

## **Freedom And The Tie That Binds: Marriage As An Ethical Institution**

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### **I. Marriage And Modern Freedom**

The issue of the breakdown of the marriage bond in Western societies has become a routine object of social and moral concern, political and public debate.<sup>1</sup> This is striking, given that in most non-western cultures still and in every society heretofore, marriage has been insisted upon as the required precondition for the mating of men and women as the act that initiates and sustains the family order considered the foundation of all tribal and civil life. As the bedrock of communal social order and wellspring of a whole complex of coincident cultural values, it has traditionally been not only legally required, regulated and protected, but regarded as divinely ordained and thus to be sacramentally consecrated.

Contemporary statistics tell a different story; the question is seriously raised how the marriage tie can survive the optionalism that dominates modern attitudes or whether, after all, it is an outmoded institution whose time has run out. The rate of divorce soars beyond one out of every two; the serial polygamy of successive remarriage is not only accepted but prepared for in prenuptial agreements; the incidence of single parenthood, so-called, has increased by leaps and bounds. The legitimization of liaisons once thought beyond the moral pale -- 'open' marriage, single parenthood, homosexual coupling -- now test the boundaries of established legal and moral definition based in most cultures on the gold standard of once in a lifetime monogamy.

Contemporary moralists interpret these changes negatively as a collapse of 'traditional family values' in a popular culture which, in the name of sexual freedom, has given itself over to the frantic pursuit of unlimited promiscuity and sexual anarchy. Nor is it Christians alone who view Western society as in decay; it is the principal charge other world-religious cultures now make against the West. Efforts to reverse the libidinal tide prove notoriously ineffectual, however, for the spirit of 'decadence' is far too alive, far too certain of its right, to be influenced by attempts to reinstate former moralities or resuscitate old time religion. For what they oppose is the irresistible force of a *principle*, the modern principle of freedom which, having broken in upon human consciousness and human history, simply will not be denied.

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<sup>1</sup> As a typical summary of relevant issues, Wolfe, C. (Ed) *The Family, Civil Society and the State*, New York, 1998.

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The freedom of the individual is modernity's absolute; from it the whole contemporary culture of subjective or natural right draws its energy. How this freedom is actually understood and applied is thus crucial. It can readily be agreed that in practice the vaunted right to sexual freedom is widely exploited to justify what may be described more conventionally as erotic excess and plain lasciviousness, but it no doubt has also just the opposite, and positive, connotation of the liberation of individuals from what may be seen as the prison of a former legalistic and moralistic obsessions with sexual relations, identifications and fixations. The idea of freedom simply has this ambiguity in it: it implies self-determination but also caprice, conscience but also wantonness; at once a principle of peace and of violence, of community and anarchy.

It is principally the presumption of freedom that underlay the ultra-modernist revolutions that dominated the twentieth century. It is characteristic of their outlook that everything is made to flow from the assumption, wholly dogmatic, that freedom is more than a mere moral ideal or intellectual principle but the actual truth of human existence. 'Man', 'the individual' is said to be freedom become flesh; there is no freedom other than this here-and-now human freedom. That this alone is absolute truth becomes the chief article of faith of a para-religious, 'ideological' spirit for which freedom is directly identical with human nature as such, thus also the immediately given end of all human practice.

The psychology and sociology of the 20th century are founded on this dogma which is also plainly enough witnessed in common everyday assumptions: that democracy is the only valid political system, that justice is founded on individual right, that free choice is the basis of social order, that no wisdom preempts the individual's own opinion, that every problem is open to a human solution, that techno-economic conquest of nature is prime mover in human practice, that the analysis of instinctive human behaviour is the true business of psychology. The common theme is the certainty individuals have of themselves as freedom incarnate; of being, though finite in a thousand ways, nonetheless the ultimate reference point for whatever is or is not, ought to be or ought not, makes sense or nonsense, can or cannot be done. Ethically radical individual freedom yields the principle that one has an absolute right to choose, indifferent to whether what is actually chosen be judged 'good' or 'evil', for this judgement too belongs to the chooser. This principle is devastating when applied to social and ethical institutions since it suggests that these are tolerable only where they are answerable to individuals and exist solely to advance their rights, interests and advantages. Accordingly, institutions that should claim an authority independent of these subjective interests must be summarily declared illegitimate: freedom demands their overthrow.

The authority of the institution of marriage would seem especially compromised by an ethics wherein individual freedom preempts every other basis of human compact. It is more than that in a marriage between free individuals the feelings, interests and choices of each must be absolutely respected: they must be paramount, taking precedence over the compact itself. This runs entirely contrary to the traditional language of the marriage sacrament which typically expresses quite the opposite sentiment and priority, enjoining individuals to join together as one and to submit themselves to this union. For individuals

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who assume their freedom to be immediately their own, as given and unlimited, nothing would appear to be more offensive than that matrimony be thought binding in the sense of requiring an unreasoned, unchosen submission to the institution itself. They will demand to be seen, not only as freely choosing to marry at all, but as retaining and enjoying their freedom within the marriage thereafter.

Where the ultra-modernist dogma of individual freedom holds sway in human relations, the only legitimate grounds for marrying are subjective ones. It may be to consummate a consuming sexual infatuation, to affirm a commitment to an otherwise casual relationship, to facilitate the legal status of children or property, to defer kindly to traditional scruples of society or family, to provide occasion for friends to celebrate a couple's romantic liaison; something of the kind. The standard of subjective choice is the common theme: the married state is viewed as having no objective ethical or logical status of its own; it is certainly not, as was traditionally assumed, the sole precondition of entry into sexual partnership. It is for the participating individuals alone to decide what the terms of their marriage shall be. It has accordingly become common for couples not to bother with marriage at all, to marry only after years of living together on other terms, to set contractual preconditions under which the marriage is to be tolerated or annulled, to agree that the marriage remain 'open'; even to argue seriously (and not inconsistently) that a couple truly dedicated to and respectful one another will deliberately reject the option of marriage as an archaic limitation upon an authentic loving relationship.

If a majority still chooses to go through the customary rituals, even then they are rarely undergone in the traditional spirit of a religious sacrament and explicit legal act. Vows declaring two individuals permanently one in the sight of God, a bond no one may put asunder, are taken as mostly a quaint rhetoric or archaic poetry. To take such words seriously would contravene what alone is infinitely important: the certainty individuals have of their absolute freedom, requiring as it does that self-esteem take precedence over other-esteem and certainly esteem for long-abandoned divinities. The idea of a 'bond' is tolerated only where understood as a metaphor for good intention. Otherwise, marriage is taken for the most part as an optional extension of what is vaguely called a 'relationship', i.e., a sexual compact entered into and sustained by the force of subjective commitment alone, a commitment which can be just as freely withdrawn as made. On these terms the ideal relationship is one in which its participants are at once engaged and disengaged; at once liberated from the condition to which they are also committed.

To the conservative traditionalist, marriage so reduced to a subjective relationship only is intrinsically unstable, tentative and unfulfilling -- not to speak of 'immoral'. It makes marriage a wholly arbitrary option within a culture otherwise given over to promiscuous sexual 'openness'. The sacrament of marriage is in this context at best a matter of romantic deference to tradition, confirming a decision already taken to 'live together'. What is said over the couple or who says it matters little, as does where or how the wedding takes place: in a church, a lawyers office or a hot-air balloon.

The incompatibility between individual freedom and institutional life, where a principle of positive liberation appears also as a principle of social and moral decadence,

has become a major contemporary issue on many fronts. The issue is not a new one but belongs to the recent history of humanism in its attempt to work out how human freedom can be understood as the basis of a new order and civilization. The leading strains of nineteenth and twentieth century were concerned chiefly with this task, and with specific regard to their attitudes toward the marriage bond three in particular are instructive to consider: the socioeconomic theory of marriage, the psychoanalytical and the ethical. The first and the second are generally negative with respect to the consequence of modern freedom for the family in general; the third has a positive view. Engels and Freud provide examples of the former negative, doctrinaire approach, Hegel of the positive or speculative; their differences stemming from the manner in which each understood freedom as the prime motive force in human relations: whether as labour or libido, or as love.

## II. Marriage As A Repressive Institution

### *i. Ultra-modernist Anthropology*

The perennial difficulty with giving a philosophical account of marriage lies in its having at once a natural and an ethical basis, an ambiguity generative of tensions and contradictions in practice as well as in theory. That marriage inevitably involves the sexual, procreative impulse common to all animals tempts the view that the institution itself is wholly biological in origin, driven and sustained by instincts no different than found in other animals. If the married state is characterized as more than this, as having an authentically legal, moral and public status, this can be thought to describe no more than peculiar habits and customs which the human species has somehow developed to stabilize reproduction and ensure species survival. The institution of marriage can thus still be seen as grafted upon what otherwise remains a purely sexual-organic liaison

Yet it remains the fact that, wherever marriage has existed among human beings (namely everywhere), it has in all cultures been viewed as primarily an ethical union, that is, specifically not a liaison entered into spontaneously but with deliberation and consciousness, a bond ceremonially authenticated according to some rubric meant to bring the sexual relation under a law that is higher than the natural. Apart from the timeless appeal, romantic or simply lascivious, to the 'illicit' pleasures of sexuality, it is only in very recent times that a serious intellectual and 'post-moral' case has been made for seeing non-marital sexual activity as a right, even a virtue. Indeed, far from socially destructive or morally improper, open non-, pre- and extra-marital sexuality has come to be regarded as itself an expression of freedom, its indulgence a liberation from the repressive strictures of traditional sexual morality.

It is a view that owes its development to those nineteenth century philosophers who attempted, in various ways, to sketch the terms of an ultra-modern, post-traditional 'return to nature': Marx, Nietzsche, Engels, Freud *et al.* The return they would advocate, however, was not to 'nature' in the older sense of a mechanistic order external to mind or spirit, but to a humanized nature or naturalized humanity in the sense of a reductionism

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which, though recognizing the distinctiveness of the human, would see it nonetheless as continuous with nature. The followers of Feuerbach, for example, never tired of insisting that 'materialism' as they intended it was not the materialism of Enlightenment, limited precisely in presupposing a de-humanized nature no less metaphysical in conception than the de-naturalized reason or mind of traditional philosophy. Nietzsche also, from a reverse perspective, would insist that the existential psychology he would install as "the new queen of the sciences" is not the older psychology of the soul or spirit but the very contrary: a psychology of specifically human instincts generalized as a universal principle of nature. This collapsing of the distinction between spiritual and natural is thus anti-metaphysical, anti-theological and anti-moralist in very principle. It falls generally into two types: as an enthusiasm for evolutionary biology as providing the clue to a new, naturalistic analysis of human psychology and culture, and a spiritualistic enthusiasm for the occult deriving from the idea of spirit as a para-natural dimension. From either standpoint, that nature be viewed as a reality alien to conscious human life is no less unacceptable than that the account of the human leaves the immediacy of human nature out of account.

In the post-Hegelian era, the coincidence of the spiritual and the natural in the human being as such was to become the general presumption. On this account ultra-modernist thought would seek the overthrow of all former theology and philosophy, supplanting them with ideological and existential dogmas that would render the human realm as absolute unto itself. Freedom comes to be represented as concretely manifest in human self-existence and human self-activity, that is, wholly in biological or socioeconomic terms. In this revolutionary rendering of the ultimacy of human being and the human world is born the spirit of absolutism, the soul of ultra-modernist culture. It set itself against the politics, morality, aesthetics, religion and philosophy of tradition, accusing it of having sought falsely to ground the human in the transcendent, hence in a manner hostile to the appreciation of human freedom as a living and present spiritual-natural identity.

To the extent in absolutism that freedom comes to be determined specifically and exclusively as immediate in the existing individual, whether as such or collectively, to that extent freedom itself acquires a 'naturalistic' meaning. The objective of the new ideologies was accordingly to produce a doctrine of 'man' wholly from the side of nature, appealing to some para-natural quality or capacity the possession of which distinguishes man from the animals but which makes no reference at all to any un-natural ground in God, reason, self-consciousness, spirit or whatever. The new human sciences they founded opposed themselves to the so-called 'alienated' freedom of philosophical idealism and the theological tradition, to which they presumed themselves the successors; they sought rather to adapt natural-scientific method to take account of the human dimension in nature while avoiding any simple reversion to the simplistic physicalism of the older sciences. The newer biological sciences and especially the theory of evolution provided a principal resource for this enterprise.

This ultra-modernist 'overcoming' owed its origin nonetheless to the principal fruits of the same speculative tradition against which it turned, namely the key idea of a

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unification of the spiritual and the natural developed in modern philosophy from Descartes to Hegel. How this principle can be at once preserved, and yet wrested from all its historical or philosophical mediations and asserted dogmatically as the immediate truth of human freedom, is a problem that has continue to vex post-modern thinking ever since. Proposals for a theory of 'natural' human freedom have developed generally along two distinct lines, one defining freedom in terms of a practical, economic-technological subordination of nature, the other defining freedom rather as the very immediacy of the particular individual's existence. These two positions, sociological and psychological humanism, continue directly to oppose and sustain one another. To a freedom thought to belong immediately to the existing individual as such, the idea of a freedom dependent on practical-material circumstances is anathema; to the practical will whose aim is to achieve an objectively free human world, the idea that freedom is no more than an existential quality is equally to be shunned. This ambiguity had been already recognized by Hegel who perceived human freedom, as 'human', to be finite in precisely this sense: that where grasped only in its immediacy, that is, only on its natural side, it falls inevitably into these two contrary absolutisms, a practical and an existential, each contradicting the other and each fatally unable to realize the freedom it would claim as concrete.

It is just into such a division that post-philosophical absolutism after Hegel actually fell, seeking to transmute the principle of freedom into human terms. Both equally demanded an end to all theology, metaphysics and morality, both were hostile to traditional institutions, both confronted each other from the beginning in mutual, irreconcilable opposition.<sup>2</sup> From their initial statements with Comte and Schopenhauer, through various mutations of the later Marxist-Existentialist standoff, to current attempts of the post-philosophers to be free of all 'metanarratives' as such, positivism and nihilism have dominated thinking since Hegel. In what follows, two writers who later gave these post-philosophical arguments a more popular form, Friedrich Engels and Sigmund Freud, are briefly consulted to note how the institution of marriage fares in their hands; then we return to the question as to how, in a properly philosophical view, not only are freedom and marriage reconcilable but their reconciliation is essential to a true account of one and the other.

### *ii. Marriage as Means of Production*

While the traditional fine words of religion and romanticism remain the *lingua franca* of formal marriage, the institution itself has been rendered impotent and chaotic by ever more extreme appeals to the sanctity of the freedom of the individual. But in addition to the hollowness introduced by a pervasive culture of choice-centred subjectivism, more overt obstacles to the survival of marriage exist in the continuing impact of para-philosophical ideologies spawned in the past century which directly opposed the idea of an ethical or spiritual basis of human institutions and would replace it with a counter-philosophical, natural-scientific anthropology which attempts to discover

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<sup>2</sup> For an elaboration, see my "The New Faith: Strauss, Kierkegaard and the Theological Revolution", *Dionysius*, xii (1988) and "The Beginning of the End of Metaphysics", *Dionysius*, xv (1991).

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the origin of institutions wholly in biological or evolutionary causes. Thus, however festooned with ritualistic paraphernalia and symbolic confections, courtship and marriage are to be described as nothing more than extensions and elaborations of sexual mating as found among all animals, entirely instinctive in meaning and motivation and having no other significance beyond the biological maintenance of the species. Like the bow-and-arrow or cooking, marriage is an evolutionary tool for the regulation of reproduction to ensure the collective economic welfare of a human herd.

As Marx's collaborator in the development and defense of 'scientific socialism' it was Engels' special preoccupation to seek its justification in the natural sciences. The aim of 'dialectical materialism' (as also the root of its self-inconsistency) is the reinterpretation of freedom as an aspect of human 'species-activity', i.e., the productive behaviour through which an animal species acquires its means of subsistence. Human species-activity is unique only in that it involves the evolutionary contingencies of a larger brain, an opposable thumb and the like, differences which permit the human animal to develop a much wider range of technical skills. From this difference alone, it is thought, the whole of human society and history may be deduced, without any appeal to religious or ethical-philosophical concepts. 'Freedom' here will mean only the free exercise of such species-productivity, and if society as it stands is so ordered as to inhibit free access on the part of its members to the means of production, then dialectical tensions result leading inevitably to the demand for liberation from this impediment. On this swings the whole history of the world; it is all that need be said regarding the human aspiration to freedom.

The remarkable enthusiasm for anthropological studies in and since the nineteenth century was nurtured by this absolute-humanist ideal of a wholly socio-economic account, not only of the origins of specific customs and institutions but of the human community itself. Engels was driven by the wish to discover in the very dawning of human society the pure paradigm of a primitive communist order of life, assuring absolute equality of access to the means of production, as a way of justifying a revolutionary understanding of subsequent civilization, seen as a falling away from this original condition -- a common tactic in all ultra-modernist ideologies.<sup>3</sup> In his *The Origin of the Family, Private Property and the State* he surveys recent anthropological literature on the origin and development of the institution of matrimony in particular. Noting that the marital practices of primitive peoples are typically at variance with what is paradigmatic in later civilized societies, namely the institution of monogamy, Engels turns this commonplace observation on its head: earlier customs regarding group marriage, rules against clan incest, polygyny and the like are not to be seen as rude and confused precursors of a civilized ethic of monogamy, but as way-stations in a long history of cultural decay culminating in the institution of monogamous marriage as representing the final corruption.

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<sup>3</sup> Conjuring cultures predating those for which there is any reasonable archaeological evidence is a typical ploy of nineteenth and twentieth century romanticism, as is distorting known ancient cultures in support of ultra-modernist ideologies, as Nietzsche or Heidegger. Cf. my "The Post-Philosophical Attack on Plato" *Animus* 4 (1999), [www.mun.ca/animus/1999v4/Jackson4](http://www.mun.ca/animus/1999v4/Jackson4).

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Engels had a considerable acquaintance with, and enthusiasm for, the scientific theories of his day: the transformation of energies, the discovery of the living cell, the theory of evolution etc. He drew on them in support of a dialectical account of nature designed to facilitate an anthropology that could justify a politics of freedom-as-equality consistent with a seamless continuity between nature and humanity.<sup>4</sup> The principal feature distinguishing man from other animals, he argued, is 'labour', the unique capacity for advanced forms of natural productive and reproductive activity made possible through the evolution of fingers and toes, a "brain capable of consciousness", unique teeth and tongue and the like.

According to the materialistic conception, the determining factor in history is ... the production and reproduction of immediate life -- on the one side, the production of the means of existence, of food, clothing and shelter and the tools necessary for that production; on the other side the production of human beings themselves, the propagation of the species.<sup>5</sup>

Labour for Engels is "infinitely more" than a mere aspect of human behaviour: "we have to say that labour created man himself."<sup>6</sup> In support, he recites a familiar Darwinian tale of apes descending from trees, liberating hands as first among tools, the evolution from 'savage' grazer to 'barbarian' meat-eater, requiring the harnessing of fire, the domestication of animals and so on. With these 'events' begin the long history of the "emancipation of man", conceived as evolution extended into the progressive technologization of production.

Among all the innovations contributing to this emancipation, on Engels' account, is the "invention" of society, described as a regime of absolute equality among individuals in the common production of the means of subsistence and the reproduction of the race. As freedom for Engels has reference only to equality in natural-productive activity, a free society has nothing to do with conformity to some divinely established or rational ethical order, but with the recovery of an original 'natural' instinct to social equality that has been perverted. And this ideal equality is to apply to free access, not only to the means (and fruits) of material production, but also to the means of propagating the species: "sexual equality". That Engels chooses to speak of sexual 'reproduction' as itself a form of 'production' is of key significance for his view on marriage and the family.

Conceived in evolutionary terms, social organization has the aim of herd-solidarity, a technique of preservation no different in principle than tooth, claw, venom or flight in the case of other species. As the chief means of survival of a species too weak to defend itself otherwise against predators, the requirement of herd-solidarity -- of 'equality' -- is for human beings absolute, requiring among other things a reproductive regime unique to the species. Engels notes that while a whole range of human marital customs is found also found among animals -- polygyny in wolves, polyandry in bees, monogamy in bears and

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<sup>4</sup> This concern with reinterpreting the sciences of nature consistent with a seamless "transition from nature to man" is the theme of Engels' *Dialectics of Nature*, (tr. Dutt) New York, 1940.

<sup>5</sup> Engels, *The Origin of the Family, Private Property and the State*, New York, Int. Publishers, 1972, p.87.

<sup>6</sup> *Ibid*, p.251.



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birds, etc. -- none qualify as the uniquely human form of the sexual relation. Indeed, what is remarkable among other animals, Engels claims, is that the formation of *exclusive* sexual liaisons among males and females inevitably breeds jealousies and fractious competitions where only the fittest survive, a circumstance that would be inimical to the welfare of the human herd. The 'invention' of society required a new regime of non-exclusive sexuality as alone compatible with maintaining herd solidarity. In short, promiscuous sexuality is the reproductive relation most consistent with the preservation of the human community and so must have been, Engels speculates, the instinctive tendency among the earliest peoples.

If we consider the most primitive known forms of family ... then the form of sexual intercourse can only be described as promiscuous -- promiscuous in so far as the restrictions later established by custom did not yet exist.<sup>7</sup>

Engels hastens to add that universal promiscuity does not necessarily imply a general melee of "mixed mating" but is tolerant of sexual pairing and other formats so long as these are understood as non-binding and non-exclusive.

The hypothesis of a pre-primitive culture in which marriage as such did not yet exist has all the earmarks of a nineteenth century ideal read back into the mythical past. On its basis, Engels analyzes the matrimonial customs of all subsequent societies as strictures imposed on this original promiscuity of the human herd, strictures whose removal requires a revolutionary subordination of all human activity, including sexual activity, to the one standard of absolute equality of production. Engels quotes with conviction a contemporary kindred spirit, the American anthropologist L. H. Morgan, notable for his mid-century studies of the Iroquois, who foresaw a final "mastery over property" and the "dissolution" of social relations based on it, foreshadowing "the next higher plane of society, *a revival, in a higher form, of the liberty, equality and fraternity of the ancient gentes*."<sup>8</sup> For this revival, conjectured ancient cultures provide the template: fictional promiscuous societies where males and females participate as equals in reproductive and productive activity; a fusion of economic with domestic life indifferent to gender, where marriage is irrelevant since every woman is already married in principle to every man, as every man to every woman; where all children, conceived and raised in common, have all adults for parents; in short, a society in which the family as a distinct social structure simply does not exist. Such a vision of a "higher liberty", barely imaginable let alone practicable, provided the model for many recent and notoriously violent experiments.

More general anthropological opinion now hews to the view that wherever human community is found there is inevitably a system of kinship of some sort with distinct customs regarding sexual relations. "Central to the social organization of most primitive peoples" writes a noted anthropologist, "is the grouping of tribesmen into kin of various categories, some of whom one can marry and some of whom one cannot".<sup>9</sup> Kinship theory is indeed one of anthropology's principal obsessions. Engels, however, would

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<sup>7</sup> *Ibid.*, p.101.

<sup>8</sup> *Ibid.*, p.237. The italics are Engels'.

<sup>9</sup> E.B.Leacock, in an Introductory essay in Engels, *The Origin etc.*

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develop a history of kinship beginning with the hypothesis of a primitively promiscuous and thus essentially kin-less society, tracing its stages of 'decline' through various kinship systems to the institution of monogamy, seen as an institution for the protection of private property through "enslavement" of women. The 'consanguine family' (no pure form of which, again, is actually known) forms the first stage in this decay; husbands and wives possess each other in common to form broad families, the only sexual taboo being against relations between parents and offspring. Then in the 'punaluan' system the sexual ban is extended to incest between siblings; more definite families are formed from which, however, the brothers of wives and the sisters of husbands are excluded. Occupying a vast territory between total promiscuity and strict monogamy, is a host of interim variations on the marriage/incest theme, expressed through complex kinship regulations which establish and conserve clan distinctions, the rules of endogamous (in-tribal) exclusions or the exogamous (out-tribal) bartering or stealing of brides and the like. The family thus has its definition for Engels within such broad determinations of kinship relations, relations typically based on matrilineage since, under such systems, only mothers can possibly know who their children are.

Out of this miasma emerges a general restriction against marriage between blood relatives and a tendency toward 'pairing' which only approximates monogamy since, typically, absolute fidelity is required only of females on pain of severe punishment, while males remain free to practice polygamy as in many late-barbarian cultures still. An abrupt shift from matrilineage to patrilineage as determinative of ancestry is coincided with male usurpation of sexuality as a means of securing private property. It is then only a short step to the ancient Roman *familia* (= *patrimonium*) where the *pater familias* had power of life and death over the whole household, and from there to modern bourgeois monogamy under which regime, according to Engels' hyperbole, women are reduced to whores and marriage exists exclusively for the pleasure and profit of males.

The overthrow of mother right was the world-historical defeat of the female sex. The man took command in the home also; the woman was degraded and reduced to servitude; she became the slave of his lust and a mere instrument for the production of children.<sup>10</sup>

While among upper bourgeois families of Engels' day, robber-baron capitalism had indeed a degrading effect upon family life, the view that monogamous marriage has its sole inspiration in a perverse economics is supported neither in fact nor in principle. It rather belongs to an ideological view of human history which, presupposing a primeval, natural impulse to social solidarity, sees only the corruption of this pristine order by greed and lust as modes of production become progressively more complex and wealth more fluid. The promiscuous paradise mutates into an endogamy of hunter-gatherers, again into the exogamy kinships of herders and farmers and finally, in the age of industrial work, into bourgeois monogamy as the nadir of the human sexual relationship. The historic war of classes, clans and sexes ends with private ownership, enforcing divisions of labour and the enslavement by some of others through control of the means

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<sup>10</sup> Engels, *The Origins etc.* p.120.

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of production and reproduction. The "revival, in a higher form, of the liberty, equality and fraternity of the ancient gentes", the final liberation from the bondage of class, corporation, family and state, is to be accomplished at a single stroke in the social revolution which would eliminate private property.

Engels' account of how sexual freedom is to be renewed in the revolutionary society seems dubiously simplistic:

The first condition for the liberation of the wife is to bring the whole female sex back into public industry and this in turn demands that the characteristic of the monogamous family as the economic unity of society be abolished. (137-80)

As to the actual form sexual relations and the parenting of children are to take in the new order, Engels, like Marx, remains vague. His account of a society of liberated individuals no longer limited by moral or institutional constraints on promiscuity and for whom monogamous marriage has come to be regarded as a bourgeois convention containing a bias against the absolute right to choose whatever form of sexual relationship, parenthood or gender preference one should choose, more aptly describes the currently extant situation in late-liberal societies so much complained of by conservatives. Engels' view of the end of the family would seem to offer, in place of traditional monogamy, two equally uncertain alternatives: either the maintenance of the shell of family life as an extension of collectivist political policy (generally what happened under most communist regimes) or else the fragmentation of the marital bond into a myriad of experimental relationships with total emphasis on the element of free choice -- marriage as state-approved sexual mating or marriage as socially approved and tolerated promiscuity.

### *iii. The Psychopathology of Marriage*

The theories of Sigmund Freud provide an influential example of the other main form of ultra-modernist ideology, namely psychological absolutism, the attempt to construct a theory of human self-consciousness based on the redefinition of subjectivity as a quasi-biological human instinct. The principal assumption is that there is nothing spiritual, supra-natural or even 'psychic' about human psychological life, that it has its whole commencement in organic or para-organic impulses, that it is the extension of nature into human nature, as it were. Conscious, rational experience is as a whole reduced to this source in 'the unconscious', that is, the immediacy of instinctual subjectivity conceived as primal psycho-physical energy or an epi-biological drive. Having so appropriated the whole human world to this absolute, the new psychologies set up shop as the scientific successors to theology and philosophy.

Psychological absolutism precisely mirrors the sociological absolutism Engels was among the first to expound. Pan-psychism -- as it used to be called -- had its earliest proponent in Schopenhauer, whose works Freud knew and admired. Schopenhauer had argued that absolute reality is Will, not 'will' in its practical meaning but understood as 'pure affect', a relentless and irrepressible impulse to selfhood by definition irrational and

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of which the phenomenal or rational world-for-consciousness is but its 'representation'. Nature has its being in this absolute urging or will-to-self; the violence of nature generally and the limitless egoism of the human animal being its typical manifestations. With Nietzsche will-to-self becomes more closely defined as self-affirmation, will-to-power -- "freedom as instinct" as he described it. The same ontology of self-feeling as an absolute affect has been elaborated from various perspectives: aesthetic with Jung, parapsychological with Reich and Blavatsky, existential with Jaspers. Borrowing directly from Nietzsche's principle, Adler devised a psychoanalysis of dominance and submission, an approach later revived with Foucault and others as a general phenomenology of power. Freud, however, insisted such a psychology could only be 'scientifically' argued where instinct is defined biologically, and on this ground adopted sexual desire (lat. *libido*) as the instinctual substance of psychic life.

In Freudian science, actual persons -- deliberating, self-conscious individuals -- are nowhere to be found, only the erotically charged human animal whose subjective life consists entirely in endless excitation, 'cathexis', rationalization and release of libidinal tensions. Libido is not to be thought as sexual instinct in the strict biological sense of a fixed species-propensity impelling organisms to mate and reproduce. Human libido is more than that: a wholly amorphous, indiscriminate, self-centred eroticism that seeks its objects for no other purpose than the satisfaction that comes with release of its own tensions. In the older moral language, libido is simply lust; in Freud's own term, the "*Lustprinzip*". It is due to its indiscriminateness that human sexuality is inherently prone to perversion -- a wisdom tradition knew well enough in other ways but which Freud reconstructs in psychiatric terms of a naturally uninhibited sexuality (cf. Engels' primitive promiscuity) that suffers various forms of repression and stands in need of restoration to 'health' by means of clinical techniques of disinhibition.

Libido, sexual lust, is not merely a 'factor' in the psychology of individual subjectivity; it is subjectivity itself, 'id', the 'unconscious self'. All other aspects of selfhood -- 'ego', 'superego' -- are derivative moves. As with Schopenhauer's *Wille*, libido is by definition narcissistic, that is, it is 'auto-erotic', attaching itself to objects indifferently whether they be one's own or another's body-parts or even inert things. For psychoanalysis, sexuality is 'the' human instinct precisely because it has this primitive relation to another inherent in it: a drive to cathexis, of being-for-self-in-another, and it is upon this essentially narcissistic relation that Freud took all other relations to be constructed. Relentless in seeking its excitation and satisfaction, libido finds itself frustrated by restraints imposed by society, an obstacle whose origin turns out to be enigmatic for Freud. At first convinced social mores too had an erotic origin, the embodiment of psycho-sexual ambiguities arising out of an inner sense of guilt or remorse, in later writings, despairing of this argument, he postulating a universal counter-instinct, the death-wish or *thanatos*, as responsible for the repressiveness of civilized society. Freud's concern to assign libidinal inhibition to a source that is equally instinctive rather than simply to some externally restrictive force -- 'culture', 'society' or whatever -- springs from the desire to maintain a strict psychological absolutism which requires that nothing be brought in from outside, that everything be drawn into the orbit of the unconscious life itself and its complex of dynamics: cathexis, conflict, repression,

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perversion and so forth; so that even the restrictiveness or 'malaise' of moral culture itself can be seen as rooted in the unconscious life.<sup>11</sup>

Freud's view of marital relations is of course entirely an extension of his theory of universal libidinal narcissism. As the theory runs, the form of libidinal desire alters as the body matures and so do its preferred objects of cathexis. The transitions from oral to anal to genital to coital forms of excitation and satisfaction are fraught with unique psychoneurotic pitfalls: fixation upon one or another sexual object, anxiety or frustration in adapting from one object to another, perseveration of earlier in later libidinal forms and so on. The resulting dynamics of regression, transference, repression, sublimation and the rest were the stock in trade of Freud's ventures into the "psychopathology of everyday life".

In justifying these pan-eroticism conjectures as a complete account of the human psyche, Freud's principal appeal was to clinical evidence; but he also sought to demonstrate their plausibility through ventures into other areas of inquiry -- art, anthropology, religion. The maturing in the human animal from its infantile libidinal state to further forms of sexual expressions -- oral, anal, phallic, genital -- provided Freud with the map and model for excursions into the anthropology of human customs and institutions, including especially those of marriage and the family, the central theme identified as a universal conflict between the demands of sexual instinct and inhibitions embodied in a universal horror of incest. Where Engels understood the history of the forms of marriage and kinship as a function of modes of production, Freud interprets the same from the standpoint of this alleged primeval fear of incest. 'Libido' thus bears the same burden in psychoanalysis as 'labour' does in socialist economics: the primal activity which, in Engels' phrase, "creates man", that is, defines the human species as human in distinction from other animals. If the theory of man-as-labour sought validation in the postulation of a pristine economic relation of human beings to nature subsequently corrupted as production became increasingly capitalistic, so Freud provides the precise psychological counterpoint: the roots of human society not socio-economic but springing from libidinal conflicts aboriginal in human nature struggling to come to terms with restrictions of its own making. In contrast with Engels he finds in primitive customs of marriage, kinship and taboo the further paradigm and proof of his conception of primal psychosexual dynamics.

His account of the origins of society, marriage and the family is another classic of the romanticist mythopoeic appeal to primitive human beginnings, which image provides the template against which later civilization and its 'discontents' are then to be judged. For Freud, what is 'primitive' is not savage society, however, but infantile sexuality, the instinctive and libidinal attachment of a suckling child to its mother. However repellent to moral convention, Freud always insisted that infantile sexuality was key to the whole theory, oral gratification the original libidinal experience underlying all later forms of sexual interaction. Mother-lust is thus a regressive yearning residual in everyone, and as

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<sup>11</sup> Freud's theme in *Civilization and its Discontents*, (tr. Strachey) New York 1961. The more exact translation of his title is "The Malaise in Culture".

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such a principal object of repression throughout life. It is held in check partly by a socially inculcated horror of incest whose purpose is to destroy family feeling at its root, thereby to make higher levels of social organization possible.<sup>12</sup> Partly it remains in competition with other modes of sensuality as they appear: with the negative eroticism of anal excitation, with the bi-sexual, 'phallic' eroticism of puberty, and finally with the 'mature' sexuality which appears when reproductive biochemistry leads individuals to find their chief erotic satisfaction in the explicit act of mating. In coitus with a mature sexual mate, mother-love is consummated in a sublimated form: in the female the male has a surrogate mother while her satisfaction is found in appropriating just that role -- marrying her father in effect. In these permutations, half symbolic, half bio-erotic, Freud turns the traditional relations of marriage to parenthood on its head: infantile lust authors a fatal Oedipal triangle in which the wish to possess one parent as sex-object conflicts with the wish to negate the other.

This hypothesis of a primal libidinal dynamic finds its way into Freud's well-known excursion into anthropology, where he finds the primitive origins of the family to lie in the erotic subjectivity -- 'unconscious life' -- of the individual. Marriage, family, kinship -- indeed society itself -- have their basis, not in economics, but in strictures imposed on uninhibited libidinal expression to restrict its regressive infantile tendency, to 'civilize' it. Freud conjectures the situation of a human 'primal horde' with a dominant male enjoying exclusive mating privileges over all females, as with many pack animals. Other males and male offspring have no recourse but either to accept celibacy, look elsewhere, or kill the father. The latter, however, would only renew competition among the parricidal males, a vicious circle that is only avoided if all accept equality with respect to the possession of mates. And so, for Freud, 'society' is a mutual pact for the repression of elemental lust.

Through this piece of fictive palaeontology Freud represents the Oedipus complex as the root of the institution of marriage. However 'unconsciously' or symbolically, the residual primitive lust to murder one parent to possess the other generates explosive libidinal ambiguities. Regression to infantile mother-lust conflicts with the adult sexual relation, for which the actual mother and father are the role-models. Elemental, infantile libido falls into conflict with its more developed adult forms, repression ensues, only resolved if the conflict can be brought to consciousness and sublimated, whatever this can entail. The meaning of human culture and custom thus lies in the requirement that the domineering narcissism of infantile sexuality be quelled, while keeping it somehow satisfied nonetheless. The first is accomplished by suppressing incestuous relations between children and parents through a system of kinship and clan taboos designed to ban sexual relations between individuals too closely consanguine. The second is promoted by a system of rituals, which reinvoke and celebrate the original passions of the primal crime, designed to expiate incestuous feelings of guilt. Religion, thought Freud, has its source and meaning in the symbolic reconstitution of the awesome figure of the father as author of the ban on sexual relations among kin, its typical rituals reenacting the

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<sup>12</sup> Freud, "Three Essays on Sexuality", *Works*, v.7, tr/ed. Strachey, Toronto, 1953, p.225.

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parricidal event through which the primal horde was originally replaced by the fraternal clan.<sup>13</sup>

Religious rites of marriage Freud views entirely from within this perspective. The traditional 'bond' of marriage has everything to do with a socially approved signing-on to the primal compromise through which the destructive consequences of unlimited libidinal passion are avoided. At his most pessimistic, Freud saw nothing positive in this, only a fatal necessity of civilization. More optimistically, a psychoanalytical view of a healthy sexual union would be one wherein individuals, having somehow surmounted their infantile conflicts, are able to give their sexual impulses uninhibited free rein. It is a view now solidly established in contemporary popular culture that any limit whatever imposed upon free and open eroticism is a sign of sexual oppression and/or repression inimical to psychological health.

For Freud, human discontent through the ages has its roots in the inhibition of sexual instincts and resulting proneness to neurotic complexes, not in a political or economic reform of society. It is therapy, not revolution, which is to emancipate humanity, a 'sexual liberation' from repression brought about internally by overcoming psychological fixations, and externally by ridding culture of its anti-libidinal prejudices. The traditional institution of marriage is of all things repressive in this latter sense, being founded upon cultural sanctions that limit sexual 'expression', restrict the selection of mates, demand permanence in the marital bond and fix the rules according to which one does or does not enter into it.

### III. Marriage As An Ethical Bond

#### *i. Ethical Institutions*

In Hegel's systematic account of the forms according to which practical life is ordered, freedom or self-determination is at all points the operative principle. This view of practice, metaphysically expressible as the view that it is not nature as such that animates human action *qua* human and establishes its essential ends and motives, but the breaking in upon nature of a spiritual dimension of self-conscious life. It is a view consistent with the general intuition of the ages, assumed and declared in the most ancient mythopoeic accounts of the origin of ethical and political order. But it is a view with which ultra-modernist anthropology and psychology are clearly at odds, attempting as they do to define freedom in terms of natural needs or instincts, reverting to a sort of quasi-physiological determinism. The philosophical account of practice, by contrast, duly commences from the concept of freedom itself and from the consciousness of it as one's own inward, *de facto* truth; then seeks from that standpoint to know how the relation of free human beings to nature -- both to nature generally and to their own human nature --

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<sup>13</sup> Freud, "Totem and Taboo", *Works*, v.13, p.145-6.

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comes to be drawn into an actual order of life, an objective 'system of right' with freedom recognized as its substance and basis.

In the Hegelian account, objective freedom has its first expression in legal right, then in moral conscience, then as the ethical or communal spirit. Legal and moral right represent limited vehicles for the embodiment of freedom which can be complete only in a political community where an ethically-minded people explicitly accept and promote freedom as the sustaining principle of their everyday domestic, social and political life. The law recognizes the individual as a legal 'person-in-general' whose freedom consists in a general right of 'ownership', to invest one's interest in anything material, animate or intellectual and to appropriate it as 'property', as 'one's own'. Legal ownership thus brings the whole of the given world under the form of the human will, laws setting out the particular rules according to which things are appropriated, alienated or contractually exchanged. As questions of rights to ownership form the chief theme of socialist thinking, it can be said that it is in its legal aspect that Engels understood the family institution. It is as a legal bond that marriage has been and still is chiefly understood in most older cultures: a contract where husbands acquire ownership of their wives in an exchange of real property or the like. It is because the law is addressed to the person-in-general, and not the particular individual, that all are supposed 'equal' under it; but on just that very account the law, whether human or divine, appears as externally imposed relative to any particular individual, conferring rights only to the degree it is submitted to. For this reason the spirit of the law fails directly to engage the individual's subjective spirit, the inward sense of freedom, awakening rather a rebellious tendency to place oneself beyond the law, whether in acts of outright criminality or, in some more positive way, to refuse to 'live by the letter'. In a society of laws, individuals thus know themselves as both free and not free, as prisoners of the law as much as liberated under it. There is evoked thereby a will to uncover a surer, a less equivocal spring of freedom within themselves.

Self-determination as the form of the particular will, *subjective* freedom, has its measure, not in ownership and the external force of law, but in the concept of the single individual's free agency, guided by the inner voice of reason. Here the autonomous individual is the actual author of what is right, not a passive beneficiary of rights under the law. From this standpoint, any objective relation of individual to individual -- marriage, for instance -- has its source and sole justification in the free subjective assent of those involved in it. Self-determination in this subjective sense is in general 'morality', and it is in its moral sense, Hegel observes, that the modern world generally understands freedom.

Subjective or 'moral' freedom is what a European especially calls freedom. In virtue of the right thereto, a man must possess personal knowledge of the distinction between good and evil in general; ethical and religious principles shall not merely lay their claim on him as external laws and authoritarian precepts to be obeyed, but have their assent, recognition, or



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even justification in his own heart, sentiment, conscience, insight, etc. The subjectivity of the will in itself is its very aim, even its essential moment.<sup>14</sup>

Morality, however, is self-conflicted in another way, on which grounds it too is a limited expression of freedom. Assuming the autonomy of the self-conscious subject, it opposes to the givenness of the world an objective moral order based on individual freedom and brought about through autonomous individual action. But the 'objectivity' of this moral order still belongs to the idealism of the subjective will only, a world that ought to be but is no actual state of affairs. The unfree world of experience and impulse thus remains ever in opposition to the good intentions of the individual's free choice, and so the only good morality produces, as Kant admits, is a good will. Put metaphysically, in morality, spirit opposes itself to natural impulse; but an autonomy so defined only negatively must remain ambiguous, bound to remain entangled in just that which it denies. Accordingly, the moral individual can never know in the end whether his actions really spring from his own free will or from his own selfish interests, or how indeed to tell the one from the other, an ambivalence lying in the subjective standpoint itself that renders morality, at least in its purist form, a source of the greatest hypocrisy. The 'decline of morality' in subsequent Western culture should not be seen as a mere falling-away, but a tendency to degeneracy lying in the very standpoint of moral autonomy itself.

As a consequence of this latent contradiction, morality in its strict form gave way historically to later mutations which would seek to conserve the standpoint of subjective freedom in other ways. Romanticism is moralism turned ironically against itself, the tragic sense of the impotence of an inner freedom nonetheless deeply felt giving rise to an unrequited yearning after authentic selfhood expressible only poetically. The form in which morality defends itself in the present day is as moral relativism or some variant of it. Here freedom is still conceived as belonging primarily to the individual subject, though all idea of a rational standard of moral good and evil is abandoned. The sheer act of choosing, in and of itself, expresses the individual's freedom, which is not to be limited regardless of what actually is or is not chosen. The contradiction remains in that, on this account too, the most perversely self-interested actions must be tolerated along with the most selfless, as both have their source equally in the individual's absolute freedom of choice.

It is as a moral relationship, diluted in some such romanticized or relativistic way, that marriage is understood in post-modern culture. Not only does it possess the obvious instability of a relation which, dependent on nothing beyond individual free choice, can just as easily in the next moment be dissolved or displaced by another, but at a deeper level it involves the confounding of the amoral and the moral aspects of the union, its sexual and its personal dimensions. It was noted generally of morality that hypocrisy arises because its unification of spiritual and natural is accomplished only subjectively in 'conscience', that is, only in a negatively founded inner reflection which cannot, in the end, distinguish well-intentioned motives from ill-intentioned impulses. Where morality is only the relativism of arbitrary free choice, the indistinguishability between freedom

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<sup>14</sup> Hegel, *Enzyklopädie; Werke*, Felix Meiner 1959. (Hereafter abbrev. 'EN').

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and sensuality becomes ever more marked: sexuality trumps constancy, renders all vows retractable, and turns true lovers into temporary libidinal objects.

The limit of morality is thus to be found in the want of an objective context for freedom, a want that becomes increasingly evident as subjective freedom, rendered absolute, eventually degenerates into a principle of moral chaos and decay, producing a melt-down of all substantial human relations, customs and institutions. For while freedom of choice (as against mere legal right) does recognize the interest of the thinking individual and brings this element positively into play, it is unable to reconcile inner freedom with the outward way of the world in which it can finally know its freedom only in negative or anarchistic action. For such a decadent will, submission to any ethical standard whatever will appear as an unacceptable limit, as is now generally the view. On the basis of subjective freedom alone, therefore, no objectively free order of life can arise, to which inevitability a good deal of recent history attests. Where freedom is equated with the sanctity of whatever one chooses to do, so far as this sense of inner autonomy remains unconscious of its own limit -- an 'instinctive' freedom in Nietzsche's oxymoronic phrase -- then it is indistinguishable from any number of contingent impulses and passions. It is often observed the human animal can be more vicious, carnal or excessive than any other, a fact which has its root, not in some irredeemable wickedness, but in freedom itself, the vivid witness to the infinity of one's inwardness. Once this infinity attaches to even the most trivial or dissolute of ordinary passions it lends the full force and import of freedom to it, fueling an obsessive and insatiable fanaticism. If tradition spoke of the natural human will as 'fallen', it is the same to say an ethically unredeemed freedom is in principle anarchic, as much a source of violence and depravity as of humane ennoblement.

Hegel had already clearly pointed out this potential for decadence in the moral view, and proposed beyond it an ethical life in which individual freedom is recognized and conserved but as a moment of a more substantial communal and institutional spirit which provides the context for its objective realization and satisfaction. What appeared to others in and after his time as a need to repudiate rationalistic morality and in some way revert to a more 'natural' freedom, was for Hegel rather the need to advance to the standpoint of an objective spirit comprehensive of both its natural and subjective elements: the subordination of the mere 'ought-to-be' of free choice to a freedom actually lived. For Hegel, this step was of world-historical significance: if legal right has been the principal basis of institutional life in more ancient societies,

the right of the *particular* subject, ... of subjective freedom, is the pivot and centre of the difference between antiquity and modern times. This right in its infinity is articulated, and as an actual, universal principle become constitutive, of a new form of the world. Among its various expressions are love and the romantic, the eternal salvation of the individual and so forth; likewise morality and conscience. In what follows [i.e., further on in PR] it will be treated in [quite] another way: partly as the principle of civil society and an aspect of political constitutions, partly

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as it turns up generally in history, particularly the history of art, science and philosophy.<sup>15</sup>

For Hegel, then, subjective 'free choice' is an essential moment in freedom but it is not, as for later culture, freedom itself. From it Hegel would distinguish the more complete freedom found in what he calls 'ethical life' (*Sittlichkeit* as opposed to *Moralität*), founded in the intuitive certainty individuals have of their freedom as their necessity, not just as a subjectively free will but as the very substance and end of an actual practical life. The consequent practical impulse is not simply to affirm one's subjective autonomy, but to reproduce, sustain and experience freedom as an objective fact, to generate a distinctively human world of concrete cultural institutions wherein particular individuals can find the certainty of their own inner freedom reflected and through participation in which they may know themselves to be *actually* free. Thus, on the one side, "ethical life is a subjective disposition, though imbued with what is inherently right [PR141]", while on the other it is

freedom shaped into the actuality of a world, [receiving thereby] the form of necessity, whose substantial nexus is the system of the institutions of freedom and which has its phenomenal [i.e. subjective] side in the conscious recognition of their authority. [EN484]

While participation in an objective ethical life in one sense involves a limiting or overcoming of the immediate subjective intuition of freedom it is equally the means of completing or fulfilling what lies in it. In submitting to life within a complex of free institutions, individuals do not compromise their freedom but know it as confirmed, enlarged and enhanced, given substance as a freedom universally and objectively shared. An ethically constituted civility engages the conscience of individuals to the extent they will it and embrace it. Ethical life thus provides, not only for the disciplining of caprice -- the abstract identification of freedom with subjectivity -- but also for the cultivation in individuals of a developed consciousness of what their fuller freedom truly is, namely a communal life so ordered that individuals find their own freedom recognized and guaranteed in it and which they themselves conserve and advance through their own actions. But of course, much depends on whether extant institutions actually do have self-determination as their principle rather than power, property, privilege or whatever -- that they are *ethical* institutions. Only where they are ethical can they provide the means of delivering individuals from the abstractness of their unredeemed subjectivity; where they are not, they become the most deadly forms of bondage, as has been clearly witnessed in the violent and destructive consequences for free institutions of the literal imposition of twentieth century ideologies.

### *ii. Hegel on the End of Marriage*

Though Hegel lived half a century and more before Engels and Freud, he would seem to have anticipated their arguments even if he had not read their books.

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<sup>15</sup> Hegel, *Philosophie des Rechts; Werke*, ed. Felix Meiner, 1955, s.124. (Hereafter 'PR').

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When marriage is treated, not in the context of natural *right* but is grounded in sexual instinct or arbitrary convention -- when monogamy, for example, is explained in superficial physical terms of the relative number of men to women, or when dark feelings of revulsion are advanced as the reason behind the prohibiting of consanguineous marriage -- such views are rooted in a common notion of a state of nature and a natural origin of rights, a notion devoid of a concept of rationality and freedom.[PR168]

In short, there is no accommodating an account of freedom that appeals to some para-natural aspect of human biology, 'instinct' or 'species-activity', to the ethical or spiritual view of marriage. If individuals were primarily moved to form mature sexual liaisons by a need to sublimate infantile eroticism, the measure of married love would be whether wife and husband found in each other adequate surrogates for a residual animal attachment to breeding parents. And were marriage an economic protocol for the regulation of reproduction, then marriage is tolerable only where it serves the subsistence of tribe or clan, and there is absolutely nothing personal about it. Indeed, the appeal to a psychology or sociology of marriage modeled on the sciences of nature -- as the so-called 'human sciences' now generally are -- requires that any idea of individuals freely committing themselves to conscious and reasonable bonds be summarily abandoned or else demoted to the rank of superficial customs grafted upon a unique but otherwise dumb animal species. Foisting in zoological categories as a means of 'explaining' intelligent human life, however, not only grossly contradicts the possibility of the very scientific perspective it assumes, but so to omit *a priori* the rational dimension in human experience inevitably renders the account of it strained and contorted.

In Hegel we find a far more subtle treatment of these matters. The unity of spirit and nature, to use the speculative terminology, is neither to be understood reductively -- spirit as natural or nature as spiritual -- nor as an abstract relation in which each is defined as the negative of the other -- nature as the non-spiritual, spirit as the non-natural. Combinations and permutations of such views -- spiritualism, naturalism, romanticist nature-spiritualism, psycho-physicalism, scientific dualism etc. -- do not make them any less spurious; the relation is rather to be understood as a dynamic one, that is, spirit as neither super-natural nor a natural mode of existence but a reality latent in nature and attaining to actuality in human self-consciousness. For Hegel, 'spirit' is life so far as it has freedom as essence; it is no otherworldly entity but the infinite form life itself assumes in thinking, practical beings. Hegel's own unique psychology accordingly understands human sensibility, imagination, emotion, desire, etc. as prototypical of a free thinking and willing, while his sociology similarly understands social, moral and cultural institutions as having their implicit end in the resolution of this subjective potential for freedom into an objective form.

Thus, unlike 'scientific' accounts of human institutions, Hegel's account is at least consistent with the ordinary experience of life as divided, on the one side, as one's animal species-life with all its given physiological and psychological contingencies, on the other side, as one's free existence-for-self or self-conscious individuality. Animals are not true

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individuals, he observes, their souls no more than their species moving instinctually in them. The human being, however, has its own essence for object, as Hegel puts it; it *is* its species, an autonomous self-relative or 'thinking' individual. For such an individual, its being is not simply its nature, nor is its nature alien to it. Rather nature has the specific character of its *own*, as existing for it, and this is what is meant by saying that, in spirit, in self-conscious life, nature is in principle completed and sublimated. In this sense, as more than simply beings of nature, human beings are not, nor could they be, moved by instinct alone; rather by the will to make their instinctive life their own, to appropriate it as a subordinate moment within a freely emergent self-conscious life. It is a common wisdom that, unlike innocent animals, when human beings submit to instinct they corrupt their true nature.

Ethical institutions have their beginning in the deliberate ordering of the given material and organic conditions of life in accordance with a principle of rational freedom. Hegel speaks of the family as basic among ethical institutions in this sense, that its end is the 'domestication' of the human animal, the latter's first liberation to the free individuality upon which all further possibility of community, of civil life guaranteed in an ethically founded state, wholly depends. While certainly prefigured in nature -- murrees build nests, mate for life, rear young etc. -- domesticity among human beings is qualitatively unique in that its end is not the survival of the species but the creation of the conditions of freedom. For so far as 'human nature' entails in itself the sublimation of nature, the motive to domesticity does not lie in any instinctive impulse to mate, reproduce etc., but in the will to place all such matters in the service of a wider intent, a 'higher' end, namely to bring the whole impulsive, need-dominated aspect of natural life under the discipline of a common life founded in free personality.

Marriage is the immediate form of ethical relationship containing, first, the moment of natural vitality in general, the totality of the life-process of the species, and second, the element of self-consciousness in virtue of which the merely implicit unity of an external relation between sexual partners is transformed into a spiritual relation of self-conscious love. [PR161]

The passion of love, says Hegel, is freedom as it appears in feeling: the feeling of being recognized and fulfilled as a person in the intimate relation to another whose person one desires in turn to affirm and possess as one's own. Marriage is the decisive act of translating this passion of personal mutuality into a permanent, everyday, personal, practical and physical reality, to 'institutionalize' it and make a new life together. In this decision to live as one it is not only an untamed sexuality that is willingly sacrificed to this supra-natural union, but the totality of one's spiritual-bodily life: one's talents and needs, temperament and character, fortunes and happiness, one's life and death. All are surrendered, to be taken up into and sublimated in the freely chosen wedded state. Marriage is thus not a sexual union primarily, or even necessarily, but a bond wherein the whole range of natural needs and contingencies, including the sexual, are brought under a freely instituted domestic order. As such, marriage is a first liberation from nature, not of course in any literal or absolute sense, but as the vehicle for the reconciliation and satisfaction of natural impulses and needs within a discipline obedient to a calling beyond

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the call of nature itself, namely the desire to cultivate and extend the possibilities for a rational life through a relation in which each recognizes the other as first of all a free spiritual being, a unique and special person.

If subjectively marriage may appear to spring from the mere inclinations of those involved or from the concerns and contrivances of parents and so forth, its objective commencement lies rather in the free assent of these persons to make themselves one person and to surrender their natural and particular personhood to this union. And if on its face this amounts to a self-limitation it is in truth their liberation since, in it, they attain to a true consciousness of themselves. [PR 162]

That is to say, it is only as explicitly recognized in a living relation with another free, self-conscious being, wherein each defers wholly to the other, that one's individuality assumes objectivity -- for oneself no less than for the other -- and one's personhood, as confirmed in this loving relation, is no longer merely a kind of isolated interiority. Though the end of marriage is an ethical union it is nonetheless essentially a bodily relation. It is this in the sense that in it everything bodily is brought under a discipline in which physical and psychological needs, in being mutually fulfilled and satisfied are also thereby limited and transcended, clearing the way for a relation that is explicitly free and personal. Individuals attracted maritally to each other know the experience of a powerful desire, not merely to possess each other sexually, but to 'settle down', make a home, share in a rational domestic order wherein each is devoted to the other's material, emotional and spiritual well-being. While almost always involving sexual passion, marriage comprehends a much wider range of mortal contingencies: of sleeping and waking, accommodation and security, daily bread and daily work, a common leisure and experience of the world, the rearing of children perhaps, a society of mutual friends, provision for each other in sickness and health, one presiding finally over the other's death and memory.

As Hegel points out, in marriage it is the whole of one's species-being that is set aside to make way for another principle to awaken and mature. The 'sacramental' aspect of marriage lies just in this mutual offering up of mortal life in its totality, thereby to initiate and enjoy the fuller satisfaction that springs, not from meeting bodily need as such, but from this mediated, redeemed and sanctified by recognition each of the other as a 'soul-mate', an *alter ego*, in whom the consciousness and confirmation of one's personal wholeness is secure. It is indeed this immediate linkage of sensuous feeling with mutual fulfillment of self through another that fires and sustains the passion of marital love, which, unlike the love of friends or heroes, in whom one admires virtue, ability or likeness of mind, is not simply spiritual but spiritual-physical, personal-sensual, in which ambiguity is generated the familiar paradox of married love: that it is the other as person one wishes nonetheless to embrace in all his or her fleshly vitality, while contrariwise, passionate exchanges between lovers typically evoke an extreme of tenderness beyond what the sexual act itself can offer, springing from the intensely personal character of reciprocated affections.

*iii. Sexuality and the Ethics of Love*

It is common to speak of married couples as 'made for each other.' But "how it comes about just these two particular individuals should marry is at bottom a matter of contingency"[EN163]. In pre-modern cultures (especially "amongst peoples who hold the female sex in scant respect [PM 162, Add.]"), the decision is taken by parents or others according to considerations of compatibility, clan, property, political power etc. The marriage is first imposed and the couple left to learn to love and respect one another as best they can. But from the reflective standpoint of the modern world, it is subjectivity, particular individuality that comes first. Accordingly, two individuals, each infinitely unique yet 'made for each other', through some miraculous turn of fate 'find' each other, directly 'fall' in love, 'lose' their hearts etc. Such terms signal the element of sheer accidentality that belongs essentially to the subjective ideal of romantic love, whose basic claim is that true love is only to be found in inner feeling, in individual 'hearts'. The ambiguity that notoriously attaches to romantic love springs from just this its root in subjectivity, in feelings fated to hover between the sexual and the platonic, the former fueling the latter, where what belongs to elevated moral sentiment and what simply to lust are only abstractly distinguishable from each other.

Love affairs founded on sheer accidentality are thus of their nature unstable, evocative of typical romantic themes of idealized individuality, unrequited passion, inconstancy, tragic consequence and the rest. For, where love is grounded only in the inner passions of particular individuals, the union is one that only 'ought' to endure, the ideal in fact inevitably wrecked on the reef of fickle sensualities and fates. Subject to changing affect and circumstance, the fires of love are prone to go out, and those who 'fall' thoughtlessly in love just as thoughtlessly fall out of it. Belonging to the 'natural' aspect of human psychology, sexuality, while a prime means for the expression of love, is also destructive of it so far as it makes lovers its prisoner. Apathy, infidelity and even contempt for each other are the all but inevitable consequences of a union that has no more than inner intensity of feeling rather than open and objective inter-personal recognition, as its principal measure. It belongs to marriage as an ethical union, accordingly, that beyond being freely chosen, its primary object must be the institutional commitment to an objectively disciplined common life that is more than, though comprehensive of, a life based on subjective feeling.

What is *ethical* in marriage consists in the consciousness of this unity as a *substantial* end, sharing in common, in love and in trust, their entire existence as individuals; in which attitude, where actual, natural passion sinks to the level of a physical moment which in its very satisfaction is destined to pass away. The spiritual bond secures *its* right thereby as the substance of marriage, which, as thus inherently indissoluble, rises above the contingency of passion and the transience of particularistic caprice. [PR 163]

This principle of substantiality, of ethical indissolubility, is what is affirmed in the rites in which marriage is typically instituted, requiring of a couple they make an overt decision to forsake all others and to subordinate their passionate life wholly to this new objective relation in which the passions are to play only an incidental and expressive role.

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For the romantic view, on the contrary, the marriage rite appears as at best a mere traditional formality or civil requirement, at worst a superficiality alien to the true marriage of souls since detracting, as Schlegel argued, from an inwardness of love more purely expressed in unfettered surrender to sensual impulse -- "an argument" Hegel adds, "not unknown to seducers". [PR 165] It is not only that the consequences of a commitment to 'unfettered passion' can be obsessive and thus degrading, but that it obstructs the development of the 'substantial' love of which Hegel speaks, i.e., a love rendered ethically objective. And the latter is impossible where there is not first a openly declared commitment to self-imposed sexual restraint, a restraint civilized intuitions know as the ordinary sense of sexual chastity and modesty.

In these times 'chastity' and 'modesty' have an amusing, even neurotic ring to most ears, an indication of unhealthy inhibitions, the assumption being that they express merely moralistic virtues. But they have also an objective, ethical meaning, one measure of which might be the different experiences of married and casual sexuality. In purely sexual encounters, bodily self-consciousness tends to be amplified one way or the other, whether in furtiveness born of shame, or in exaggerated elaboration of the particulars of the sexual act as if to find in it a surrogate for the infinity of love -- the futility of the erotic ideal. In married love, on the contrary, an already assumed and accepted subordination of passionate to ethical intimacy breeds an attitude of unembarrassed familiarity regarding everything bodily. The true character of the sexual relation in marriage lies in this, that by virtue of an ethical commitment that goes beyond the contingency of bodily desire, lovers are free to abandon themselves to their passions in the knowledge that their physical relation is already redeemed by a more substantial, personal communication obtaining between them. In this sense in marriage both sensual and ascetic motives are wedded and satisfied, the one sanctifying the other.

It is in this sense Hegel speaks of married love as redemptive of the passions, thus a form of liberation. Sexuality is certainly the prefiguration of love in nature [EN368], for which reason it does in fact provide a most telling metaphor and means of expressing the love between self-conscious human beings. It could with justice be said that there simply is no such thing as pure sexual love where human beings are concerned, the element of self-consciousness ineradicable and bound to intrude. This is why libidinal passions, submitted to outside any ethical context do tend to degrade, their indulgence a bondage rather than a bond. Marriage is by contrast 'sacred' in that it entails what amounts to a vow of limited celibacy regarding the instinctive life, the commitment to a liaison in which the passions, far from being denied, are reciprocally offered up to each other so that both are free of them because free in them. And where, through a freely enacted subordination to a personal relationship, sexuality is in this manner at once contained and fulfilled, where it is no longer an unlimited obsessive and domineering passion, a society of liberated individuals first becomes possible, and this, for Hegel, is the true aim and end of family life.



#### **IV. Conclusion - Limits Of The Marital Tie**

In Hegel's speculative language, ethical institutions are forms of the 'objective spirit', that is, of communal structures willingly entered in and adhered to by individuals who find in them the confirmation and security of a freedom they otherwise possess only subjectively or intuitively, but which, in institutional life, has for them the form of an objective fact, an order of life in which their reality as persons is explicitly and actively cultivated. Of the three principal human institutions -- the others being civil society and the political community -- the family is for Hegel the most 'immediate' in so far it has its point of departure in given natural characteristics and relations. One's place in a family may be as spouse, parent, sister, infant, cousin etc. or several of these at once, but the ethics of family life is not simply based on the living out of stereotyped roles of wife, father, adolescent or whatever, distinctions which are essentially physiological in their basis, but on the instilling in each member a consciousness of his or her particular and transient natural role as belonging to and dependent upon the unity of family life in its totality, expressing an overall rational end. Accordingly, the family, so far as it is a 'natural' community, does not have its end in itself but in another lying beyond it and which it serves. This end is a wider human freedom of which the family forms only the foundation. The human family thus exists, not for the breeding of children, but of persons, of individuals who, having passed through its discipline, acquire a sense of independence, not only with regard to the ordering and satisfaction of bodily needs, but also, through having undergone and experienced all the psycho-physical ramifications of family life -- of age, gender, nurture, intimacy, obedience, authority and so forth -- an independence and competence in subsequent relations to others as free individuals. The experience of family life is thus the prior education presupposed by a free society.

Ethical life in its most complete form is for Hegel the political community, a fully realized ethical state, synthetic of legal, moral, familial, personal and social values and founded on the recognition of freedom as their common, unifying principle. Although family and civil society are the twin foundations of this overall ethical order, each in itself is a limited form of that freedom and does not stand on its own. The general limit of the family lies in that, though its end is spiritual, it still has one foot in nature as it were. Accordingly, while the experience of family life is the means by which free and reasonable personality is first cultivated, and while this end is the very core of the ethics of family life, yet the family order is neither of itself absolute nor an adequate embodiment of freedom due to the element of natural contingency that remains dominant in it: contingencies of birth, death, material circumstance, determination of roles by sex, maturity, genealogy and so forth. Civil society, on other hand, presupposes a collectivity of individuals already liberated from nature at least in principle; a freedom they seek to realize through the practical exploitation of nature and human nature in the pursuit of privately conceived interests. It has its limit in turn in this, that since whatever human beings accomplish is dependent wholly on luck, talent, opportunity and a host of other material and social conditions, it is a freedom only realized as a never-ending competition of all against all where some succeed and some fail and a universal human welfare thus remains no more than an abstract ideal.

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That marriage, even as an ethical institution, is limited has only partly to do with the internal instability of marriage as a relation between particular individuals, subject to vicissitudes having to do with sexual, social or familial compatibility, conflicts of personality, infidelity and the like. Its more fundamental limit lies in the ambiguity entailed in being partly grounded in the natural passions even while the means of their sublimation. Where this limit is unrecognized, where the natural family order as it stands is regarded as absolute, the bond then turns into bondage, the kindly family order into despotism. Prone to this tendency are traditional dogmatic characterizations of marriage as necessitated by nature, required by God, rooted in inexorable sexual instincts, an instrument of raw economic ends, a 'political' state where males have the legal ownership and use of women and children -- views ever current but which Hegel relegates to the phenomenological pre-history of a properly ethical conception of marriage.

For the greater part of human history, however, the family has indeed been treated as the supreme ethical institution, and still is in large parts of the contemporary world. To the extent it is so treated, the family, and by extension clan and ancestry, are regarded as the absolute standard for all community, the dominant factor in all social and class relations and forming the nepotistic basis of political power and its continuity. Marriage in such cultures is thus the all-important, sacramental event, the root of all other relations, a bond imposed and maintained by religious authority and legal force, involving fixed rights, obligations and rules -- the subjection of women as property (as Engels), taboos of caste and tribe (as Freud) -- to which the participants are bound to adhere at pain of severe repudiation, punishment or even death.

In Western culture, however, where the basis of marriage is moral rather than legal, the family is no longer thought to be rooted in some inexorable natural or divine law, but rather in the feelings and choices of particular individuals -- in 'love' in the subjective or romantic sense, with all its sexual-platonic ambiguity. Thus as the family order was the foundational communal relation in earlier societies, for modernity it is rather 'civil society' that provides the paradigm for all other relations, including marriage itself. In the West, the freedom of the individual reigns as dogma, which means that all relations are to be conceived as obtaining between particular individuals who do not give up this particularity of their freedom in them; relations which are therefore never more than 'social', that is, collective rather than communal, freedom itself understood as subjective, the absolute and unqualified right of autonomous individuals expressed in universal rights, free choice, the right of dissent and so forth. What is witnessed in the present time as the 'decline of family values' and the disintegration of the marriage tie is due in large part to this moral-romantic conviction that institutional life has its sole justification in the self-justifying freedom of particular individuals, a view that nonetheless contains key ambiguities which have progressively brought about a degeneration of the moral standpoint itself from its original rational shape to its contemporary expression in moral relativism and the positive celebration of caprice.

The reactionary view of this post-modern decay is to see it as a catastrophic eventuality, evoking, perhaps, a wish to return to an earlier, more rigorous morality of family life, or even to a pre-moral and anti-modernist spiritual fascism, as most recently

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in Islamism. But the continuing decline of the moral-romantic view of marriage and family life is not the result of any delinquency as to principle, but consists in the progressive revelation of a contradiction already native to that principle itself. The consolidation of subjective freedom as an absolute in modern democratic culture has meant that the model of 'civil society' -- community as any set of external relations among otherwise autonomous individuals resting on their assent -- has become more and more definitively the model for all institutional life, including that of the family. The 'moral' and 'romantic' views of marriage are earlier shapes of this individualistic ideal. The more the social model has come to prevail, the more the inconsistency between individual freedom and the idea of inviolable trans-individual bonds has become evident. The marriage bond itself then falls into controversy, increasingly suspected by libertarians who, as many feminists, see it as self-evidently contrary to freedom and thus a form of oppression, and vainly defended by those who would somehow restore a 'God-given' family ethic with emphasis on fixed gender roles and damning as 'un-natural' any deviation from the 'natural' model of the heterosexual breeding family. The real issue underlying, however, is the apotheosis of subjective freedom which both sides in the argument assume -- for even the return to a natural ethic of family life must be a matter of individual 'choice'.

The challenge to think beyond this definitive post-modern conflict, now reaching its critical phase, requires a more complete understanding of objective ethical relationships and the fuller freedom they confer. So long as the right of the individual as such is supreme, such understanding is, of course, impossible. For the limit of the subjective standpoint, expressed metaphysically, lies in this: that the reconciliation of spirit to nature remains incomplete. Either freedom is affirmed as an immediate existential consciousness, which knows itself nonetheless to be fatally limited by time, nature and circumstance, or conceived as the practical goal of a conquest of nature that ideally issues in the triumph of a wholly human order of freedom. But this 'nonetheless' and this 'ideally' betray the fact that a disjunction between freedom and nature remains as the underlying assumption, so that any liberation affirmed or sought in this manner is in principle incomplete; not an actual freedom. The more complete freedom is to be found, not in paradoxical acquiescence or endless activism, but in a redemption of nature through freedom, which is at once a realization of freedom as nature. And this is what an ethically ordered life is: in it the appearance is transcended of a subjective life 'in here' to which an alien nature 'out there' stands opposed. In ethical institutions the demands of subjective freedom and of the natural and historical conditions of human life are equally met and in principle reconciled; in them, nature and freedom belong to the one life in which the former is conserved and sublimated and the latter rendered real and self-fulfilling.

Marriage as ethical is such a reconciliation, though at the level of 'natural individuality'. That is, it involves individuals as living, physical beings with given sexual and emotional natures as well as distinct personalities and personal histories. In freely sacrificing the whole of their bodily fate to the marriage tie, the partners come to know one another in their very bodily presence and difference, and in so doing find their isolated, mortal existence redeemed, since fixed and held in the other's free loving regard.

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In married intimacy there is thus a distinct liberation, not only from sexual differences, but from all the limitations of bodily existence: one knows oneself as loved entirely, for oneself, as one is, for better or worse, even 'unto death' -- loved, that is, in the unity of one's natural-spiritual being. In this free relationship, the given elements of nature and human nature are neither denied, violated, nor suppressed, as in some purely spiritual or romantic-platonic union. On the contrary, within the marriage bond, one's immediate nature, even in its crassest biological aspects, is conserved and dignified, afforded a universal, spiritual meaning, just as, on the other hand, one's spiritual self-consciousness is given substance as an actual life.

That naturalistic and romanticist views of the institution of marriage -- as either a wholly legal or a wholly moral relation -- are no longer tenable, introduces into marriage many implications that only in recent times have begun to come to light. As no longer an order imposed by nature, it is clear that subjective freedom is an essential desideratum: the relation of marriage must of all things be between self-consciously free individuals. Moreover, where nature is no longer the absolute standard, there are new and valid questions to be raised as to what constitutes 'normal' physical relations. A wholly celibate marriage is thus in principle quite conceivable, as is some variation of marriage between those more at home physically with those of their own gender. Reproduction confined strictly to marriage, once considered its prime obligation, becomes secondary to the fulfillment of its ethical end; there are many alternative opportunities and arrangements whereby children may be brought into family life and adequately nurtured.

But what is more difficult is to identify and surmount the limits of the moral-subjective view where insistence on the radical autonomy of married partners becomes a major obstacle to the stability and permanence of the relation. Clearly there is no route back to the 'traditional family', only the one ahead. The infinity of the subjective standpoint, the truth of individual freedom, whatever its limits, has worked its way throughout the whole of contemporary culture to become an irreversible presupposition, so that older notions of the marriage bond as in some divine or human legal sense literally trumping the element of individuality and personal love is no longer tenable. This new attitude cannot be denied; the demand that a married relation be such as to engage and respect the freedom of one and the other party has put an end to a host of literal and material reasons why, in the past, it was thought married couples should be required to 'stick together', no matter what, even where the light of love and respect has gone out in a marriage, where violence or indifference has turned it into a living prison, where its essential end, the fidelity that ensures redemption of the passions, has been compromised, or again, where passion itself has become a tyrant, dominating and disrupting matrimonial harmony. Again, the moral respect for individuality (among other factors) has meant a momentous release of both women and men, physically and mentally, from the older obligations and strictures of married life that bound each to fixed gender-determined roles, a change whose most striking result has been the flowering of women into vital and complete individuals and a corresponding liberation of men from the prejudices of a limited maleness. Of course, the inroads made by subjective freedom in contemporary culture has also its negative side in the excessive dogmatic casualness with

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which sexual promiscuity or 'openness' is aggressively pursued as a matter of principle while the idea of marriage as institutional chastity is ridiculed and belittled.<sup>16</sup>

For many cultures, and to a degree still in the West, the concept of the natural family persists, though the modern concept of marriage as a moral-romantic relation between free individuals has in democratic societies superseded it. The great difficulty in modern times is to recognize what is limited in this latter concept; to reveal the impotence of relationships based on no more than subjective choice, relationships that cannot liberate individuals from the bondage and finitude of their bodiliness, a bondage expressed in the infinitely unrequitable character of contemporary sexuality. It is this 'immortal' freedom, which the commitment to an objective ethical-physical relationship in marriage is meant to establish through willing subordination of bodily life as whole to a regime that answers first to the requirements and obligations of personal love.

It is thus a living, day-to-day freedom that is formed and cultivated in the marriage relation and through it passed on to others. That the family has long been said to be the 'foundation of society' cannot mean that it is itself the ultimate form of community but that it is the principal instrument of liberation from the particularities of bodily life, which makes a society possible. For as the primary end-product of family life is the experience of being educated and confirmed as a person, a free individual, marriage in its ethical meaning is more than a merely natural order of life or a romantically founded relation; it is able to tolerate any number of options and variations not applicable in a relation that is 'eternal' in only a legal or moral sense. It may indeed not be essential one marry at all: one may choose celibacy to satisfy a special calling, or out of widowhood, necessity of age or physical condition, or simply according to disposition. A single person may sustain a relatively satisfying home life in other ways, through maintaining a circle of relatives or intimates, the single adoption of children and the like, while those

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<sup>16</sup> Much nonsense has been made of Hegel's remarks on the psychological, metaphorical and spiritual import of natural male-female differences, especially with respect to institutional roles. The perspective of the ancient poetic account of such matters (e.g., as in Sophocles' *Antigone* the family is woman's eternal destiny, as worldly struggle is man's) is contrasted with the bourgeois-romantic understanding of family roles in his own day, where husband and wife are thought to bring specific emotional and intellectual talents and aptitudes to the unity of a family life no longer seen as absolute, but as secondary to the 'higher' freedom of individual autonomy. Hegel's account of gender differences and their sublimation have been repudiated especially by some feminists who, writing from within ultra-modernist assumptions of radical individualism or socialism, can see nothing in them but the outdated prejudices of a nineteenth century European male.

But one understands little if anything of Hegel if it is not recognized that he is already thinking beyond the standpoint of modernity, thus also beyond the merely bourgeois, romantic view of the family. His remarks concerning gender differences (for that matter concerning psychological, cultural, racial, religious or any other differences elsewhere in his works) have accordingly to be understood entirely in terms of his vision of a freedom which is reconciled to nature, and not the abstract freedom for which natural differences are *either* absolute or else wholly irrelevant.

A most excellent and balanced survey and commentary concerning this issue is found in A.M. Stafford, "The Feminist Critique of Hegel on Women and the Family", *Animus* 2 (1997), [www.swgc.mun.ca/animus](http://www.swgc.mun.ca/animus)

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whose nature precludes heterosexuality may still find opportunity for stable domesticity in chosen singleness or some variation of a loving spousal relation.<sup>17</sup>

The essential point is that some form of spiritual domestication is achieved in which the passions and needs of natural life can find a measure of fulfillment which allows for their muting and the cultivation beyond them of a life free to become centred wholly on personal and spiritual ends. But if marriage and family life have long been the chief institutional form in which the spiritual domestication of the human animal has been effected, with the emergence in the contemporary world of a much fuller and wider consciousness of freedom, it is to be expected the older forms of the marriage tie can no longer assert exclusive legitimacy.

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<sup>17</sup> Clearly, these elaborations on the contemporary implications of the Hegelian position are not to be found in Hegel's text, but it is argued they nonetheless follow from it. That Hegel could set forth no more than the *principle* of a post-moral, post-modern view of the family (as other institutions) within the wider context of an overall philosophy of freedom; that for his comments on the extant *actualities* of ethical life he could only draw on the still 'pre-post-modern' ethos of his day; these considerations in no way limit the contemporary import or relevance of his conceptions. The thrust of much of nineteenth and twentieth century ideology may be described as precisely the attempt to realize, through extension and radicalization of what are still essentially modern categories -- and thus with limited success -- the same post-modern, post-historical world whose logic Hegel had already sketched philosophically. .