Marriage and the Moral Bases of Personal Relationships

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Marriage is a legal institution. Current debates about whether it should be extended beyond its traditional heterosexual constitution, and whether many of its legal incidents should apply to couples who live together without marrying, and about the introduction of civil partnership (modelled closely on marriage) for same-sex couples, make an examination of its contemporary role particularly timely. This article is about the interplay between the institution of marriage and ideas of obligation within personal relationships. It takes as its starting point some commonly held opinions. First, that the sense of obligation which hitherto guided people’s behaviour in their personal relationships has much diminished or even disappeared. Second, that this diminution is reflected in the decline in marriage. We will then examine what the evidence of an empirical study conducted by the Oxford Centre for Family Law and Policy reveals about the way people in married and unmarried relationships understand the nature of their personal obligations. In doing this it will be seen that the moral bases which underpin people’s personal relationships is complex and does not correspond in a simple way with formal, external social categories.

I. THE DECLINE OF OBLIGATION

Prior to formulating an argument (to which we will return) that the obligations created by marriage constitute a human good, Scott Fitzgibbon asserts that ‘the twentieth century brought a crisis of obligation’. He cites little evidence for

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1 This has been covered at greater length in J. Eekelaar, ‘Personal Obligations’ in Family Law and Family Values, ed. M. Maclean (2003).
this proposition, but the sentiment is common enough. Gilles Lipovetsky has referred to the alleged phenomenon as ‘le crépuscule du devoir’ and Zygmunt Bauman has described postmodern sociality as one which ‘knows not and hears not of rights, obligations, contracts or legal entitlements’. The ‘culprit’ (if such there be) for this state of affairs is said to be the rise of ‘individualism’. Thus, in 1985, Robert Bellah and colleagues identified ‘individualism’ as ‘the first language in which Americans tend to think about their lives’, leading them to value ‘independence’ and ‘self-reliance’ above all else. For these authors, individualism seems to denote a kind of self-centred indulgence, to be contrasted with a disposition towards ‘commitment’ and recognition of ‘obligations’. But it is not so simple. Some writers have argued that the sense of obligation to others has been replaced by a sense of obligation to oneself to live a authentic life. In a more complex analysis, Giddens in 1992 and Beck and Beck-Gernsheim in 1995, drawing on a wide range of contemporary literature (in Giddens’ case, especially psychoanalytical discourses), developed a more complex version. According to Giddens:

Confluent love is not necessarily monogamous … What holds the pure relationship together is the acceptance of each partner ‘until further notice’, that each gains sufficient benefit from the relationship to make its continuation worthwhile.

3 His cites only the rise in bankruptcy filings by individuals and families in the United States of America, an assertion by Allan Bloom that American students have impoverished ideas of friendship (A. Bloom, The Closing of the American Mind (1987) 82–140), and the claim by Patrick Atiyah that respect for promises has declined in English life, see P.S. Atiyah, The Rise and Fall of Freedom of Contract (1979) 649–59.


7 id., p. viii. This was a very broad-brush analysis. Much of the discussion on values in the private sphere centres around four individuals chosen as paradigms, who speak in very general terms about their ‘philosophies of life’. The authors found that they had difficulty in ‘justifying the goals of a morally good life’; they were confused about defining ‘the nature of success, the meaning of freedom and the requirements of justice.’ Since these are issues with which philosophers and theologians have wrestled for centuries, the problems of the respondents are very understandable. Similarly, their observation that ‘Americans are … torn between love as an expression of spontaneous inner freedom, a deeply personal, but necessarily somewhat arbitrary, choice, and the image of love as a firmly planted, permanent commitment, embodying obligations’ does not do other than take up an age-old theme, whether expressed in terms of conflict between individual passion and obligations to wider family, country or spouse.

8 For an excellent discussion, see H. Reece, Divorcing Responsibly (2003) 84–92.


11 Giddens, op. cit., n. 9, p. 63.
Central to this is the role of ‘negotiation’. The rights and obligations arising from the relationship are subject to negotiation.\(^\text{12}\) Even sexuality is a matter of negotiation, whether it be the matter of sexual exclusivity, or even the nature of the sexuality itself.\(^\text{13}\) Beck and Beck-Gernsheim describe the same phenomenon. They call it, creating a ‘do-it-yourself life history’\(^\text{14}\). In daily life, ‘more and more things have to be negotiated, planned, personally brought about’.\(^\text{15}\) The organization of life after divorce ‘has to be negotiated, often fought over’.\(^\text{16}\)

This new individualism is hardly a world of ‘do as I please’. Autonomy may have become a newly important value, but it is restrained by the necessity of coexisting with other people who are exercising the same value. Coexistence is made possible through negotiation. But this analysis throws up new problems. What is meant by negotiation? It surely does not occur within a vacuum. How, then, is it affected by the social or moral context in which it occurs? Is there such a context? Janet Finch, in an important analysis of what negotiation might mean in this context, saw it not as being the equivalent to conscious bargaining, but as an understanding which emerged over time ‘that there are certain things which they would do for each other if necessary’.\(^\text{17}\) But Finch was clear that such ‘negotiation’ takes place within ‘external structures’. It is these structures which create ‘shared understandings’ absorbed through membership of society that underlie the negotiations, for example (as Finch explains):

> most people, both sons and daughters, acknowledge some responsibility for their parents in old age; daughters are commonly thought to be the people most suited to provide nursing care, for their mothers especially; men do not give up their jobs to care for a parent.\(^\text{18}\)

This reference acknowledges the role of ‘social rules’, which Finch describes as not being so much ‘moral’ rules ‘concerned with determining how someone “ought” to behave, as common perceptions of “how the world works”’.\(^\text{19}\)

In 1999 Carol Smart and Bren Neale reported on a study of post-separation parenting involving 31 women and 29 men interviewed twice during 1994–6, at twelve and eighteen months after their separation. The purpose was to detect whether there were ‘newly emergent forms of responsibilities, caring patterns and ethical codes’.\(^\text{20}\) Smart and Neale concluded that indeed there were. These

\(^\text{12}\) id., p. 191.
\(^\text{13}\) id., pp. 63, 96.
\(^\text{15}\) id., p. 91.
\(^\text{16}\) id., p. 94.
\(^\text{18}\) id., p. 183.
\(^\text{19}\) id.
people were not acting amorally, in the sense that they reflected on their decisions and weighed up their consequences. They argued that the mothers exhibited an ethic of care, in the sense that, for them, their decisions about what ‘should be done’ were solutions to specific problems in which the primary guideline was the practical manifestation of ‘care’ for another, in this case, the children. The fathers, by contrast, tended to proclaim an ‘ethic of justice’, which was abstract and rights-based, and they used the rhetoric of equality.

The circumstances of post-separation parenting is of course a good context in which to examine the norms to which people have reference when determining what their personal obligations are. But it is a very special context, which arises only after shared living has finished. We still need to know more about the norms to which shared living may give rise. Jane Lewis has made an important contribution to this knowledge.21 Lewis accepts that the advent of individualism ‘does not mean that there will be no consciousness of “ought”, but it is no longer imposed but has to be negotiated’.22 To discover more about such negotiation, she interviewed 17 married couples with children and 17 unmarried couples with children, aged between 27 and 50, recruited by advertisement in nursing, teaching, and social work publications. In order to provide a generational perspective, 72 of their parents were also interviewed. This was clearly not a ‘representative’ sample of the general population, and was not intended to be because one of the main objectives was to explore areas ‘likely to reveal the balance between attention to self, as opposed to attention to other and to the relationship’,23 and the sample was designed to further that objective. However, some further questions (but not interviews) were posed to 777 people drawn from an Omnibus Survey by the Office for National Statistics, which was representative. Lewis describes the central issue as revolving around the idea of ‘commitment’. The unmarried had tended to ‘drift’ into long-term unmarried cohabitation. They had lived together for so long they saw little point in marrying.24 They saw their ‘commitment’ as being ‘private’ rather than ‘public’. Half of the unmarried and one-quarter of the married said they had no obligations to one another, or had not thought about them; but for the rest, they saw the obligation as coming from ‘within’ and not externally imposed:

The crucial thing . . . was seen to be the existence of commitment rather than its manifestation. Given that . . . it is not surprising that most people in the sample also felt that it was proper to treat married and cohabiting parents the same.25

The picture is one of pragmatic compromise, and, although Lewis herself does not emphasize the concept, a sense of the importance of mutual respect.

22 id., p. 126.
23 id., p. 128.
24 id., pp. 135–6.
25 id., p. 145.
When we consider the character of interpersonal relationships, the question arises how far, if at all, ideas of ‘rights’ are present or indeed appropriate. We should say, immediately, that we are not primarily referring to legal rights here. Whether A has a legal right against B is in principle, if not always in practice, a straightforward matter. The answer lies in the legal texts and legal practice. But can we also imagine that people have rights of a different kind, moral or ethical, to the way the other party to a relationship should behave?

Some people have thought that the very idea of rights in personal relationships is meaningless, or even dangerous. For example, the judge, Sir John Laws, expressed this view in a lecture in 2002.26 For him, the content of morality was contained entirely in the realm of duties. To make a moral claim was to assert what you, or someone else, ought to do with regard to another person: in other words, to assert the existence of a duty. In contrast, this view holds that to claim a right is entirely self-centred, and therefore not a moral claim except perhaps in the trivial sense that it refers indirectly to duties of others. Others have expressed similar views.27 By way of contrast, Giddens considered that concepts of rights and obligations were very important in postmodern ‘intimate’ relationships. Indeed, he writes that ‘intimacy should not be seen as an interactional description but as a cluster of prerogatives and responsibilities that define agendas of practical activity’ and notes that the importance of rights as a means of achieving intimacy can be seen from women’s struggle to achieve equal status in marriage.28 John Dewar and Stephen Parker have suggested that family law has progressed from a ‘formal’ era (from about 1857 to the 1960s), when ‘there was a strong sense of spouses as rights-holders’, through a functionalist era to the present ‘complex’ or ‘chaotic’ era. But complexity has not reduced the role of rights; indeed:

there is now a greater emphasis on rights, but the rights-claims are more diverse and stem not from marriage itself … but from other states, mainly to do with childhood or parenthood.29

These contrasting views do not take into account the perceptions which individuals in relationships themselves hold about rights. Even if one does

26 Sir J. Laws, ‘Beyond Rights’ (2003) 23 Ox. J. of Legal Studies 265–280. Laws argued that the language of rights was only appropriately used to refer to legal claims against the state.
28 Giddens, op. cit., n. 9, p. 190.
not expect such individuals to have engaged in sophisticated conceptual analysis, perceptions of rights can be a powerful driver of behaviour. It seemed important to explore this issue.

A FURTHER INVESTIGATION: STRUCTURE OF THE RESEARCH

We wished to tap into that generation which experienced its childhood during the years when the ‘great disruption’\(^{30}\) began to first make its impact on family life. These would be people born between the late 1960s and late 1970s, who are now between their late 20s and early 40s. We wanted to include only people who were likely to have had the opportunity to experience extended relationships. We also wished to obtain a sample drawn from a fully representative base, and were fortunate in obtaining the consent of the Office of National Statistics to introduce a screening question into its Omnibus Sample on family change.\(^{31}\) This question allowed us to identify respondents who were within the desired age range and who had experienced partnerships of some kind. We interviewed 39 individuals, 18 men and 21 women. Two were under 29, and the rest between 30 and 45; 26 were married, nine currently cohabiting, two were now living alone and two were ‘living apart together’ (in a current relationship but living in separate homes). One of the last was the only gay relationship in the sample.

Since we also wished to examine whether ethnic diversity was a significant factor in the responses, we were also able to weight our sample so as to ensure such diversity among the respondents. Sixteen respondents were from ethnic minority groups (in which we include White Irish). In presenting our data, we have followed the categories used by the ONS in indicating ethnicity. We have indicated the ethnicity of the respondents in what follows, but will explore issues of ethnicity directly in a later article. The study should be seen as a qualitative one, indicating the range of perceptions, values and behaviours relevant to personal relationships which people hold in contemporary British society. We cannot make quantitative extrapolations from our data about the extent to which any particular type of response is held in the general population.

Our questions were designed to discover how the respondents reacted to certain key events in what is often called the family life cycle, but which, in more individualist mode, might be called their personal lives, and, above all, why they responded as they did. The key events are forming a co-residential unit, marrying, becoming a parent, leaving a co-residential unit, experiencing

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\(^{30}\) The expression used by Francis Fukuyama to describe the transformation in family and personal relationships described in the text: F. Fukuyama, *The Great Disruption* (1999).

\(^{31}\) We express our special thanks to John Haskey of the Office of National Statistics for much assistance on this.
the departure of children from home, and feeling the first effects of the dependency of elderly parents. Not every respondent will have experienced all these events.

The respondents were asked both about the effect of such events on their actual behaviour and their reasons for such behaviour. The latter questions raised certain difficulties. It was difficult to know how people would react. However, whatever people may say, they must act for a reason. We notice the proposition\(^\text{32}\) that, while at some level we can talk about acting on one’s desires (eating when hungry; sleeping when tired), this turns out to be a very limited way of accounting for behaviour. It is not simply that there are many occasions when we do not in fact act on our desires, crudely conceived. It assumes that the only way we can decide between conflicting desires is to choose the strongest desire (although the expression ‘choose’ seems inappropriate, for the image seems closer to the stronger desire dictating the choice). In such a scenario, you would not need to, perhaps could not, weigh up all your desires. Your action would just ‘happen’, flowing from the desire. But that seems a strange way to explain behaviour. While people sometimes do lose control and act on urges alone, those are generally considered to be pathological cases. You can also sometimes want things, but have no reason to have them (you already have enough, for example). In such cases acquiring them can be some form of addiction. It therefore seems more plausible to say that in the standard case the action you choose you choose for a reason.

Uncovering the reasons for action has not only an explanatory purpose. A reason must refer to something which is of value to the actor. To act for a reason which holds no value for the actor is to act for no reason at all. As Raz has put it: ‘reasons are rooted in values’.\(^\text{33}\) This is of particular importance in this context, for by reflecting on people’s reasons for acting, we may access the values they hold. An important goal was to gain an insight into the values people hold in conducting their personal lives. We were initially unsure whether subjects would find it easy to articulate such reasons, and they sometimes struggled to formulate them. Our work is not one of psychoanalysis, and we do not claim to have accessed unconscious motivations. The articulated reasons nevertheless provide indicators of those values which the respondents were prepared to lay some claim to.

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33 Raz, id., p. 252; ‘. . . one can only want something because of a good one believes the thing to have’ (p. 261).
THE ANALYSIS

In what follows, for reasons of space, the evidence supporting the analysis is selective. The evidence is set out in full in an Occasional Paper of the Oxford Centre for Family Law and Policy (OXFLAP). We start with an account of the reasons those respondents who had married gave for choosing to marry rather than live together without marrying. This was not an outlandish choice for these people, since most of the respondents will have been partnering during the 1980s, and, while in 1971, 97 out of every 1000 single women over 16 were married, this ratio had fallen to 56:1000 in 1987. The proportion of all women who had never married and were cohabiting outside marriage increased from 8 to 17 per cent between 1978 and 1987. 53 per cent of women who married in 1987 had lived together with their partner before marriage.\(^\text{34}\) Clearly, the generation of people who were entering into personal partnerships during the 1980s faced a realistic choice between marriage and (continuation of) living together without marrying.

But why did the married marry? The answers should give some indication about what values they thought marrying held for them. This might further reveal what importance it had in respect to their relationships, and allow inferences to be drawn about how they viewed the relationships. But inference is not enough. We also needed to ask directly how they considered marriage, or the other life events described earlier, affected their sense of how they felt they should behave towards their partner. We did not direct our questions solely at the relationship between the partners, for we wanted to know whether the partnership (married or not) could provide a source for a sense of obligations to certain other people (in particular, to in-laws), and, if so, why that was so. We will make some reference to these responses here, but a fuller treatment will be the subject of another paper.\(^\text{35}\) At present we will direct attention at the relationship between the partners themselves, married and unmarried.

**REASONS FOR MARRYING**

Of our 39 respondents, nine were currently living in a partnership but had not married their partner, and two were living singly after having cohabited. Of these, four had been married earlier. Two further respondents were in the position sometimes described as ‘living-apart-together’, which, for these purposes, we will include among the unmarried cohabitants. We will return to this group later, but will start by looking at both all those who were now

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married, and also those of the first group who had been married before their subsequent cohabitation. This constitutes 32 respondents.

This large group had all married at some time. We have divided their reasons for marrying into three main categories. The first are entirely pragmatic (three cases). Marriage was entered into to achieve some collateral objective, and not by reason of any value attaching to marriage itself. The second group of reasons we call conventional (18 cases). This is because the respondent refers to some social source, external to the respondent, whether it be in the form of the practice of others, or the opinions of others, which are recounted as being significant in determining his or her decision. The respondent in these cases can be seen as placing value in conforming to some kind of convention. The third group of reasons we term internal (18 cases). Here the respondent perceives the institution of marriage as allowing the respondent to realize or promote a goal which is important to himself or herself. The respondent does not seek to satisfy external demands, but his or her internal goals. Of course respondents could hold more than one reason, so some cases appear in more than one category. The overlap between cases in the conventional and internal categories is of particular interest. Two cases could not be allocated to any category.

1. Pragmatic reasons

There were three examples:

Int. Why get married?
R. My husband went to work in [middle eastern country] and the only way I could go out there was if we were married . . . I wouldn’t say it was the only reason but that is what precipitated it at that time; we were happy as we were. (Female, 39, Cohabiting after previous marriage ended in divorce; White British, speaking of first marriage) [13].

Int. Why marry after living together?
R. It just happened; we were going to emigrate and it was easier with all the papers.
(Female, 34, Married, White Irish) [26].

Int. Why marry at this time?
R. Inheritance tax. My husband saw this Panorama programme on TV last October.
(Female, 39, Afro-Caribbean) [38].

2. Conventional reasons

Curiously, the number of cases in this category (18) turned out to be the same as the number in the ‘internal’ category, discussed below. But there were nine cases of overlap between them, and we will give these special attention when we discuss the internal category. The conventional reasons
given were: following religious prescription, following parental wishes, and following social or cultural practice.

In two cases religious prescription was cited as a sufficient reason in itself:

Int. Why marry rather than live together?
R. I’m a Catholic ... a practising Catholic. My wife isn’t. She is C of E. My family is Catholic.
(Male, 38, married, White British) [32].

Int. Why marry?
R. I’m a practising Muslim; my wife was born a Muslim but knew nothing about it ... she converted to Islam and gave me an ultimatum: live the Muslim way and marry ... after a year of the marriage I came to Islam, it took a year, studying; before we lived by society’s rules, now I live as a Muslim.
(Male, 24, Afghani, Muslim) [33].

In the second case, the religious prescription governed the wife’s behaviour rather than the husband’s: becoming a Muslim and marrying was the only way he could have a relationship with this woman. Nevertheless, it was the religious prescription which led to the marriage.

In three other cases, parental prescription was afforded similar status. For example:

(We) did not live together before marriage.
Int. What view did you take about living together before marrying?
R. Personally I would not have had a problem with it but my father would not have countenanced it at all; there would have been no way my Dad would have allowed it.
(Female, 43, Married, White British) [20].

Two respondents combined this with religious prescription. Here is one:

I am a practising Catholic ... my Dad told us to get married ...
(Female, 38, married, Black African) [35].

A number of respondents regarded the social conventions of their community as exerting a considerable force on their behaviour. But this tended to be combined with religious practice and parental wishes. For example:

R. I think it was a cultural thing to do with it, and expectations of parents ... back home, if you start living together you get married ... we are Christians ...
Int. Would you say part of the reason was a religious reason?
R. It is difficult to say, isn’t it ... it is both cultural and religious.
(Male, 45, married, Black African) [19].

Another way of expressing this was to say that it was ‘the thing to do at the time’ (male, 39, married, White British) [14] or ‘because that’s what you did and maybe it’s because what your parents did as well’ (female, 44, married, White British) [17] or ‘I was brought up you didn’t do it until married’ (female, 42, married, White British) [27] or ‘I didn’t want a baby and not to be married. It was 1980 ... still a bit of a stigma’ [29].
These expressions indicate an acceptance of the prescriptions of religion, cultural practices or family expectations as sufficient reason to enter marriage. The extent to which respondents cited their desire to conform to the wishes of their parents was striking and took us somewhat by surprise. These, after all, were people who would have been marrying in the 1980s. However, it was noticeable that when cultural and family expectations were cited as relevant factors, some respondents appeared to wish to distance themselves from the appearance of treating those as exclusive determinants of their decision. For example:

Int. There was a wish you would get married?
R. Absolutely ...
Int. What were your own feelings about that?
R. Mmmm . . . well, because in Ireland at the time family expectations were of a church marriage . . . I would say for me it was something I owed my parents . . . for my wife, she’s more religious, very religious parents . . . though I can’t say it was just for the parents. I think we ourselves were traditional enough to believe that commitment would involve marriage.

Here the respondent recognizes a duty towards both his and his wife’s parents, as well as to his wife’s religion, but introduces a new element which is neither expressly anchored in religion nor in filial duty: it is ‘tradition’. Tradition has a compromise quality to it. Following a tradition suggests a lifestyle choice, freely entered, rather than being subject to prescriptions by reason of one’s membership of a community which one may not have freely chosen. This perspective could be adopted in the absence of any, or any strong, religious motivation. Giving as a reason for marrying that one is ‘old-fashioned’ (female, 40, married, White British) [31] seems to be adopting a similar viewpoint.

3. Internal reasons

The value which marriage was seen to hold by these respondents all related to the idea of commitment. But they seemed to do so in slightly different ways, which we describe as confirmation (four cases), completion (eight cases), and construction (six cases). As we will explain, some of these cases overlapped with those in the ‘conventional’ category.

(a) Confirmation
Here marriage appeared to hold a purely symbolic significance for the respondent. It was important for the respondent in so far as it demonstrated, usually to the outside world, a state of affairs already reached by the parties. In itself it made no difference to the relationship as these respondents perceived it, but was seen to confirm what already existed. For example, one respondent, who, when asked why he married his cohabiting partner, said:
It’s the final thing, really, plus the legalities . . . it was just the final thing to do.
(Male, 32, married, Black British) [37].

Another:

It makes everything in place, din’t?
(Male, 39, married, White British) [12].

In these cases, marriage appears to be no more than a single event – indeed, as one said – a ‘party’, with no further implications in itself, though representative of responsibilities already felt or assumed. It is perhaps not surprising that none of them overlapped with those in the ‘conventional’ category. The symbolic effect of the marriage was indeed a matter of value, but since it was symbolic only, these respondents did not feel that external conventions provided any reason in themselves for going through the ceremony.

(b) Completion

There were eight cases, however, where marriage seemed to play a more significant role from the internal point of view. It was more than merely a public display undertaken mostly for others, but assumed a more personal nature, and provided in itself an added impetus for, or source of, further commitment. In this sense it was a significant element in completing the sense of commitment which the parties already felt. But it is interesting that five out of the eight cases in this category overlapped with the ‘conventional’ category. As will be noted, the respondents who combined conventional and internal reasons were able to reconcile their individualistic aspirations with their acceptance of the external conventions. Perhaps they found the two aspects mutually reinforcing.

An example was the following:

Cohabitation is not a full commitment. My parents wouldn’t be happy with us living together, but only because we wanted to.
(Female, 31, married, Asian British) [16].

The strongest version of this attitude was where marriage had provided a catalyst, some kind of turning point; it forced the respondent (or both parties) into a decision that their relationship really was for life; that they should settle into a more permanent mode of living:

Marriage for me is the point at which it moves from being ‘This is very nice now’ to ‘we’ve got to make a life together with a view to being together for as long as you last, ultimately probably having children, etc.’ In that sense it’s a deeper commitment.

A further case showed a strong personally held view that marriage ‘completes’ the personal commitment. The respondent had expressly insisted that they should enter into marriage, despite her pregnancy, but only if her partner ‘wanted’ it:
[Partner] proposed when I was pregnant; he said we ought to get married. I said ‘no’, only if you want to get married; we had discussed having a family and agreed we wanted it . . . a proper family is mum and dad and married. (Female, 42, married, White British) [15].

These cases all show marriage operating as an event which seals, or raises to a new level, a relationship which has been maturing over time. It is often consistent with seeing marriage as mandated by external convention. No doubt the parties believe the relationship will continue to grow after the marriage, but marriage is essentially seen as the event which has an independent effect in completing the fundamental nature of the partnership.

c) Construction
But there is another reason for marrying, also associated with the idea of commitment, but this time it represents an earlier stage in the relationship: it sets up a framework within which the partners work towards the deeper commitment which, for the earlier group, marriage already signified. We see the significance of marriage here as constructing a framework within which the partners consciously strive to achieve a still deeper commitment. Usually that deeper commitment occurs on the birth of a child. As in the ‘completion’ cases, it was possible for respondents to combine the use of marriage as a framework for deepening their relationship with accepting conventional reasons for marrying, and three did so (cases [2], [21], and [22]).

Typical construction cases are the following:

Int. Why marry at all?
R. I don’t know. I s’pose we just wanted to . . . it was like a way of saying ‘I want to be with you for ever’ . . . [but] when you’re married, you’ve always got a get-out, not that you hope to divorce, but you’re not bonded in the same way. The real commitment is having kids, not the marriage. Then you’re connected to that person further.
(Female, 38, married, White British) [4].

We both wanted children and we wanted to get married first before we had any children.
(Female, 32, married, White British) [9].

This use of marriage as a framework for deepening a commitment which was completed on the birth of a child could have operated as an additional or subsidiary reason in some cases where the primary reason seemed to be conventional. For example, the Hindu respondent who explained that he had married out of conformity to cultural traditions and parental expectations, added:

Although you see each other during the day [before marriage] it’s totally different living together . . . most people have children in two years, we delayed it until five years . . . I think the delay for settling down and having
children was just to make sure that we were compatible and knew what way we were heading.
(Male, 36, married, Asian British, Hindu) [21].

This was a respondent to whom cultural factors were important. It is possible that the very fact that such respondents were subject to strong conventional prescriptions to marry, so that the act of marriage did not necessarily fully coincide with a sense of confirmation of emotional commitment (as in the completion cases), encouraged the perception of the marriage being a framework within which commitment grows. Unlike the overlap cases in the completion category, where the respondents were able to synthesize their own ethical motivations with conformity to convention, these overlap cases show respondents using the convention as a resource for promoting a sense of commitment, which would normally be confirmed by a later event, typically the birth of a child.

REASONS FOR NOT MARRYING

There were ten respondents in current relationships outside marriage. Some had strong negative views of marriage:

I would never marry again . . . it’s like bungee jumping . . . once is enough, it was not a nice time; we’re fine now and don’t want to change it.
(Female, 42, White Irish, cohabitant after marriage involving violence) [29].

In four cases, the respondent equated marriage with ‘the wedding’: it was no more than a one-day event, with no apparent further significance, and was therefore irrelevant. For example:

Int. Do you see yourselves marrying in the future?
R. That’s a very difficult question. The answer is yes, but it’s financial . . . finances permitting. At the end of the day, we don’t want to just go down to the Registry Office and do it for £10. If you want to do it properly it costs something like £15,000, especially because me and (my partner) have both got massive families . . . I could always see a better way of spending £15,000 than sunning around in a white dress, personally.
(Male, 38, cohabitant, White British) [1].

It seems that these respondents could be considered as having a very similar approach to marriage as two who had married for pragmatic reasons ([13] and [26]).

Reasons people have for marrying, and for not marrying, are important indications of the role marriage plays in contemporary life. For many, marriage is undertaken as a matter of conformity: to parents’ wishes, to religious prescription or to cultural norms. But marriage was just as widely used by people to express a personal value: this might be an achieved state of commitment or a mode of clearing the pathway towards such commitment. It is quite possible, of course, that people could see these goals as being
independent of each other. That is, that marriage may be undertaken for conventional reasons, but not be seen as having any relevance to whatever internal reasons a person may have for entering a relationship. But, as we have seen, a significant number of people see the state of marriage in itself as contributing in some way to enhancing an internal attitude.

However, the internal reasons we have been examining are attitudes towards marriage. They do, of course, reflect, and have implications for, the respondents’ attitudes towards the other partner. But we thought that issue demanded a separate inquiry. We did this by asking how various events, namely, beginning to live together, getting married and having a child, affected their sense of ‘what they owed’ to their partner.

PERCEPTION OF RESPONSIBILITIES BETWEEN PARTNERS

In analysing the data we will break the reasons people gave for explaining their behaviour towards their partner into three types: first, when the behaviour is ascribed to following duties which derive from a source external to the parties. We will call this the ‘external-duty’ approach. The second sees the source of obligations as being embedded in the relationship itself. It is seen as something that builds up over time, and is coterminous with the relationship. This idea seems to be closely related to a particularist view of ethics. The behaviour just follows from the nature of the circumstances. Being in a relationship simply means acting in a supportive way towards one another, and the more so the longer the relationship has lasted. We will dub this the ‘evolutionary’ approach. The third perception appeals more directly to certain ethical principles. We will call this the ‘ethical’ approach. This might seem very similar to the second group. For those respondents in the second group who cited the relationship itself, or being in a relationship, rather than making a direct appeal to an ethical principle, such as love or care, as the reason for acting supportively towards their partner, did not, of course, mean that they did not act lovingly or caringly, or did not see these as virtues. But they saw the virtues as being intrinsically tied to what one did if one had a working relationship. Those in the third group seemed to express a commitment to the ethical principle which was independent of the relationship, although, as we will see, it was possible for elements of more than one perspective to be held.

1. The external-duty approach

One might anticipate that those who undertook marriage for conventional reasons would be inclined to see the relationship as being dominated by rules or obligations set by the marriage itself. There was some indication of that. For example, a fundamentalist Christian said, in answer to the question whether he thought it was his duty to share, or whether they just wanted to do it that way:
I am a Christian . . . God say there is no man and there is no woman . . . man and woman is one, not two . . . so why think differently . . . everything belong to me belong to her; not I must do, I think I should do . . .
(Male, 38, married, Brazilian, Christian) [24].

Although the respondent distinguished between ‘I must do’ (which he rejected) and ‘I think I should do’ (which he accepted), it seemed clear that his acceptance of the obligation derived from his Christianity-based view of marriage: ‘man and woman is one, not two’. So here we have a link, which we might expect, between an external-duty approach and a strongly conventional reason for marrying.

Similarly, a Muslim respondent said:

There are rules about marriage . . . it tells you how to live together and keeps us happy.
(Male, 24, married, Afghani, Muslim) [33].

Such respondents had a strong conventional element in their reasons for marrying. But it was not only those with a religious background who adopted the external duty approach, although for these others it seems to have played a weaker role. One, for whom concern over parental disapproval had motivated marriage, but who admitted to being ‘old-fashioned’ about it, had even gone to a solicitor while she was still living together with her husband to get a letter demanding he give her money (female, 40, cohabiting after divorce) [31].

2. The evolutionary approach

As explained above, these respondents see the nature of their behaviour as being inherently determined by the nature and progress of the relationship. Paradigmatically, one would be inclined to associate this primarily with unmarried cohabitants. There was certainly a strong example from that group:

Int. Would your partner have any right [against you, now]?
R. I wouldn’t have seen it as a right . . . it sounds almost contractual . . . I’m trying to search for a softer word than a right . . . again, obligation is quite a strong word . . . it’s part of being in a relationship.
(Male, 33, cohabitant, White British) [8].

Such responses show that those adopting this approach can be reluctant to concede they are under an obligation. Yet the relationship seems to exert some kind of normative force. For example, a respondent who had married for pragmatic reasons said:

Being together should be mutually supportive . . . now people provide support in different ways depending on their personality or on their . . . how they are equipped within the relationship . . . so a mutual supportive role . . . otherwise you are just living with a friend . . . it’s a developmental relationship . . . I don’t think I had a right to financial support . . . emotional support though . . . ummm . . . I think you have a right for somebody to support you if you are in a long-term committed relationship.
(Female, 39, cohabiting after previous marriage ended in divorce; White British) [13].
That respondent went as far as to see a long-term relationship as capable of giving a ‘right’ of some kind. This approach is found also in other categories, such as those who saw marriage as a confirmation of the relationship. Another respondent, whose partner had a teenage son, when asked whether she had any obligations towards the boy, replied:

We have made a family, the way I want it, there is no ‘ought’ about taking on [son] I can’t see [son] as anything other than part of the relationship with [partner] . . . we are no different from married . . . it all depends on the quality of the relationship, not legal status . . . maybe commitment should contain the length of time together . . . but that should apply to marriage too . . .

(Female, 45, cohabitant planning to marry, White British) [34].

This response introduces an important additional element to this perception. The respondent characterized her attitude towards her stepson as an element of her relationship with her partner. To complicate matters further, the evolutionary approach was also articulated by some who had conventional reasons for marrying. This was a respondent who married for a multiplicity of conventional reasons, including seeing it as a completion of the relationship. The obligation is expressed here in terms of the ‘right’ of the partner:

I think if you’re making that degree of commitment to somebody, then I think at some level they have a right to expect you to behave . . . there is an implicit contract somewhere in that . . . this is where an awful lot depends on the quality of the relationship because I don’t think any of these things flow from a system of law . . . it’s a betrayal of the relationship . . . so there’s a right on the basis of the evolution of the relationship.


We conclude that, while people who had strong conventional reasons for marrying would often see the obligations flowing from the conventions they were following as having some, sometimes strong or exclusive, force in directing their behaviour in their relationship, people marrying without such conventional reasons (but also some who did have such reasons) very often also saw their behaviour as being prescribed by the fact of being in the relationship itself rather than from the marriage. And of course this could be true for those who did not marry.

3. The ‘ethical’ approach

There were pervasive responses, spread among all ‘types’ of marriage, and among those who were not married, where the respondents referred to some independent ethical value in explaining the way they thought they should behave in their relationships.

(a) The golden rule
The most commonly cited ‘ethical’ basis for behaving towards a partner was the so-called ‘golden’ rule: do unto others as you would have them do unto
you. This might look like a manifestation of the reciprocal or reflexive relationships which Giddens identified as being characteristic of modern intimate relationships. But there is a difference. The reflexive relationship is one in which (at least theoretically) the relationship is kept constantly under review and renegotiation so as to keep the interests of each partner in balance. There were indeed some examples of this. Here is one from a married woman, a Roman Catholic, whose relationship had clearly weakened. But even this deviates from the Giddens model because she was bringing into the calculation the effect of her behaviour on others, notably her children:

Even when I first got married, I was never one of those to tempt fate and say that it was so fantastic that we were never going to break up. I don’t like saying that because I’ve seen too much go wrong for other people. Long-term relationships are very difficult and it depends how much compromise you want to do. However, the flipside is how much devastation you cause if you do break up. The price of having an affair for your family is high. Basically, I’ve found that price too high to pay at the moment... If I didn’t have children the whole thing would be different... I think I’d get out of a relationship much quicker, or at least have a cooling off period, where you could find out whether you still wanted to be together or not.

This respondent had initially expressed an ethic in terms of the ‘golden rule’, but went on to suggest that her view had changed. Perhaps the respondent felt that she had now made more of a contribution to the family: she was not just taking, but contributing (or was in a better position to contribute). But this must also be seen in the context of the weakening relationship:

When somebody’s been supporting the whole family as long as he has, you don’t feel in quite as strong a position to argue ‘well, I want to do this’ because you feel selfish, when somebody else has been working all these hours and [my husband’s] not just going off and doing what he wants either. But now, I’ve changed... I’ve re-educated myself and gone to university, my horizons have broadened...

(Female, 40, married, White British) [5].

But reciprocity was more likely to be expressed in terms that indicated the acceptance of an obligation towards the other from the fact that the other had given benefits to the respondent, or had undertaken detriments. The obligation this generated was a continuing one (though presumably not immutable):

I think at the back of my mind I must have felt, he’s working so hard, if I just stayed at home doing nothing, that would have been very unfair on him; if it had been the other way around, and I’d been working all day long, coming back, and my husband having a nap all day, I would not be very happy.

(Female, 43, cohabiting after divorce, discussing former marriage undertaken for strong conventional reasons, Japanese) [10].

A cohabitant who expressed the ‘evolutionary’ paradigm strongly seemed to trace the source of his responsibilities to his partner to the fact that she had moved to his ‘territory’:
Int. The reason you gave for your responsibilities . . . [you indicated that] it was because she’d moved?
R. Because previously we had been on neutral territory . . . and it was shifting the balance to go one way or the other way or to stay in a neutral town, so the very fact that [she] made the move . . . I expect it was a case of appreciating what she’d done . . . I would do anything to support her decision to move.
(Male, 33, cohabitant, White British) [8].

Another cohabitant, who put great weight on the birth of the child in cementing the relationship (‘Now it’s a very firm bond. I’m one half of a whole, whereas before there was that bit of independence’), had expressed the ‘golden rule’ as governing his attitude to his partner’s parents:

Int. Would you help your partner’s parents?
R. Yeah
Int. Why?
R. To be honest, they’re nice people, but more importantly . . . you should do unto others as you’d have done unto yourself. They’ve helped me in the past and I would like to reciprocate if it was required.
(Male, 30, cohabitant, White British) [1].

It is interesting that this open reference to the golden rule appeared more prominent in unmarried cohabitations than in married ones. It is possible that, for the married, the ethic simply became absorbed in the duties of marriage, or the conceptualization of the relationship.

(b) Trust building

Another expressed ethic drew on the idea of trust. We saw this expressed in the context of both marriage and cohabiting relationships. This could be seen as a form of reflexivity, but it is more than simply adjusting to find the maximum benefit for each partner: the goal is an ethical one of mutual confidence.

I think [financial arrangements] was simply a more sensible way of doing things . . . I suppose, in a way, in the early part it was a bit like saying, well, let’s start working together and tying ourselves up more . . . it’s that sort of trust building; to say it’s trust building sounds like there’s a suspicion, but it’s more a natural step that far along . . . we have separate accounts as well as the joint account . . . we try to keep the separateness but togetherness.
(Male, 44, married, White British, Buddhist) [2].

Int. If you were still living together with your new partner and got into need, would your partner have a responsibility to you?
R. I don’t know if it is a responsibility but I would probably expect something from him, some help, I don’t know in what way; but if he ignores (me) I don’t trust him any more.
(Female, 43, cohabitant after divorce, Japanese, describing cohabitation relationship) [10].

In this last example, the reciprocal element is reversed, for under the golden rule the respondent’s sense of obligation rests on benefits received or the other party’s detriments undergone, whereas here the respondent reposes
trust in the other in the expectation that it will be honoured. But it is a mutual process.

(c) Love, respect, and care
It is perhaps surprising that respondents did not mention love as a reason for their behaviour more often. This does not, of course, imply that love was absent in cases where it was not mentioned. Failure to mention it may indicate some coyness about putting what might be thought of as an emotional response up-front to an interviewer. But three male respondents had no such difficulty. It is interesting (but not necessarily significant) that all three had married according to strong conventional reasons. Here are two examples:

Int. When you started to live together having got married, how did that change things . . .?
R. Well, I think it both started with love . . . and respect to each other and if you have that then we see we have better productive if you do things together. I think the foundation was I say love then respect and you build on it: that’s how I see it.
(Male, 45, married, Black African, Christian) [19].

Int. You think you’ve got responsibilities to your wife primarily because you’re married to her: that would be our reason . . .
R. No . . . I married her because I love her, that would be (the reason) . . .
(Male, 38, married, British Asian, Sikh) [22].

Three women ([9], [17], and [31], all White British) also mentioned love as being a reason for marrying in the first place. Two of these ([17], [31]) coupled it with strong conventional reasons. It is curious that it was only the married who referred to ‘love’ as a basis for behaviour. Perhaps it is because it appeared as a reason for marrying, and of course the cohabitants did not marry. Yet the cohabitants failed to refer to it as a reason which explained the way they behaved towards their partners. Jane Lewis36 also did not refer to ‘love’ in discussing the way her respondents, both married and unmarried, viewed their relationship. However, ‘caring’ was referred to by two women as being an important feature of their relationship and a cohabiting woman, who had had a (literally) bruising experience of marriage, said simply:

Int. What kind of support can you expect from your partner; do you have any rights?
R. Rights don’t come into it. I expect him to treat me with respect; that’s all.
(Female, 42, cohabiting after divorce, White British) [29].

36 Lewis, op. cit., n. 21.
PERCEPTIONS OF RIGHTS

Having considered the way in which respondents saw their duties or responsibilities, we now turn to consider specifically the extent to which respondents felt the language of rights was appropriate within their relationship. We recall that a number of authors have expressed scepticism about the appropriateness of using concepts of rights within personal relationships, but also that we see claims about rights as attempts to secure the application of duties by others in accordance with certain background moral principles.

1. Discomfort with ideas of rights

We found evidence that respondents indeed had discomfort about speaking in terms of rights. This was so for cohabitants and for married people.

Int. Do you think you have a right to expect certain behaviour of your partner?
R. I don’t think ‘expect’ is the right word. No … obviously I would like certain things to be done, but I’m understanding in the circumstances, how difficult it is to get things done when you have a child. So if I come home and dinner is not on the table … that’s not a problem.
(Male, 30, cohabitant, White British) [1].

Int. Would she have a right (to support from you)?
R. I wouldn’t have seen it as a right … it sounds almost contractual … I’d have thought more of a … I’m trying to search for a softer word than right … it’s part of being in a relationship.
(Male, 33, cohabitant, White British) [8].

It doesn’t mean you would not provide it (support), but it’s different about whether it’s a right … I don’t think right is a word I would use anyway … I don’t think people have a right to things … it’s about consideration.
(Female, 39, cohabiting after divorce, White British, talking about position in her former marriage) [13].

So while, as one might expect, we can find those who adopted the ‘evolutionary’ approach to their sense of responsibilities to have particular reluctance to speak about rights ([8], [3], [12], and [13]), we find similar reluctance among those who were willing to acknowledge an ethical basis for responsibilities ([1], [2], [8], and [29]) and even one who saw duties being externally imposed ([22]).

2. Rights seen as respecting the interests of the partner

Yet there were contexts in which some respondents did find the expression appropriate. One was where the respondent expressly acknowledged an interest of the partner. This might be for personal space:

My wife has a right to go out and visit her sisters and her friends and go out to work: I can’t say, you stay in, you can’t go out to work.
(Male, 45, married, Black African, Christian) [19].

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Or it might be an acknowledgement of the partner’s interests to consideration:

Ummm . . . I’m quite easy going, so I’d say she has a right to be happy, that’s the only thing I’d say . . . it’s up to me in some sort of way to make sure she is happy . . . I don’t feel I’ve got any rights from her.
(Male, 32, cohabitant, White British) [23].

One interpreted the word as referring to her own interest in a degree of independence:

I think I should have a right to say . . . ‘I’m going out’ . . . and then, if he’s got any plans, we can sort it out, find a babysitter, whatever. He shouldn’t be saying, ‘no you can’t go’.
(Female, 38, married, White British) [4].

It might be significant that this was uttered in the context of what appeared to be a deteriorating relationship.

3. Association of rights with economic contributions

Interestingly, some linked this idea of rights to the fact they had made economic contributions. For example:

Int. Do you think the right, which you say you feel you now have, is linked to any responsibilities?
R. Because if you’re earning as well, you have more power, you have more say: ‘I’m going to do this because I’m contributing to the house’. But when somebody’s been contributing to the whole family, you don’t feel in quite as strong a position to argue: ‘well, I want to do this’, because you feel selfish, when somebody else has been working all these hours.
(Female, 40, married, White British) [5].

The fact that they were making economic contributions also led some women to the thought that they had some right to support from their husbands or partners. For example, respondent [13] thought she had some right to share in his pension for that reason. Similarly, in replying to the question whether she had a right to support from her husband, a respondent said:

We’re both working: so a bit of a right, yes.
(Female, 31, married, White British) [16].

But women were ready to concede that their husbands or partners had rights to expect support from them, when the husband was providing all the economic support. For example, a Japanese respondent attributed her feeling that her former husband had rights against her to the fact that he supported her. This was recognized even where the woman was working:

Int. Did your partner have any right to ask you to help him out financially when you were in transitional stage (i.e. living together before marriage)?
R. Yeah, because in effect I was living there, so I don’t see why not . . . we were both working, so I’d say you split things up.
(Female, 26, married, White British) [6].
However, one male respondent cited the fact of economic contributions as a reason against his wife having rights to support:

Int. Do you see yourself or your wife as having a right to the kind of support you talked about?
R. It depends . . . if you’re both working, both looking after the children . . . I don’t see one has got a right over the other . . . when she’s not working there is an obligation on me to support her.
(Male, 43, married, White British) [30].

4. Rights based on convention

Certain respondents saw themselves as having some kind of right flowing from the rules related to marriage, such as a right to the security of the home [17]. One woman had gone to a solicitor to have her right to support enforced while the marriage was ongoing. Those respondents for whom the conventional aspects of marriage were important were not surprisingly inclined to see rights and duties as flowing naturally from the convention. For example:

I think it goes without saying . . . both of us have a right to each other and responsibility to each other as well.
(Male, 45, married, Black African, Christian) [19].

Another, whose marriage was in the conventional category:

Both sides have rights, in a family, both sides have got responsibilities . . . I got rights, she got rights.
(Male, 42, married, Indian) [18].

However, this respondent seemed later to place a particular restraint on this by saying this did not ‘come from the marriage’ but rather from the duty towards children. Even if ‘rights’ were not specifically referred to, they must have been implicit in the response which stated that marriage laid down ‘rules’ (male, 24, married, Afghani, Muslim) [33]. But that was not an inevitable response from those who married for conventional reasons.

Int. Would you have felt you had a right to that (knowledge about finances)?
R. I don’t know whether it’s a right or not; it’s always been for us . . . I wouldn’t say that . . . had we wished to keep that personal I wouldn’t say I had a right . . . but we were in a partnership and, yeah, we shared everything.
Int. So you would not have thought he had rights against you or you had rights against him . . .?
R. No . . . not at all.
(Female, 43, married, White British) [20].

However, that respondent did say ‘we would expect’ financial support from one another if they split up ‘just because we’ve been married for 24 years’.

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COMMUNALITY

It is sometimes said that people in unmarried cohabitation are less inclined to share resources than the married.\textsuperscript{37} In our data, some cohabitants did seem inclined towards retaining a degree of economic independence, but this seemed to be related to the fact that the cohabitant had experienced difficulties in an earlier relationship. However, it was possible to find cohabitants who had a strong sharing ethic:

I don’t think we see it as each other’s property, we see it as our property, we find it very difficult to say, that’s mine, that’s yours.
(Male, 33, cohabitant, White British, first cohabitation) [8].

Another placed this approach as arising after the birth of a child, when:

It really became a situation of ‘what’s mine is hers’ and vice versa.
(Male, 30, cohabitant, White British) [1].

Others, who had now married, had adopted a sharing approach from the time their pre-marital cohabitation started:

R. We share everything.
Int. You did that right from the beginning (i.e. when moved in together before marrying)?
R. Yes . . . money . . . everything . . . cars . . . whatever . . .
(Male, 39, married, White British) [12].

Some married respondents also expressed a strong sharing ethic:

I was quite surprised to see friends of ours that had separate accounts and kept them. I find that extremely strange.
(Female, 40, married, White British) [5].

We work together as a team . . .
(Male, 45, married, Black African) [19].

Others retained a degree of independence. In one case, where the parties kept separate accounts for their own purposes, the wife kept a secret stash because the husband was bad with money ([6]). Two other married couples had a similar arrangement ([7], [16]). In another, a full-time mum received ‘an allowance’ ([15]).

DISCUSSION: MARRIAGE, RELATIONSHIPS, AND THE ‘GOOD’ OF OBLIGATION

We referred earlier to the paper by Scott Fitzgibbon in which the author expresses the view that obligation is non-instrumentally good as an instantiation of the good of steadfastness and stability\textsuperscript{38} and that ‘marriage

\textsuperscript{38} Fitzgibbon, op. cit., n. 2, at p. 64.
is a drama of mutual reinforcement of obligation’. The point seems to be that acknowledgment of obligation to another is a manifestation of ‘steadfastness’ and ‘stability’ (which are goods for both the person displaying these characteristics and the one towards whom they are displayed), and that marriage generates such obligation. We would not wish to dissent from the idea of steadfastness and stability as being goods. Reflecting on our data, however, we are led to wonder whether the sense of obligation can come only from an external source and therefore to doubt whether marriage is either a necessary or sufficient context for the acceptance of personal obligation.

As far as expectations of endurance of the relationship is concerned, cohabitants could express as much incomprehension at the thought of possible future separation as married people. It was so unthinkable that they could not easily contemplate how the eventuality should be dealt with:

Int. If things went wrong, would either have any rights or a claim?
R. I don’t know ... I’ve never considered it ...
Int. In terms of splitting up, would having a child make a difference?
R. I’m sure it would, though in our case it’s not something we’ve given any consideration at all ...
Int. Should people think about it?
R. Yes and no ... The probability is so low on the scale ... it’s not something to consider.
Int. You would see this relationship lasting for life?
R. Yes.
(Male, 33, cohabitant, White British) [8].

A respondent who was now married made it clear that he had expected the relationship to be for life from the moment pre-marital cohabitation began:

Int. Is it your feeling that this relationship will go on for the rest of your life?
R. Yes, I’d expect that.
Int. From the beginning ...
R. From the beginning of what ... marriage or when we were together?
Int. When you were first together.
R. Yes, you would expect that, yeah.
(Male, 39, married, White British) [12].

One did have very low expectations:

I tend not to live too much in the future to be honest ... yeah, I would say my expectations are less as far as the future is concerned ... a more short-term assessment.
(Female, 39, cohabitant undergoing divorce, White British) [13].

However, this was true of some married respondents too. Here are two:

Int. Do you imagine remaining married for life?
R. No ... we just argue so much ... when it becomes detrimental to the children.
(Female, 38, married, White British) [4].

39 id., at p. 66.
Int. What of the future . . . would you see yourself being married for life?
R. Erm . . . I don’t know . . . even when I first got married, I was never one of those to tempt fate and say it was so fantastic that we were never going to break up . . . the flipside is how much devastation you cause if you do break up. The price of having an affair for our family is high. Basically, I have found that price too high to pay at the moment.
(Female, 40, married, White British) [5].

We are not suggesting that this was characteristic of the married; on the contrary, they too could find splitting up so remote as to be out of range:
Int. What if you and (wife) were to separate?
R. I find this very hard to imagine . . . if it did happen I would have to be not myself . . . it’s so hard to say . . .
(Male, 39, married, White British) [14].

Of course the above evidence shows only what the respondents’ expectations were and it might be said that to identify the sense of obligation so closely with the persistence of the relationship is to rob it of prescriptive effect, because each individual is free to terminate the relationship. At most, the obligation is treated as an instrumental good: valuable to the extent that it is necessary to keep the relationship going (but disposable along with the relationship), rather than as a good in itself which nurtures the relationship. However, the respondents who expressed themselves in this way did also indicate an attitude which showed a desire to invest efforts in making the relationship work in event of difficulty. The relationship exercised a normative ‘pull’:

I would have to . . . I don’t know: to struggle on the best we can [23].

We’re both difficult people. If we married it might spoil it [34].

In addition, cohabitants frequently referred to some additional factor, such as having a child, or some ethical principle, which reinforced this normative position, and would have commended steadfastness:

R. The only thing that’s ever changed our relationship has been the baby . . . before the baby came along we were always independent financially, but since the baby came along that just changed instantaneously, and it really became a situation of ‘what’s mine is hers’ and vice versa . . . I think it’s now a very firm bond. I’m one half of a whole, whereas before there was that bit of independence.
(Male, 30, cohabitant, White British) [1].

Int. Does marriage make any difference to people’s responsibilities in relationships?
R. No . . . um . . . no maybe people around us expect differently, but I don’t think it makes much difference really.
Int. Then what is important, if not marriage, what things are important for you?
R. Trust and care . . .
(Female, 43, cohabitant after divorce, Japanese, describing cohabitation relationship) [10].
In any case, married people also expressed the ‘evolutionary’ approach (cases [6], [12], [34]), and also appealed directly to ‘ethical’ principles ([2], [5], [6], [10], [11], [14], [19], [22]) and having a child ([9], [15], [16], [21], [33]) as sources of obligations. So, while married people had an additional source available from which to derive their obligation, many of them referred to the same ones as the non-married. It becomes increasingly difficult to identify being married in itself as necessarily, or even characteristically, constituting a significant source of personal obligations in the eyes of the participants in such relationships. Nor can we say that we found evidence, either among the married or the unmarried, that our respondents saw their sense of obligation as primarily owed to themselves. The conventional and ethical bases of obligation are clearly inconsistent with this, and, while the ‘evolutionary’ approach might appear to have some similarities to that view, it was really very different because the obligations were seen to be owed to the other, albeit that they arose out of the ‘situation’, as ‘situational’ ethicists would put it. All in all, the evidence showed rich and diverse sources for perceptions of obligations, which suggests that the thrust of much of the literature reviewed at the beginning of this article should be re-evaluated.

Finally, we revert to the role of rights, and the interrelationship with perceptions of obligation. We must stress that we were not focusing on how people might perceive their rights if the relationship came to an end. The conclusion seems to be that, as far as people’s perceptions of their ongoing relationships is concerned, ideas of rights are not prominent. This appears to be somewhat at odds with the Giddens view of relationships being in a continual state of renegotiation. However, while not prominent, they are not necessarily absent. They seem to be part of the conceptual means by which partners recognize the interests of the other, which is inconsistent with the perception that ideas of rights are necessarily self-centred. They also seem to be associated with two specific factors. One is where the respondent sees the marriage in strongly conventional terms. Of course such respondents will associate responsibilities with such terms as well, but it appears that in these cases they will also be conscious of their ‘own’ entitlements. This sits uneasily with claims that marriage pre-eminently instantiates obligations. Of course it does that, but can also prompt a ‘rights-based’ view of aspects of the relationship, whereas the unmarried cohabitants, many (but not all) of whom grounded their sense of obligations in either the normative pull of the relationship itself or in ethical values, were less inclined to think in terms of rights as protecting their self-interest. The other factor is in connection with a perception of economic contribution, either by the respondent or the partner. As far as allocation of capital on divorce is concerned, the English courts have only recently proclaimed that financial and non-financial contributions to a marriage should be seen as having equal worth,40 and the principle is

still not acknowledged if the couple are not married.\textsuperscript{41} We should not be too hasty to extrapolate from these responses to the view that partners who do not contribute financially should not have rights on separation, for, as we have said, the present context did not assume separation. Rather, it suggests to us an unwillingness in most respondents to see their role in personal relationships as one which places demands on the other. They accept obligations on themselves and these tend to be related to background moral values like recognizing what the other has done for them, care, and respect, or are seen as necessary ingredients for making a relationship work, something which held value in itself. Rights, in the sense of claims on the other, seemed to have special resonance where economic contributions may have entered the calculation.

On the whole, though, we found that being married was consistent with a range of attitudes, both to marriage itself, and also to the relationship within it. For some people, it was an important catalyst for their relationship, either as providing some kind of seal to the state of commitment they had already reached, or a framework in which an even deeper sense of commitment, usually reached by the birth of a child, would be attained, or a reinforcement of their internal goals. But it could also play other roles, such as the purely symbolic, or openly instrumental. So marriage is useful and important to many people in a number of ways. But when we examine the way people think about their relationships, we find that there are many variations between those who are married, and many similarities with those who are not. Cutting across them all, though, we find a range of values which are held in common, and which have a substantial effect on generating ideas of personal obligation.

This conclusion should lead to caution over claims that marriage is uniquely capable of producing certain ‘goods’. The picture is more complex. Whether marriage delivers those ‘goods’ more successfully than when people live together without marrying\textsuperscript{42} is also hard to substantiate. It appears to be true that, statistically, married relationships last longer than unmarried ones.\textsuperscript{43} But it is also true that, at times when marriage was more widespread than it is now, the marriages of the young, the poor, and the remarried were at much higher risk of breaking up than those of older, more financially secure, first-time married people.\textsuperscript{44} Those risk categories may now be being substantially filled by unmarried cohabitants,\textsuperscript{45} so the reasons

\textsuperscript{42} Arguments of this kind have been put forward most notably by Waite and Gallagher, op. cit., n. 37.
\textsuperscript{43} This is demonstrated, and discussed fully, in M. Maclean and J. Eekelaar, The Parental Obligation: A Study of Parenthood across Households (2000).
\textsuperscript{44} The evidence is summarized by C. Gibson, ‘Changing Family Patterns in England’ and D. Ruane Morrison, ‘A Century of the American Family’ in Katz, Eekelaar, and Maclean, op. cit., n. 29, chs. 2 and 3.
\textsuperscript{45} This seems to be true for the United Kingdom with respect to unmarried cohabitants who have children: see Maclean and Eekelaar, op. cit., n. 43, p. 20.
why married people who were in those circumstances were more likely to separate than others probably apply disproportionately to unmarried cohabitants. Our evidence shows that married and unmarried people who are living together share many values. Indeed, the similarities in the normative determinants of their behaviour may be greater than the dissimilarities. This is a intriguing perspective on a society in which, outwardly, the form personal relationships take seems to be becoming increasingly diverse.