of needs that they get out of the marriage, maybe in a richer way that doesn't involve like the kind of social commitment that ends up kind of binding them and doesn't allow for the kind of growth that they want to experience or so on. So it isn't obvious to me that like marriage, like if you take the point that it's important to have projects such to ourselves, set ourselves up for failure, that marriage is that kind of thing.

Agnes: Well, first of all, I want to say that I think that there are many of the people you describe don't get married because they understand that about themselves and they have these other sorts of relationships. Actually, one of the questions I was going to ask is like, what makes a person unsuitable for marriage? Sort of on the assumption that there is such a thing. I think we know such people. So who would totally admit that about themselves, okay? So that wouldn't be, it would be the first to admit about themselves. But so yeah, so to say that like, look, it's like it's kind of like Ben's point, it's like there should be the great American novel, which is not to say everyone's trying to write it. And I think marriage has a broader appeal than that, but that doesn't mean that it's really important to set yourself up for that particular kind of failure. Like that is, it could be that that's not the kind of failure for you. Yeah.

Ben: On this sort of setting one up for failure issue, I think a lot of people, especially in the 20th century, and especially in the late 21st century, have seen marriage as in some way unnatural, or it's a kind of an unnatural constraint. And there are obviously two ways to go if you accept that premise. One is to say, right, and it's always good to be natural, so much the worse for marriage. The other is to say, no, marriage is one of many things in human life which allows us to, in some sense, rise above nature or to be aspirational in Agnes's heads, to kind of shoot for the stars. It's also going to open us up to failure. But the thought is that, and that fact gets, so it takes up a bunch of different features of the case. Like in an earlier question, there was a question about like, committing yourself to just sleeping with one person for the rest of your life. It might well be the case that in some sense, sleeping around is the natural state. Then we have the ethical question, right? So should we try to find ourselves not to do the thing that's natural in that sense, that's our natural inclination or not. And that's just an ethical question. But the point is that we have two options once we see it as an unnatural institution. You still look unconvinced. Well, there are certain.

Audiance member: Kinds of unnatural institutions that we reject, right? And we need to kind of make the decision between what kinds of unnatural institutions do we want and which ones do we don't. And I think the case can be that marriage is an institution that we don't. Like that isn't entirely convincing because you still have to do some more work to argue that like this is an unnatural institution that we should like value.

Ben: Right, absolutely, sure.

Audiance member: Yeah. So a lot of things we've touched on tonight I think are approval not only to relationships of like a single generation in which like marriage occurs such as ownership, child rearing, and they're not just within the realm of like the single unit of the the parents, the spouses, and their children, but there's also the generation before them. So what role do you think adult parents of adult partners play in the decision to enter a marriage and to leave a marriage?

Agnes: I think I don't quite get the question. So is your thought that The fact that you're, say, my parents and Ben's parents might be kind of models for us about...

Audiance member: They might be models. They might have ideas about the fact that you could stay together or not stay together.

Agnes: Yes, good. Right. So it's sort of like we've been operating under the fiction that people make all their own decisions. Yeah, good. I guess I think that you're right, that people quite often even feel like they can't fully on their own have a thought about whether or not this is like a good person without, like it's really important to us that our parents approve or that our siblings too approve. right? Which is to say that getting married to someone in a way is like joining them to your life to a bigger group, right? And so the people in that group then are going to in some way have a say. And I guess I would say maybe that's a little bit less true than it used to be. but it's still true that your parents will have a say in terms of marriage. Will they have a say in terms of whether you get divorced or not? They will try to, I think. And I think divorce is particularly unpopular among parents, that is, right? Because it's sort of like the point of view they have is just like, it's just a destruction of something. So one of my questions that I was going to ask Ben was like, what is the role of courage in marriage or divorce? And I think that one of the, one of the places where that shows up is that both getting married and getting divorced sometimes involve renegotiating your relationships with other people. And like, I mean, one way to do that is to break off contact, right? But that's usually like a bad way, or often anyway, a bad way, like it may be a last resort, right? But in some way, even if it's not a matter of your relatives having a say, it's still going to be a matter of renegotiating that relationship and sort of having the courage to do that. So I guess I think regardless of sort of like how much say they get, there is that kind of a way in which both marriages and divorces are kind of like destabilizing with respect to other relationships. That's true.

Ben: I think this came out a little bit, but it isn't just parents, obviously. It's a whole– Friends. Yeah. So like, and sorry, I think Agnes is right that divorce often takes a certain kind of courage. But in addition to the things that you expect will happen

and where you're courageous relative to those expectations, there's a whole bunch of unforeseen things that happen. So for example, a lot of our friends were just really, really unhappy with us and it damaged a bunch of friendships and ended a few of them and it, you know.

Agnes: That was really surprising.

Ben: Yeah.

Agnes: That was the most surprising thing about getting divorced was how upset our friends were.

Ben: Yeah.

Agnes: More so than our families.

Ben: Yeah. So, but there obviously it isn't a matter of, It's not so to speak that they're having a, besides, sometimes they might have a say in advance of it's happening, but in any event, some of it is going to be pressure not to do it, and the other is going to be just unhappy or shocked reactions to it. I take it in a way this goes back to your question about social construction, that is, in the old days, the will of the parents was very much a constitutive part of the marriage, and then that just slowly waned, at least in many places.

Audiance member: Solve the issues with the divorce. So a lot of the time when the couple does not have any children but they want to get divorced, people will suggest for them to have children because maybe that will mend the relationship. What are your thoughts on that?

Agnes: One interesting statistic I read in just like reading up before this was that, so The fact that there are now no-fault divorces, it's easier to get divorced, and the fact that people postpone childbearing more than they used to means that children are less affected by divorces than they used to be, because a lot of divorces happen before people have any children. So I just found that interesting, interesting cultural shift. I mean, we already had children by the time we got divorced. So I guess it's a bit incredible to me that having children would like improve the kinds of problems with a marriage that would lead you to think of getting a divorce. Which isn't to say that couldn't happen, but children are a huge stressor on a marriage. It's like all of a sudden you care not as much about each other, but like a third thing, right? And so, I suppose the logic would be, but maybe you didn't have anything in common and now you do, right? I'm sure it's happened. But I guess it sort of like, doesn't, it doesn't correspond to my experience that would be like a major way to save a marriage. Like, I'm sure it could happen, but it's just sort of like not something where I've encountered some phenomenon where I'm like, oh yeah, I see that.

Ben: I share Agnes's intuitions about that, about how having children will repair problems in a relationship. Needless to say, again, there's a traditional conception of marriage on which it's primarily about having children and not primarily about the in that sense, the health of the relationship. And so, you know, having children would absolutely solve the problems. That's the goal of the marriage. Oh.

Agnes: Steven.

Audiance member: So do you think a season to love your partner is a sufficient reason for divorcing? As is because like for a romantic relationship, Steven to love your partner seem to be a sufficient reason for ending the relationship. But Is that the case for marriage? I don't, I mean, partly we don't do that. We don't end marriage just because we seem to love our partner because of factual reasons, like kids, financial matters. But suppose you have a no-fault relationship and you don't have attachment of the kids. Do you think that's a sufficient reason for divorcing? Or is marriage such a different project that it requires more effort for you to try to fix that?

Agnes: Yeah. Good. That's a great question. So is, we'll put it this way. Suppose there were no like kids or financial reason to stay together. And suppose that you realize that you don't love each other. Is just the fact that you've committed a reason to stay married? Or like, is there some reason to stay married?

Audiance member: Or just trying to fix it.

Agnes: Oh, to try to fix it, yeah. Well, trying to fix it, I think, if what you think is that you could love each other again, right, then it's easier to say yes. But the hard case is like, it's sort of like, what is the commitment even about if it has no weight? I think that's what's sort of really compelling about your question is, like, suppose that all there is the promise, right? You made a promise to stay together. Now you're in a situation where You have no other reason to stay together, but you do still have the promise. Does the promise constitute any kind of reason? Right? And it's like, if it doesn't, then it wasn't a promise. If it constitutes no kind of reason on its own to stay together. And yet I'm sort of inclined to be like, yeah, it doesn't constitute much of a reason at that point. So I don't know. What do you think? That's a very powerful argument.

Ben: Yeah, no, I agree. I wouldn't put it in terms of it, it's not a promise. I would put it in terms of this shows what promises are. I mean, that is– If the promise provides.

Agnes: You with no reason, you're saying the promise could provide you with no reason at all to fulfill it? The fact of having promise? Isn't that what promising is? That the fact of having promise provides you with some reason to fulfill the promise.

Ben: That's the point of promises. But if you say in the right context, I hereby promise X, I mean, sorry, I think maybe we're not disagreeing. I agree that when you make a promise, you do therefore have these reasons, and then we have this puzzle, which is, but my point is that the there is a question which came up right at the beginning of this of our conversation tonight about what is the sort of the force of promises, not just marital promises, but any promises. How do they work? Can you undo the normative structure that you create by making a promise? I'm not sure we're disagreeing sensitively. Your thought is you want to say it ain't a promise if it doesn't have, if it doesn't have.

Agnes: If the promise itself doesn't carry any weights, any, I think we have to reevaluate everything you've said. Start over. Really? I mean, does anyone see the problem? It's a big problem, right? Our whole analysis of marriage was that marriage is a commitment, right? Where the idea is that you're bound because you made a

certain agreement. But now, like, you know, Stephen has produced, we could put it in the form of an argument, right? But look, if all that were remaining in the marriage were the commitment, you wouldn't want to save the marriage just to save the commitment. But that's just to say that there isn't really a commitment. Lucy, did you have a thought about this?

Audiance member: I'm not sure if this is just a question you're talking about. But I was thinking about if we think about social.

Audiance member: @@@

Contract theories and the way they think about getting into certain institutions, like provides the conditions under which you can like act in a certain way that you want to act. But you can't act like prior institutions. And then also that like promising something is a way of thinking forward to like there are cases under which like I'm going to think that getting out of this situation is a bad thing, but like I might be wrong in that situation and so I can put less weight on how I feel right now than, sorry, those two things seem more connected.

Agnes: Good, well, I'm actually starting, okay, I'm starting to see a potential way out of Steven's problem. So I found it helpful to think about what you were just saying, where you're saying that there are sort of circumstances under which I'm making a promise, and I have reasons for making it, I forgot that part. that when we make promises, we make them for reasons, right? And we ask people to promise things for reasons, right? There are goods that are secure. It's sort of like, will you pick me up from the airport? Yes. And it's like, yeah, but that's embedded in a context of it's good to be brought home from the airport. So suppose that it turned out I was just going to take another flight right afterwards. You shouldn't pick me up then, in a way, even if you promise, because I just got to get on another plane, right? So it may be that that it makes sense, say, for two people to release one another from a promise, right, under certain circumstances. Circumstances that speak to the reasons that grounded the promise in the 1st place, right? They didn't make the promise for no reason at all. They made the promise for reasons. And the fact that it's a promise means that it isn't as though when those reasons go away, the promise just goes away. right? But that there is this possibility of releasing one another from the promise. And you might think, yeah, in a given case, it might make more sense to release one another from the promise than to fulfill the promise. But that wouldn't show that there was no promise.

Ben: The ones who are grounding it that much in the reasons for the promise, why do we need the release part? Why can't we just have the dissipation of the reasons part?

Agnes: I guess because, so I think this is sort of like connected to the thing Lucy was saying, which is that in a sense, promising is sort of having things not directly and immediately track your reasons. Like if you sort of, in a way, feel like you can't always trust your immediate reaction or something like that, right? So you're sort of binding yourself to some degree, but that binding itself has some kind of ground, right? It's

not just like out of nowhere. And so it can then be in a certain way assessed and then cooperatively reassessed, like changed, right? But maybe not unilaterally. Yeah.

Audiance member: @@@

Just continue about the questions about promise agreement. So I don't really think the agreement is the same as promise. That's the first point. And the second point is that I do think once we are making a promise, it's more about making an agreement. and the so-called metaphysical promise in which it's impossible for you to release yourself from that promise. I mean, do you think it's possible for human beings to make such a perfect promise? Or, when we make promise, it's actually more about making agreement, and agreement is something like, so we are very used to see the agreement in which, if we break the agreement, we will experience some loss. For example, if you break the contract, maybe you have to pay a panel, we have to talk about that, but like when we make a promise... We, especially when it's promise about marriage, such that when you divorce, you may not really experience some penalty. But actually, when you say, I promise something, there is a kind of penalty, like mental penalty, in which if you breathe the promise, you yourself will feel not good. So that's the kind of penalty in the agreement. But indeed, for human beings, I think it's not possible for us to to make the perfect promise because we cannot control everything.

Ben: I'm inclined to think that we can, though, again, maybe we shouldn't. But I think we have this amazing power. Though, again, we want to keep separate the structure – the content of the promise and the ethics of whether you should keep the promise. Those are two different questions. So I think that when you, for example, promise to go to somebody's birthday party, you're not just saying, I'll try to be there. You're not saying I'll be there unless something else comes up. I think it often has a categorical structure, a categorical content. But then if another friend has to go to the hospital, you should go take your friend and you should break your promise. So I don't think, the fact that it has a categorical structure, I don't mean categorical in concept. I don't think you're obligated to keep all of your promises. Or in any event, that's a separate question from the question, what's the content? And I'm inclined to think that the content is very, or at least it can be very sort of extreme and metaphysical in the way that you're... But you were saying before that you think that really we're talking about agreements and you took that to be... Can you say more about that?

Audiance member: @@@

Yeah, I think if it's actually impossible for us to make such a perfect perfect promise. For example, let's don't talk about while your friend goes to the hospital, you have to look after him or her. What if you got the car accident on the way to your birthday party, on the way to your friend's birthday party? You cannot control it. And in that way, it's, I mean, you do not even have the capacity, should I say that? You don't have the capacity to keep the promise. But promise if it's in a perfect way, it's something you can't, act out. So you must act out, but it's like sort of contradiction. So I think, yeah, promise is more like something, so it's on a, maybe we can say on a higher level than agreement. So it's not a very simple agreement, but it's more than agreement in

the sense that you are trying to accomplish that. And if you don't accomplish that, you may experience a kind of moral loss. But still, if something bigger than that moral loss happened there, it's still possible for you to release from the so-called promise. Because indeed, that's only an agreement. And you just have to experience, you just have to bear that pattern.

Agnes: So I think in the theory of promises, people usually think that there's a clause about being prevented by external forces, right? So the idea is, in so far as it's up to me, I'm going to do such and such, right? Where that's contained or assumed in the promise that you're, like, in so far as it's up to you, you'll do this. And so if your thought is, yeah, we can't make promises without that clause in them, I think most theorists of promises would agree with you. We have time for like two more questions, I think. So if people have, yes.

Audiance member: I guess I'm just still very confused about one important thing, I guess. Yeah, good. So why do we, like why do people get married at all? Because technically it's just a legal thing, right? It's just a stamp and a passport. Yes, it is a promise, but essentially it's just you sign a paper and that's it. So why can't people just promise something to each other without having to go and sign something, or to make it official, and to legally buy themselves? Why do we even do this? And more specifically, why do we remarry if we got a divorce at some point?

Ben: Yeah, so there are different, there's the question, why do we have the legal institution of marriage, there's the question, why do we?

Ben: Have marriage as a public thing, legal or otherwise.

Ben: There's the question, why do we have promise-making, even private promise-making, as opposed to just being with the person? And we've already talked about those distinctions, and there are different kinds of reasons in play in each case. You might think that there's a kind of, even if we did away with legal marriage, and even if we did away with marriage as a public thing where you have a wedding and so on, you might think that there's a kind of, we have, so when you love somebody, you have to register that fact. That is, sorry, you have to register it to yourself, but you also, you might think it's important that you, so to speak, acknowledge it and acknowledge it with the other person. And then the question is, what shape does, or what form does that acknowledgement take? And you might think that a good way to take it is something that at least gets us in the direction of marriage commitments. So I mean, there's two, you could disagree with that in two different places, right? You could say, you don't think that we have to have, in a loving relationship, you don't have to have that kind of acknowledgement. Or you could think you do have to have it, but it doesn't have to look anything like a marriage, even, so to speak, a private marriage, a private commitment. But yeah.

Agnes: So let me give you another case that doesn't look anything like marriage, but I think that, so the yoga studio that I go to, every once in a while, there'll be like a 20-day challenge or something, right? Where it's like, you're gonna go 30 days in a row, or you're gonna go every other, you're gonna go at least so many times per week,

whatever. And people just sign up for these challenges, and you don't get anything if you succeed, right? But people seem to like them and they seem to want to sign up for them. And it gives you something to shoot for, right? And it's public and there's like a wall and you put your name down and you say which one you're going to do. Other people can look at it. And you can think of that as like one form of sort of like using the, making use of like the benefit of society to bind yourself to a certain kind of goal, where that goal might be good for you, and it might make you happy, but you might fall away from it due to other pressures. And so I guess that's how I would tend to see marriage. You could, in a way, you could do this all yourself, as a couple, without society, without declaring anything. You could, I think. But you could also just decide, I'm going to go to yoga every day for 30 days. But a lot of us find that really hard, and when your name is up on that board, you find it a little bit easier. So you might think of marriage as like mobilizing that, like other people to help you fulfill a certain kind of goal. Yeah.

Audiance member: So in reference to other people, I want to ask a question about a tweet that you posted. There's a reason he's alone.

Agnes: Yeah. Here he is in real life.

Audiance member: Yeah.

Audiance member: So relationships are like obviously an eminently social thing. There's such a thing as no fault divorce. I can say you and I are compatible. We're going to get divorced. But the inverse isn't true for initiating a relationship. I can't go up to you and say, you and I are compatible with being a relationship because that's just not the way the world works. And so in reference to something you said earlier too, why is it, or are there people who aren't meant to be in marriages? Are there people, slash, why can't we be friends with our exes? Or why is the owl alone?

Agnes: That's a good one. We can be friends with our exes. We're friends. But I think it's often hard, it's often hard to be. There's a lot of questions in there. I don't know, Ben, you want to start on one of them and I'll try to figure about some of the others.

Ben: I didn't, I actually don't know about this tweet.

Agnes: Oh, it's just a picture of this owl and it says, why is he alone? Because it was like a reference to like 9 owls coming, but he's only one owl because he's divorced owl. was the idea. I think you were maybe one of the few people who got it, because there was no reference to night owls in the tweet. It was just a photo of me holding this bird saying, why is he alone? So, but that, you know, so look, the basic, one question you ask is like, are there people who aren't meant to be married, or like for whom marriage isn't going to work out, right? And what would it be to be such a person? I take that to be one of the questions.

Ben: And we distinguish, given how this person is, would it be, is it better that they not get married or not, maybe even not be in a relationship? From the question, is any of that ideal? Right, so it might be that the, I have friends who are just, they have enough hang-ups that they're definitely not, they shouldn't be with anybody, but

so to speak, they would be happier if they could be with somebody, so to speak, but we'd have to get rid of those hang-ups, but they, but given that it happens. So we have different levels of assessment here. So you at least could think, so to speak, for everybody, the ideal is to be, is to find the person that they love and, but they're just, there's some, as it were, obstacles or hindrances to that for some people. Or you could think that's not the right way to think about it. So to speak, there's just different kinds of people.

Agnes: I guess at a basic level, I would think it's like, how collaborative are you on some level, right? And some of us are so collaborative that it will be very easy to find a romantic partner and have a fulfilling relationship. And then some people, it's like difficult because you're not that collaborative. And like in school, there's always like the people who that's eating and that's difficult, right? And then there just might be someone like at a really far extreme where they're really not collaborative, right? Where it's like really important to them to eat at certain times and sleep at certain times and make all these decisions exactly in the way they want to make them. And that's not compatible with living with someone else, basically. So I would say it's that. It has to do with how much you want, how much you feel like your life is enriched through collaboration. Yeah, we should stop. Sorry. Thank you guys so much for coming.

Ben Callard and Agnes Callard
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