

Habits

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1. Contractual Views:

1.1. Features:

1. obligations only from promise
2. morally arbitrary, diverse

normal account: social and legal practice as default, but spouses can release one another from these moral obligation E.g. **Fidelity** is a default obligation, but spouses can free each other from this.

1.2. Problems:

unilateral divorce: if marriage entails the promise to stay married, then unilateral divorce seems problematic

possible response: 1. there are more stringent moral duties that permits unilateral divorce 2. marriage must based on love or sex (not favorable if not explicitly stated as obligation in contract) 3. marriage does not promise to stay married, but only stay married to do good to their children (parental duty)

amatory obligation Do marriage demand that spouse **behave** as if they love each other, or they **psychologically** love each other, or else?

The former option seems counterintuitive, but the second answer will run into another question: if there is a pill that can make someone psychologically fall in love with someone, will you take it
implying the third option?

1.3. Objections:

Is any arbitrary contract a marriage contract?

Response

1. Marriage is irrational: Marriage is irrational
2. Marriage is rational but subjective.
 - 2.1 However from the institutional perspective, if it is rational, it is objective

Voluntarism

Voluntarism seems wrong because not all duties are voluntary.
i.e. filial duties

Response:

1. even if filial duties are not voluntary, spousal duties can be voluntary
2. voluntarism does not entail contractual views. Contractual view emphasize on the subjectivity of the agreement, while voluntarism emphasize on the fact that everything must be voluntary. It is possible for voluntarist marriage subject to

2. Institutional Views:

2.1. New Natural Law

2.1.1. Marriage as procreation

the good (purpose) of marriage is reproduction and fides

2.1.1.1. Problems

inconsistencies

if law is to forbid “bad marriage” for the sake of human goods, then it should also forbid things like eating healthily

counterexamples for common dogma

non-marital sex, i.e. masturbation or contracepted sex can be good

why is infertile marriage permitted?

“type theory”, but not convincing at all

problem with standard definition

standard definition: marriage is the union of life, mind, body, etc.

problem: why is bodily union is so important?

2.1.2. Alternative: Goldstein's theory

2.2. Marriage as Protecting Love

the purpose of marriage is to protect sexual love relationship leads to obligations that protects love and excludes incompatible options

2.2.1. Problems:

Controversial principles

some argues that extra-marital or polyamory is advantageous to marriage

Do we really need marriage for love?

because if a couple is in love, they do not need marriage to have love; if a couple is not in love, they are trapped in a loveless marriage

marriage cannot protect love since divorce is possible

2.3. Marriage as virtue fosterer

Understood as Ulysses contract