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PHILOSOPHICAL CONTROVERSY OVER THE INDISSOLUBILITY OF MARRIAGE

Марек Чахоровский. *Философская дискуссия о нерасторжимости брачных уз. Рассмотрено реконструкцию спора среди классиков философии по поводу моральной оценки неразрывности брака.*

¹ *Retoryka* 1359 b 5-15.

² Na ten temat roli autorytetu w kulturze zob. „Człowiek w kulturze” 22 (2011/2012).

Представление сводится к систематизированию и оценке точек зрения, принятых в истории этики, которая является необходимым условием для урегулирования спора о моральной оценке развода. Чтобы навести порядок тех точек зрения, автор использует пять существенных отличий в концепции эротической любви, анализируя и сравнивая точки зрения, защищенные первыми спорщиками (Сократ, Платон и Аристотель). Все эти отличия в концепции эротического взаимоотношения приводят к противопоставлению моральной оценки развода с точки зрения их последовательности или непоследовательности.

Ключевые слова: брак, развод, мораль, любовные взаимоотношения, эротическая любовь.

A controversy on the indissolubility of marriage lies primarily in the opposing conceptions of the erotic relationship.¹ The philosophical tradition, through the standpoints of its leading representatives, does not neglect the analysis of the erotic relationship and of the question of its permanence. Although the classics of philosophy adopted different or even opposing solutions of the problem, they have not overseen this extremely important institution, as it is the only way – the way of erotic involvement – ers their existence. This is probably the reason why the father of ethics – Socrates – described himself as particularly knowledgeable in the matters of Eros.² Ignoring its erotic involvement, ethics loses its essence, as it forgets that it is a practical discipline devised to help the subject recognize th morally good. Contemporary studies in history of philosophy seem to fail us in this respect,³ apparently trying to keep pace with the “spirit of the times,” generally negligent of the issue of marriage and family, perceiving them as a mere product of society, a product whose origin was conditioned by the historic social and religious situation, presently out-of date. We are witness, however, to the awakening of a part of the philosophical community to this question thanks to the activity of the “feminist philosophy,” scrupulously “interrogating” the classics of philosophy on their ways of posing the problem of the man-woman relationships, including the erotic ones. Why do these classics of philosophy vary in their assessment of the indissolubility of marriage? I focus here on the reconstruction of the nowadays forgotten dispute of the classics of philosophy on the assessment of the inseparability of the erotic relationship. I will not confine to reporting a variety of those assessments due to differences in the understanding of the essence of the erotic relationships, but I will also attempt to set them in the context of metaethical and metaphilosophical solutions, based on the opposing concepts of science. It turns out that this specific topic, very important nowadays, also attracted attention of the classics of philosophy.

Regardless of all the differences in grasping the erotic relationship, the founders of classical ethics unanimously stipulated the conformity of actions in this area with the extra-experiential reality of the subject and addressee of this relationship, i. e. with the objective essence of the human being.⁴ A radical and methodologically planned departure from this tradition of thought could be found only in modern philosophy⁵ – in its systematic, and not historical sense.⁶ For the latter philosophical tradition – the tradition of philosophy of consciousness, and not of philosophy of being – the erotic relationship should be made consistent with spontaneous erotic feelings, and not with the objective reality.⁷ Without denying that feelings are also essential for erotic relationships, it should be posited that considering them as “everything” in such relationships, or as a leading element in them, is not justified, as erotic relationships involve objective human persons. It turned out that this first controversy in the matter of understanding of the erotic relationship fundamentally affects the solution of the problem of its permanence. Reduction of this relationship to erotic lived experiences – which, as to their mode of existence, are processes, i.e. objects developing in time – out of its essence excludes permanence of a relationship based on them. If the inseparability of marriage is still stipulated form this standpoint, it is due to additional presuppositions which will be revealed further.

In contrast, the standpoints recognizing the objective reality of the co-subjects as the foundation of the erotic relationship open the way towards solutions making the permanence of those relationships dependent on the mode of objective (extra-experiential) commitment of both subjects. The mode of commitment – which is indicated by the facts of elementary experience (including the experience of sexual shame) – is most accurately described by the expression: “the gift of the person to the person,” which is used by representatives of very different philosophical traditions (e. g. Thomas Aquinas, Duns Scotus, K. Wojtyła on the one hand, and I. Kant, J. Fichte, A. Comte and G. W. F. Hegel on the other); the expression denotes a limit – because “total” – involvement of the personal self of both spouses. This “totality” also concerns the time dimension of the human person

¹ Por. M. Czachorowski, *Spór o nierozzerwalność małżeństwa*, Lublin 2009, ss. 383.

² Zob. Platon, *Uczta*, tłum. W. Witwicki, Warszawa 1975, 177 E

³ Por. G. Marcel, *Wstęp do metafizyki nadziei*, tłum. P. Lubicz, Warszawa 1984, s. 76-77.

⁴ Por. K. Wojtyła, *Miłość i odpowiedzialność*, Lublin, 2001, s. 23.

⁵ Por. tenże, *Elementarz etyczny*, Lublin 1986.

⁶ Por. J. Rawls, *Lectures on the History of Moral Philosophy*, Cambridge 2000, s. 1n.

⁷ Por. K. Wojtyła, *Miłość i odpowiedzialność*, Lublin 2001. Por. Czachorowski, dz. cyt., 49-73.

and, by its inner logic, excludes the possibility of the same involvement with another person, i.e. ultimately it excludes the possibility of a second marriage while both spouses are alive.

It should be added that ordering of the “objectivistic” standpoints concerning the marital relationship shows that the marital “gift for the person” should be understood as a limit form of the type of interpersonal relationships which since antiquity were described as “friendship” – a benevolent respect for the objective nature of an addressee of an action, i. e. an individual human being.

When the sexual difference becomes involved in these relationships, the “friendship” must assume the character of “giving oneself”¹ to the other person (and “accepting” this person), as by giving one’s body, one gives nothing less than oneself. This perspective enabled an interpretation of the classical formulations defining marriage by pointing to its constitutive characteristics such as “procreation” and “mutual help” (Aristotle,² Augustine,³ Thomas Aquinas⁴).

The personalistic determination of the meaning of „procreation” (as bringing to existence and development of a unique and unrepeatable human person, one’s own child, and not as his or her mere economic support, as it is perceived in conceptions reducing the meaning of the “good of the progeny”) and “mutual help” (as supporting the spouse in his or her personal development on the basis of the involvement of one’s sexuality) made it possible to observe that the fulfillment of both ends of marriage requires its inseparability.⁵ Outside this framework children are bound to have difficulties to determine their personal identity, as their coming into being resulted from the marital act of their parents. The parents’ staying together to the end of their life plays an educational role (informing about the good and encouraging to the good) concerning the value of the ontic “beginning” of their children.⁶ Inseparability of the parents’ relationship testifies to the permanence and positive value of their progeny. In contrast, the parents’ separation necessarily indicates the weakness and unreliability of marital love, and in consequence – the weakness of our ontic “beginning”.

Equally, the fulfillment of the second meaning of marriage, i. e. mutual “help” in full development of both spouses’ humanity, excludes any “replaceability” of a spouse, as the personal development lasts to the end of life and the limit (complete) mode of involving our personal self in it excludes providing this type of “help” any other person than one’s own husband or wife.

The analysis of the controversy between Aristotle and Plato on the “community of women and children”⁷ reveals that some “objectivistic” standpoints assume that the limits of the permanence of the marital relationship – like its all other elements, including the subjects of the relationship – should be determined according to their contribution to the community’s good (e.g. the good of the state).

Such an approach justifies both approval and disapproval for divorce, depending on which of them, in a particular situation, is more beneficial for the community.⁸ This is the good of the community that should be considered in “eros”, and not the good of the unique and unrepeatable human person.

However, this type of solutions is also identified in the standpoints subjectivizing the erotic relationship. They necessarily consider this relationship – which is shown by the analysis of two types of erotic lived experiences: the experience of sexual desire and the experience of “falling in love” – as oriented ultimately not towards an individual personal self, but towards some “totality”, e.g. “every woman” as an object of desire, or the “woman as such” as is the case in the idealization of the object one falls in love with. Thus every form of reducing love between man and woman to erotic lived experiences necessarily leads to justification of “replaceability” of their addressee. Don Juan (fulfilling only the sexual desire) “loves” not a particular woman but women as such; Tristan and Isolde are actually interested not in another real person but in the ideal of “woman” or “man” they carry in themselves and “insert” in the other person. In such relationships a real woman and a real man are therefore merely an “occasion” for the experience of desire or falling in love.⁹

¹ Por. K. Wojtyła, *Miłość i odpowiedzialność*, dz. cyt., s. 90, 112-116.. Por. Duns Scotus J., *Questiones in IV. libros Sententiarum*, w: Ioannis Duns Scoti, *Opera omnia* (wyd. L. Wadding, t. 1–12, Lyon 1639; repr. Hildesheim 1968), t. 9, s. 582.

I. Kant, *Metafizyka moralności*, tłum. E. Nowak, Warszawa 2005, s. 110. Por. G. Fichte, *Grundlage des Naturrechts nach Prinzipien der Wissenschaftslehre (Erster Anhang des Naturrechts: Grundriß des Familienrechts)*, w tenże: *Sämmtliche Werke* (wyd. I. H. Fichte), Berlin 1971, 1 V.

² Zob. Arystoteles, *Etyka nikomachejska*, W: tenże, *Dzieła wszystkie*, t. 5, tłum. D. Gromska i in., Warszawa 2000, VIII 12 (1162 a).

³ Zob. Augustyn, *Wartości małżeństwa, [De bono coniugali]* tłum. W. Eborowicz, w.: Augustyn, *Pisma świętego Augustyna o małżeństwie i dziewictwie*, red., tłum. i kom. A. Eckmann, Lublin 2003.

⁴ Zob. Tomasz z Akwinu, *Suma teologiczna*, Suppl. Q. 41; t. 32: *Małżeństwo*, tłum. F. W. Bednarski, Londyn 1982.

⁵ Por. Czachorowski, dz. cyt., s. 101-122.

⁶ Por. tamże, s. 117-120.

⁷ Por. Platon, *Państwo*, tłum. W. Witwicki, Kęty 1994, V; por. Arystoteles, *Polityka*, II, I; w: tenże, *Dzieła wszystkie*, t. 5, tłum. M. Chigerowa i in., posł. H. Podbielski, Warszawa 2001; por. Czachorowski, dz.cyt.126-140.

⁸ Por. tamże, s. 171-175.

⁹ Por. tamże, s. 142-114.

The opposing assessments of divorce made from various standpoints which all consider the good of the progeny are based on the difference in understanding this good; in particular they illegitimately reduce the good of the unique and unrepeatable human person (the good of the parents' child) to the good of the "society" which using human procreation extends its existence.

Such a standpoint justifies not only divorce of infertile couples for the good of the society, but also "replaceability" of a spouse to better fulfill the communal good. These presuppositions make another solution possible: an unconditional ban on divorce in order to guarantee stability of the society, and not the good of the unique and unrepeatable human person, the spouse.

In this context we could see again how reduction of science to knowledge acquired exclusively in the area of particular sciences must lead to obliteration of what is specific to human beings and constitutes the basis for "superiority" of the good of the person over the good of the society. If grasping the essence of various entities (including man) lies outside the competences of these sciences, they are bound to miss the very foundation of "non-sacrificeability" of the person for the good of the society. This opens the way to the treatment of the human being as an element of a social whole, and thus an element axiologically subordinate to this whole (e. g. the good of the state).

Subjectivization of the object of ethics – present in modern ethics¹ – leads to justification of the instrumental treatment of the human person for the good of the society, which in different ways happens in two forms of modern ethical thought: utilitarianism and decisionism (autonomism). They must both postulate unconditional subordination (sacrifice) of the human person to dominant custom (autonomism).

Another difference in moral assessment of divorce results from a different understanding of the "direction" of erotic relationship.² Researchers who consider them as an egoistic turn of the subject towards themselves,³ evaluate divorce on the basis of a calculation of profit and loss of the subject, which leads to opposing assessments of this act. In contrast, the argument based on the assumption that benevolence is essential also to the erotic relationship leads to the question if leaving a spouse can in any circumstances be considered as an act of benevolence towards him or her. The precise meaning of benevolence proper to marriage – taking the limit form of the gift of self (the good of one's own person) to the other person – excluded the validity of justification of divorce even in the case of marital infidelity. An assent to divorce in such a situation – the extreme infringement on marital love – would mean that in this kind of love one's own "beneficence" to the spouse should depend on his or her fulfillment of the obligation to fidelity. Justification of divorce by the loss of the spouse's attractiveness, or other "disadvantages" of the common life, excludes benevolence from the erotic relationship to an even greater degree. A closer characteristic of the specificity of marital benevolence – an element of love as mutual giving of self to the other person – made it possible to show that an Aristotelian claim that one cannot be a friend of many, but of one person – as the "maximum" benevolence cannot be expressed at the same time towards ~~two~~ many people – excludes another marriage while both spouses are alive.

The two ethical traditions (classical ethics and modern ethics) differ in their approach to benevolence in interpersonal relationships.⁴ Both modern reduction of the morally good to the pleasant (utilitarianism) and "separation" of the moral self-command (moral conscience) from the objective reality (decisionism) exclude the unconditional postulate of benevolent (i. e. non-instrumental, in the first place) approach to the other person. It also seems that the very subjectivization of the erotic relationship – considering it as oriented towards correlating one's action with one's erotic experiences – makes a consistent claim for real benevolence towards a real person impossible.⁵ Such benevolence always requires discovering what is objectively, here and now, the good for another person. Even taking into account the lived experience of the other is not yet the real benevolence towards them.

Another difference in the controversy on the assessment of divorce is determined by different understanding of the role of reason and the efficiency of the will in erotic love.⁶ Considering the latter as what more or less spontaneously "happens" in the subjects and between the subjects excludes the possible responsibility for this love, i. e. opens the way to justification of divorce when accomplished facts cannot be controlled, in a way sur-

¹ Por. T. Styczeń, *Tradycyjne i współczesne ujęcia etyki*, Roczniki Filozoficzne 15 (1967) z. 2, s. 75-90.

² Por. Czachorowski, dz. cyt., s. 177-222.

³ Por. Epikur. *Listy, maksymy i sentencje*, tłum. A. Krokiewicz, Warszawa 2003, s. 79; R. Descartes *Namiętności duszy*, tłum. L. Chmaj, Warszawa 2001, LXXXII, s. 61; Hobbes, 1956 t. II, s. 158; Montaigne 2002, I, r. XXII. Por. F. Nietzsche, *Wiedza radosna = (La gaya scienza)*, tłum. L. Staff, postł. K. Matuszewski, Kraków 2003, 14. Por. Z. Freud, *Kultura jako źródło cierpień*, w tenże: *Pisma społeczne*, tłum. R. Reszke, Warszawa 1998, s. 179.

⁴ Por. Czachorowski, dz. cyt., s. 189-218.

⁵ Por. tamże, s. 184-186.

⁶ Por. tamże, s. 223-279.

passing the persons involved.¹ In contrast, recognizing the leading role of reason and free will of the subjects makes an argument for divorce based on the claim that “love has ended” meaningless.² If the love in question includes a conscious and free decision of an irrevocable commitment to the good of the other person (the gift of self to the other), it depends only on the two subjects if they actualize – or not – their choice by their acts. This conception does not exclude a positive presence of strong emotional involvement in love; they are – as the classical anthropology claims – a favorable and indispensable means to the full actualization of rationality and freedom of the subjects. The observed faulty understanding of the position of human emotions in moral life (conferring them either the leading role or the role of an unyielding, impossible to domesticate, enemy of intellectual faculties)³ necessarily opens the way to making obligation towards other people dependent on the dynamics of the emotional sphere.

The last difference in standpoints is determined by diverse approaches to the differences between man and woman – the co-subjects of the marital relationship.⁴ It seems that both “leveling” the difference (ascribing it a sub-personal significance)⁵ and postulating superiority of any of the parties (man⁶ or woman) must open the way to acceptance of divorce, as it might become an efficient means to maintain superiority or equality. There is also a standpoint (observed already in Aristotle) that the marital relationship is a bond of persons axiologically equal in their humanity, but at the same time different in their humanity and thus bringing different goods to the relationship.⁷ An attempt to reveal the specific character of the goods in question could show that the woman’s marital “entrusting of self” to the man (husband) should be met by his response of being “a guard” and repository of this gift of female personal self. Limiting the time of this reciprocal, though different, “for ever” violates in different ways the very sense of “femininity” and “masculinity” actualized in marriage.

As we can see, the universal human experience – in which mutual obligation of spouses to marital fidelity till death is considered as meaningful and self-evident – finds confirmation in the understanding of the essence of the erotic relationship. The reasons why some classics of philosophy diverged from this experience have also been revealed. However, a in-depth grasp of various details of the presented insights would require further complementary analyses.

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¹ Por. C. A. Helvetius *O człowieku jego zdolnościach umysłowych i wychowaniu*, tłum. J. Legowicz, Wrocław 1976, s. 540; por. G. W. Hegel 1990, *Encyklopedia nauk filozoficznych*, tłum. S. Nowicki, Warszawa 1990, s. 516.

² Zob. Czachorowski, dz. cyt., s. 277.

³ Por. J. Woroniecki, *Katolicka etyka wychowawcza*, Lublin 1986. T. I.

⁴ Por. Tomasz z Akwinu, *Summa contra gentiles*, tłum. Z. Włodek, W. Zega, t. 2, III, q. 123 Poznań 2007.

⁵ Por. A. N. Condorcet, *Szkic obrazu postępu ducha ludzkiego poprzez dzieje*, tłum. E. Hartleb, J. Strzelecki, Warszawa 1957; por. J. S. Mill, *Poddaństwo kobiet*, w: tenże: *O rządzie reprezentatywnym. Poddaństwo kobiet*, tłum. G. Czernicki, Kraków 1995; por. F. Engels, *rodziny, własności prywatnej i państwa*, w: K. Marks, F. Engels, *Dzieła*, t. 2, Warszawa 1949, s. 159-310.

⁶ Por. B. Spinoza, *Traktat polityczny*, tłum. I. Halpern, Warszawa 1998, s. 127.

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Marek Czachorowski. Philosophical Controversy over the Indissolubility of Marriage. *The study is a reconstruction of a dispute among the classics of philosophy concerning the moral assessment of the indissolubility of marriage (or its permanence). The presentation aims at systematizing and assessing the standpoints adopted in the history of ethics, which is a condition necessary for settling the dispute on the moral assessment of divorce. To put those standpoints in order, the author uses five essential differences in the conception of erotic love, explicated by analyzing and comparing standpoints defended by the first disputants (Socrates, Plato and Aristotle).*

- (1) *The erotic relationship is reduced to erotic feelings or is considered as transcending those feelings;*
- (2) *The erotic relationship is subjected to a kind of common good or is thought to be oriented towards the good of the subjects of this relationship themselves;*
- (3) *The erotic relationship is considered as egoistic or oriented towards the good of the other person;*
- (4) *The erotic relationship is regarded to be formed in a spontaneous way or to be subjected to the causative effect of reason and will of the subjects;*
- (5) *The erotic relationship is conceived as axiologically subordinating one of its parties or as an axiological equity constituted by the parties.*

All those differences in the conception of the erotic relationship result in opposing moral assessment of divorce as consistent or inconsistent with the essence of the erotic relationship (or marital love). The reasons for adopting certain of the solutions and rejecting the others have been stated.

Keywords: marriage, divorce, moral, love mutual relations, erotic love.