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Divorce, Disorientation, and Remarriage

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Abstract
This paper asks three inter-related questions, proceeding chronologically through a divorcee's experience: (i) is it responsible and rational to make an unconditional marital vow in the first place? (ii) does divorce break that unconditional marital vow? And the main question: (iii) can the divorcee make a second unconditional marital vow in all moral seriousness? To the last question I answer yes. I argue that the divorce process is so disorienting – to use Amy Harbin's term – as to transform the divorcee and therefore partly release her from the original vow. Arguing this will require a specific understanding of personal identity and change.

Keywords Disorientation · Marriage · Divorce · Promises

Let's start with a story. A woman named Tereza, who works contentedly as a GP, gets married at the age of 30 to another doctor. At the (civil) wedding she makes the serious, sincere vow to "love and cherish" her husband "as long as we both shall live." After seven years (Tereza is now 37), the marriage is not going well. (Neither of them wanted children, so that is not an issue.) After several weeks in marital counselling, they agree to divorce. In sober moments she accepts that there was no clear trigger for the breakdown; she can't find serious fault in her husband, and accepts that they were both so absorbed in their jobs, and just drifted apart. They both move out of their rental flat, and Tereza sets up her new life on her own. Luckily she has always had a strong professional identity, and she throws herself back into her work with vigour. Through her work she eventually meets another man. Soon they begin an intimate relationship, and eventually move in together. After a year of living together, they decide to get married, and they

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start to plan the wedding day. She is 44. (I have mentioned the ages of Tereza not only to fill out the portrait, but also to make it easier to refer to the different stages of her life.)[1]

I have three inter-related philosophical questions about this story: the first two are preliminary questions, and the third is the main one. The first preliminary question is familiar: can it be rational and/or responsible to make unconditional promises at all? To put it another way: I can sincerely utter the *words* of an unconditional promise, but what do they *mean*? The second preliminary question is less familiar, but has been well discussed in a 2011 article by Elizabeth Brake: does Tereza's divorce necessarily amount to the breaking of a solemn public promise? If it does, that would seem to be a bad thing precisely because of that public solemnity. And yet I am accepting the widespread view of most divorces in the modern West as cases of highly complex, opaque bad luck more than as serious moral failings – and I am taking Tereza as such a case. The third question, the main one, is about whether Tereza can make a *second* unconditional wedding vow in full moral seriousness (and whether she can expect to be taken morally seriously), knowing that she has 'broken' the first vow. I will eventually argue that she can make the second vow, and that it can be taken seriously. In doing so I will be invoking the crucial concepts of *transformation* from L.A. Paul (2014) and *disorientation* from Ami Harbin (2016).

Before I proceed to these three questions, I also need to spell out two sets of assumptions. First, Tereza's first vow is serious and sincere. This is not a marriage of convenience, for money, for immigration purposes, for tax advantages, for revenge, for whim; nor is it a purely conventional next step in this relationship. She has thought long about it, and is willing to accept the full implications of the life-long vow that she makes to this particular man. She is old enough to know what she wants, what she expects, and what she'll settle for in a relationship; she knows her fiancé well enough; and he is hiding no dark or criminal secrets. Similarly, I am assuming that her divorce is not a matter of petulance or selfishness or whim. Her new relationship is not a matter of rebound, of loneliness or of calculation. There is a question of what Tereza thinks now, at 44, of the wedding vow she made when she was 30, and it is important that she does not condemn it as naïve or ignorant. I will return to this issue of retrospective self-assessment later.

In terms of the second set of assumptions, I am assuming that the institution of marriage should continue to be legally recognised. There are debates about whether the state should legally recognise marriage (heterosexual or homosexual), and about whether it should confer various advantages to it.[2] I am also assuming the legal and moral permissibility of divorce. Clearly, a devout Catholic would condemn Tereza's divorce as a straightforward breach of the wedding vow, and might say that the divorce reveals that Tereza was not morally serious in the first place, either in making the vow or in being married: that would be an easy solution to all three questions.

1 Promises, Conditional and Unconditional

Before I come to unconditional promises, we need to understand more about ordinary promises, since they are already complicated enough. I can promise to attend my daughter's

[1] This article was inspired by the Guardian columnist Zoe Williams, who entitled her 2018 article 'I do, again: there is nothing as deadly serious as a second marriage'.
https://www.theguardian.com/lifeandstyle/2018/may/05/i-do-again-there-is-nothing-as-deadly-serious-as-a-second-marriage [accessed July 2019]

[2] See, for example, Brake (2012) and Chambers (2017).

birthday party, but any number of things, reasonably foreseeable or not, can get in the way. Understanding the practice of giving and accepting promises includes not only an understanding of what it means to be objectively bound by a promise, but also an understanding of the type and strength of the reasons that will suffice to *break* the promise, together with an understanding of what subsequent debts one incurs to the promisee (e.g. to inform in advance, to apologise, to compensate…). Even when I fully understand these norms, there will inevitably be borderline cases where the promisor and promisee disagree – perhaps without culpability on either side – on the precise relevance or strength of the reason for breaking. Such disagreements may reveal each party's more personal moral values to the other (with perhaps fatal effects on the relationship). Note that when I say 'personal moral' I do not mean *merely* personal, as in matters of taste; I mean genuine objective moral values with a content that plays an important structural role in this particular person's life.

So my 12-year-old daughter is having a birthday party today at 5 pm. I promised to attend: my daughter is important to me, and I know she wants me to be there. During the day I get an urgent call from my sister who is very sick, and needs to be taken to the hospital (and needs *me* to be with her at the hospital). Nobody would quibble – and importantly, my *daughter* should not quibble – if I have to miss the birthday party in order to meet my sister's urgent and exceptional need. But consider the same promise to my daughter, but a different phone call, this time from my boss, who invites me to her office at 5 pm to discuss an urgent and important contract our company has received. Technically, the meeting is after hours and I could therefore refuse. But I am also ambitious, I am delighted that she has noticed me, and I have reason to believe this will be a good opportunity for my career. (Moreover, I know my boss wants to make a decision quickly, and I have several other colleagues who could take on this new job equally well.) I decide to meet my boss, and I phone my daughter in the afternoon to tell her that I "cannot" attend the birthday party "because of work." The "cannot" is rhetorical, my daughter knows it, and she is entitled to be annoyed; in saying "cannot" it is not as if I am physically incapacitated, nor am I bound by an obligation. Even if she does not yet fully understand what a job and career is, what it means to identify with and care about one's job or career, there is an ineliminable arbitrariness to my decision. It's not complete arbitrariness, of course, as if I had flipped a coin; and it is not arbitrary *to me*, within my value-laden perspective of the world, of myself in that world, and of my past, present and future life in that world. But it may well appear arbitrary to her, without any cognitive fault on her part. I know that if I were to attempt to persuade my daughter of my job's importance to me, if I were to attempt to describe my job and my career, and why this *particular* meeting is important, I would not necessarily succeed. Or rather, she could understand the importance of the objective conventions governing minimum working hours, she might understand why I would *want* the extra meeting with my boss, but she might reject my ambition as a sufficient reason for breaking the promise to attend her party. When I missed my daughter's party to take my sister to the hospital, I can morally dismiss my daughter's annoyance at my promise-breach, even if I fail to persuade her of its justification. When I break my promise in order to meet my boss after hours, I cannot dismiss her annoyance *morally*; I can only dismiss it *politically*, as it were – meaning that I am in a position of power that can only appear arbitrary to the loser once persuasion has failed.

The birthday party example is useful to introduce the place of personal moral values, which will be relevant as we continue. But it also shows how normatively complex the practice of

promising can be in fairly ordinary, discrete and short-term cases. It should not be forgotten just how widespread and important promises are in most contexts of ordinary life, despite the frustration of borderline situations. Generally they work, however, and I am not arguing for a sceptical position. When it comes to unconditional long-term promises, however, the complexity is multiplied to such a degree that it would seem to be grossly irrational and/or irresponsible to make them. If ordinary promises are already so vulnerable to foreseeable and unforeseeable impediments, vulnerable to disagreement over whether they have been justifiably broken, vulnerable to disagreement over the interpretation about the content – then an unconditional promise would seem hopeless right off the bat. And yet morally serious people (like Tereza) make morally serious unconditional wedding vows, and most of us don't find that strange. For Tereza, it's not a matter of empty convention; she takes the words seriously as she utters them, and after she has uttered them.

There are intermediate positions between empty convention and unconditional promise: the bride and groom could refrain from making life-long promises to each other, and instead declare their present emotions or wishes (e.g. "I love you" or "I want to live with you"), thereby leaving the future essentially open, without risk of breaking any promises. As a social policy, that might be too little to prevent impulsive weddings, followed by divorces at the first adversity or distraction, however. Another intermediate position would require a statement of indeterminate good faith, according to which one declares oneself *ready* for the possibility of a long relationship, but under certain explicit conditions.[3]

These days there is much more flexibility in writing one's own vows, and I dare say some form of conditional commitment works for many people. My purpose here is not to condemn such partnerships, and I accept that many of them can be successful both in terms of longevity but also in terms of sustained intimacy and mutual respect. My question is whether it is necessarily more *reasonable* and *responsible* to make a conditional rather than an unconditional vow, precisely because of the essentially unknowable future; and I am defending the unconditional vows that people do make.

Susan Mendus (1984) takes a more extreme position, and argues that a 'true' marriage requires an unconditional promise, for only such a step can distinguish it from the myriad types of essentially temporary, essentially fallible relationships with 'lovers' and 'partners' and 'girlfriends' and 'boyfriends', not to mention all the other essentially temporary conditional relationships with neighbours and colleagues.[4] The upcoming wedding vow is supposed to force the fiancés to think, within the limits of their imagination, about the rest of their lives, including all the burdens and strains that will test their marriage. And Tereza is exactly someone who has gone through that thinking. If, while two fiancés are thinking, one of them gets cold feet, then so much the better for both of them. For Mendus, the unconditional

[3] Perhaps the statement of good faith could be accompanied by something like the following text, for which I am grateful to an anonymous reviewer:

I commit to a life with you, through ups and downs and changes of all kinds, but I recognize that life is complicated and I can't entirely control what we face together or how we grow in response to challenges. If it becomes clear that our relationship changes so much that there is little joy in our connection or if our personal journeys do not coincide, as much as we had hoped for and worked for otherwise, then our promise can be broken.

[4] Archer and Lopez-Cantero (this volume) discuss the example of falling out of love as a disorienting experience, and obviously a lot of what they say will be relevant to my discussion. However, I incline toward Mendus in seeing deep qualitative differences between being in love and being married, and therefore between falling out of love and divorcing. As I will be discussing below, falling out of love can be explained 'away' as the unfortunate end of a discrete *project*; divorcing can amount to the death of part of one's *self*.

promise of marriage also exemplifies a *commitment* as opposed to an *arrangement*, and with a different psychology.[5] Under an arrangement, I can passively wait to see what happens. A commitment involves a strange kind of double-thinking. On the one hand I 'know' that any marriage can fail; on the other I resolve to make it work, whatever it takes. Such a resolve is incompatible with the conscious anticipation of failure; it is not that one *denies* the possibility of failure, rather that one does not *attend* to it. Someone making the wedding vow, writes Mendus, "cannot now envisage anything happening such as would make [her] give up that commitment" (p. 247). While love may alter, "… love is not love which allows in advance that it will so alter" (p. 250).

We might push Mendus here, and ask the obvious question: what if party A is guilty of a gross, systematic and sustained abuse of his wife, party B? Would that not be enough to break the contract, and release B from her wedding vow, in order to sue for divorce?[6] And if so, would that not imply that every wedding vow is at least implicitly conditional? In response, I think Mendus's imaginability point can be invoked again. In the same way that "… love is not love which allows in advance that it will so alter," so too a wedding promise is not a wedding promise that allows in advance that the promisee's extreme behaviour will release the promissor. In other words, from within the perspective of the promissor, the promise is unconditional until it becomes conditional. I cannot stand at the altar with my beloved and *at the same time* imagine the possibility that *this* person could systematically abuse me.

At any rate, even if one insisted that the vow was implicitly conditional, my discussion of the case of Tereza is narrower. Recall that after the seven years of marriage, Tereza could not seriously fault her husband's behaviour. So my question is whether *Tereza's* wedding vow, apparently unconditional, had been unjustifiably broken by her agreement to divorce; in the next section I will be arguing that the vow has not been broken, albeit under a different rationale.

Even if we avoid the example of abusive marriages, however, it can still be argued that the divorce (including no-fault divorce) statistics in most Western countries are between 25% and 50%, and that everybody knows that, including Tereza. Again, in almost any other context, it would be the height of folly to make an unconditional vow under such odds. If I bought a house and knew that there was a 50% chance of it burning to the ground, I would be very careful to avoid developing much affection for it, and I would certainly take out insurance.[7] Of course the house-burning is not quite an appropriate analogy for marriage for the simple reason that the house-burning is a natural *event* which might happen to anyone; so it is rational to take precautions, take out insurance, check the fuses etc. However, even if divorce could happen to anyone, it is not immediately irrational to deny that it is an event that could happen *to me*; for the endurance of my marriage is partly under my control, and I have to see it as partly under my control. This is Mendus's point.

There are two other arguments in favour of the unconditional wedding vow. The first concerns established cultural meanings: most people *want* to say something, to mean something, a bit stronger than to declare their present feelings or intentions. After all, they declare their feelings and intentions every day about all sorts of banal things, none of which have to do with *their life*. Even a mortgage contract, which may well span the rest of a person's working

[5] In the next section I will discuss Brake's distinction between a 'promise' and a 'commitment'. Mendus seems to consider them more or less synonymous.

[6] This situation is also discussed by Brake (2011) in Section 2 of her article. Brake is careful to note (p. 26) the difficulty in comparing marriage to a contract with implicit conditions.

[7] In the same line of thinking, many would see pre-nuptial contracts as a supremely rational kind of insurance, especially for individuals with wealth pre-dating the marriage.

life, is seen as essentially conditional and temporary because of the on-going visible option to sell the house and pay off the balance. Second, a promise creates a standing objective obligation in a way that an intention does not. For many, only such an obligation can hold the marriage together through the inevitable rocky parts. Without such a clear persisting obligation, the declaration of intent risks appearing simply less and less relevant with the advancing years.[8]

2 Does Divorce Break a Promise?

Our second preliminary question was about whether a divorce amounted to the breaking of a solemn vow, and this is the focus of Brake's (2011) article. Brake begins by acknowledging (i) the "hard line" position (p. 25), that would straightforwardly condemn divorce, whether this is supported by a religious conception of divinely-sanctioned marriage or not. Like Brake, I want to exclude the hard-liners from the discussion of Tereza. Brake also considers (p. 27) the opposite extreme, (ii) a utilitarian position according to which the value of keeping the promise can be outweighed by the likely continuation of either or both parties' unhappiness in the marriage. I agree with Brake that this undermines the whole point of making the promise in the first place.[9]

Brake's account is essentially deflationary: what seemed like a promise was not actually a promise, and so there is no promise to be broken by divorce. If it is not a promise, then what is it? Brake first considers and rejects (p. 35) the possibility of the wedding vow being a mere intention; but the wedding vow *feels* a lot stronger than a mere intention. I can have lots of intentions (desires, plans) about the future, but my marriage is supposed to be in a qualitatively higher plane. An intention, even when declared in public, is missing the element of commitment and resolve.

The second deflationary possibility, and the one ultimately supported by Brake, is to re-describe the wedding vow as an *attempted* promise. The attempt might be successful or it might not; and it is possible for the promissor to fail without thereby breaking her promise. To illustrate this, Brake imagines herself (p. 29) promising to take a visitor to a famous landmark that, unbeknownst to Brake, has been demolished and replaced by a new building. Brake and the visitor arrive, and are disappointed – but Brake has not broken a promise, since all along it had been impossible to fulfil. In the same way, Brake would say, Tereza-at-30 attempts to make a promise which Tereza-at-37 discovers to be impossible to keep.

[8] An anonymous reviewer raised an interesting scenario. I declared Tereza childless to keep things simple. What if Tereza enters the marriage with an *existing* unconditional commitment to another person, for example to a living child? However devoted she is to her fiancé, her wedding vow must surely carry an implicit condition that, if eventually forced to choose, she will choose the child. And he will probably understand that, even without her telling him. In my original version, the non-parent Tereza enters the marriage in a spirit of making it work, whatever the cost to herself; but that spirit would not work if the costs are borne by her child. And while the non-parent Tereza does not attend to the possibility of future failure while making her unconditional vow, the parent Tereza brings her child along to the wedding itself, and the child's present and future welfare will be uppermost in Tereza's mind.

[9] In the same way one might see divorce as an event, one might have a purely passive conception of love. One day the love will dissolve, and that will be an event which we will just have to deal with by deciding on the course of action most likely to generate happiness in the future. However, Brake herself allows for a more sophisticated view of love which she calls "smart love" (p. 32). Love is actually "complex, trainable, shot through with reason and belief" (ibid.). Still, Brake suggests that it is still uncontrollable *enough* to disqualify one from whole-heartedly promising to love; whereas I would see it as controllable enough to promise.

I would argue that Brake's landmark example does not quite work as an analogy for marriage. At the time of promising to visit the landmark, there was in fact no reality to which the promise could refer; the promise was impossible to fulfil from the moment of its utterance. In contrast, at the time of the wedding vow, the future of Tereza-at-30's marriage is essentially indeterminate. It is not as if Tereza-at-37 can declare that the marriage was doomed right from the start, though in the future she might be tempted to project the seeds of failure onto early marital disagreements. At the start, there is a very real possibility that the marriage might succeed in the future, partly as a result of her own sustained efforts, and that possibility is enough to give real content to the promise.[10]

Brake's visit of the non-existent landmark raises one interesting question for our purposes. After Brake and her visitor discover the error, even if Brake does not want to call it a breach of promise, she still owes her visitor an apology and a hasty alternative plan, based on her possible *negligence* in not verifying the existence of the landmark before making the promise. In these days of the internet, there is no excuse for not checking every detail of one's plan. Even if it had not occurred to her to check, it *should have* occurred to her, and this negligence is enough to generate the residual obligation to apologise and re-organise. However, the question of possible negligence is much more complicated for the fiancés. Although there will be many easy cases of ignorant, impetuous and superficial nuptials in Las Vegas, most cases of serious marriages are based on trust, not knowledge. It is not as if we expect Tereza to carry out due diligence and financial analyses of her future husband, to seek references, to see the results of stress-testing.

Brake included her 2011 article in a book the following year. Chapter 3 of that book defends another deflationary account which is worth considering. Here Brake distinguishes between a promise and a commitment; and argues that the wedding vow, whatever the choice of words, amounts to the latter. While many of us, including Mendus, see promises and commitments as synonymous, Brake is careful to spell out important differences (p. 45). Paradigmatically, a promise is something short-term, constrained, and entirely voluntary, as in the case of my promise to attend my daughter's birthday party. In contrast, a commitment is semi-voluntary in that it relies on an antecedent care for the object, it is longer-term and involves a disposition to give deliberative priority to the object in different contexts. Insofar as the wedding vow is a commitment, then divorce is not problematic in the same way: it would be a different kind of failure than a breach of promise. The agent's attitude to the divorce (e.g. if it is frivolous or spiteful) might reveal something negative about the nature of the commitment. But when the divorce is taken as seriously as the initial wedding vow – as in Tereza's case – then Brake's deflation of the vow into a commitment accords with our intuitions about most divorces being cases of faultless bad luck.

There is a question here about philosophical and ordinary intuitions. Does the wedding vow really amount to a commitment and not a promise? The *words* are those of a promise, something more than a commitment. Some might argue that if pressed, many spouses would say that they *intended* no more than a commitment when they said the words – given all the

[10] In his famous discussion of moral luck, Bernard Williams (1981) uses the example of Anna Karenina (Tolstoy's eponymous heroine), who abandons her husband for Vronsky. At the time of the abandonment, writes Williams, it was not clear whether she was objectively justified or not; once the affair fails, however, the abandonment is retroactively 'unjustified' (Williams's word). I disagree with Williams here. That the original abandonment was unjustified is *Anna*'s conclusion, and we can certainly understand why she might conclude that. However, that does not mean that *Williams* has to accept her conclusion.

different ways that marriages can go wrong.[11] Some couples refuse to get married altogether, and opt instead for a 'commitment party' or a 'Unity ceremony' with all the publicity and fun of a wedding but without the legal or church recognition.

To my ear, 'commitment' is just not enough to capture the spirit of the wedding vow, partly because of Mendus's notion of imaginability, and partly because it does not generate a robust enough obligation on the committer. One commits to a job, to a football team, or to a political party, but built into such a commitment is the background knowledge that one can walk away when things get tough or expensive or inconvenient or simply dull. Commitments remain essentially tentative, even if they end up lasting a lifetime. If my wedding vow constitutes a promise, and I remain with my spouse all my life, there is a very deep sense that I have kept my promise; in contrast, if the vow constitutes a commitment, and I remain with my spouse all my life, then there is a sense that I have 'ended up' keeping my commitment out of *sheer* luck. (I am not denying the role of luck in a successful marriage, I am denying the role of sheer luck.) If my wedding vow constitutes a serious promise, then there is a sense that a divorce really is a last resort, and therefore traumatic and transformative; in contrast, if my wedding vow constitutes a serious commitment, then the divorce becomes no more than a shrugging of shoulders, as in the thought "I tried, I failed, oh well." My intuitions about the particular nature of the trauma of divorce do not accord with Brake's conception of a commitment. In the end, this is a disagreement about intuitions and is therefore hard to resolve. Part of this is my conservative inclination to take words at face value; I think that if people want to make a 'commitment', then that is the word they would use.

For my purposes, however, this dispute might not matter. If we take Tereza-at-30 as having made a solemn public commitment to her first husband, then I suggest that *prima facie* there is something problematic about Tereza-at-44 making the *same* commitment to a second man – and so there is still a philosophical question of whether she can make the second commitment morally seriously, and expect it to be taken morally seriously. I have not done justice to Brake's subtle discussion of the different kinds of commitment, but for now I'm going to leave it, in favour of taking the wedding vow as the promise. So my problem remains: divorce seems to involve breaking the promise, and a second unconditional promise would seem to be lacking moral seriousness. My solution will not look at the nature of the promise but at the partly transformed nature of the promissor.

3 Change of Identity

The debate about personal identity usually focuses on the question of continuity. Is Person 1 at time T1 *the same* as Person 2 at the later time T2? I will summarise the three traditional answers to this question, and then concentrate on the third. The first traditional answer will make reference to a single body that proceeds through a single spatio-temporal path from T1 to T2. One version of this will involve the preservation of physical properties; another version will allow a gradual change in properties, especially when associated with known patterns of organic growth. Identity governed by this 'bodily' criterion is the starting point for discussions of the identity of human beings, not only from day to day but across a lifespan. Even when the baby in the picture bears little resemblance to my adult self, I can still declare that it is 'me'. The second traditional answer invokes a 'memory' criterion, and amounts, roughly, to "I am

[11] I am grateful to an anonymous reviewer for this objection.

who I remember being." Not only is there evidence that my body was in the shop yesterday (here's the CCTV footage), but I remember being there, and seeing the world from that particular perspective – that was *me*. And although I cannot remember everything of my past, John Locke describes how my identity comprises overlapping chains of memory. The third traditional answer is based on the continuity of the psychological profile. An adult human being normally preserves her basic character traits, values, prejudices, voting behaviour etc., at least over the medium-term. Over the longer term, the change in the psychological profile might lead to the familiar problem of reading one's teenage diary: although one remembers writing it, one can no longer re-imagine oneself into that perspective, and all one can say is "what on earth was I thinking?"

The memory criterion and the psychological profile criterion have practical limits. If I competently, freely and knowingly take out a student loan at age 18, then I remain indebted to the bank no matter how little I remember and no matter how much my psychological profile changes in subsequent years. The bank is not interested if I switch from a Labour voter to a Conservative voter between the ages of 20 and 40. (However, different issues for identity and morality will be raised by severe dementia.)

What about the marriage contract? Imagine a woman who marries a young professional soldier. Soon after their wedding, he is sent on his first combat mission to a war zone. He returns three months later, and it becomes clear to her that he has seen and done terrible things. He is brutalised, paranoid, and angry. Here it would make sense for her to declare "he's not the man I married." In L.A. Paul's (2014) term, he has been 'transformed'. In terms of the bodily and the memory criterion he is of course the same man, and in the eyes of the law he certainly remains married and he still carries his pre-war debts. But there will be a real dilemma for her about whether to stay with him in order to look after him – as she promised to do – or whether to divorce him because he ("this *new* person") is just too difficult to be around. If he really was unbearable and she did divorce him, few would blame her. And it would not be hugely implausible for her to declare that her original husband had effectively "died" in combat, leaving her with no residual wedding-vow obligations to this 'usurper'. Importantly, this re-description does not work entirely because the first two criteria of identity remain intact, and he is not amnesiac. So she is only partly released from her wedding vow, and ought to experience a moral residue upon divorce.[12]

Although the soldier's wife will find the process leading up to the divorce traumatic, there is an important sense in which she can blame others: either the army, or the husband himself, or cruel fate; in so doing she can keep her own self together through the trauma. This divorce situation contrasts with Tereza's, where I have described the marriage and divorce as more or less faultless, despite minor grievances on both sides. Given the lack of fault, given the fact that Tereza's husband has not died, has not been radically transformed, and has not assaulted her, how can she leave him without a breach of promise? How can she justify the divorce except on utilitarian grounds ("we would both be happier apart"), a justification I originally rejected as flimsy?

[12] This is to be distinguished from the straightforward case where the husband would have been actually killed in combat, and the wife would have thereby been fully released from her wedding vow. Although even here, we can imagine a woman who considers herself still married to her dead husband, and who refuses to engage in any new intimate relationships precisely out of wedding-vow loyalty. Even though the wedding vow stipulates only "as long as you both shall live," she may well believe that he is still alive in her heart, or in heaven, or just 'somewhere'. Only a fool would call such an attitude delusional, and refuse to accord it moral respect.

The answer, I suggest, lies not in the transformation of the husband but in the transformation of *Tereza herself*. She is transformed into a sufficiently different person by the disillusion, disappointment and disorientation of the divorce process. ('Disorientation' is Ami Harbin's (2016) key term, and I will explore it in the next section.[13]) Notice I refer to a process. Divorce is not to be understood as the final decision to give up, and to initiate the legal steps; it is a slow (and slow-*burning*) process over weeks and months, perhaps over a year or two, as the reality of the irreversible decline sets in. It is not about Tereza's discovery of detached impersonal facts about the world; for the facts are about her husband, about her relationship and about her, and the discovery affects the discoverer deeply. Even the concept of 'discovery' is not quite right, since it presupposes a logical-causal separation between the affecting world and the affected subject. Instead, it is better to see Tereza's marriage as comprising an extension of her very self. She understood herself not as living 'in' the marriage in the way she and her husband lived contingently in a particularly flat; for she and her husband could have always moved – and could imagine themselves moving – to a new flat while remaining very much married. Nor did she herself as merely 'with' (or 'next to') this man, just as she negotiated a path between so many other people at work or in public, sometimes with one, sometimes with another, people who might help or hinder her in carrying out her projects. She took seriously the idea of overlapping selves; she never knew where she ends and he begins. So when the divorce process begins, months and perhaps years before the legal steps, it is not an exaggeration to see this as much more than the breakdown of a favourite project, but as the partial breakdown of her self. Not the complete breakdown; she does not suffer a nervous collapse, since she has always had other identity-conferring commitments, especially her job. She has a strong sense of duty to serve her patients, not just in the abstract, but particular patients who need her in the coming weeks. And throughout the divorce process she thanks God for her patients, her job, her professional identity; she also has close friends and siblings, people who know her well, and on whom she relies to make sense of the changes as she undergoes them.[14]

4 Disorientation and Re-Orientation

So it would not be accurate to say Tereza has been transformed in the way that the soldier has been transformed by war. She does not have PTSD, she has not become paranoid or brutalised, her deepest values and her basic humanity are not under threat. But it is enough of a transformation to profoundly disorient her. For the moment, she can continue holding down her job, indeed she needs the job more than ever right now. The disorientation is more than emotional sadness, or the loss of self-confidence; it is the loss of a stable 'platform' from where to survey the value-imbued world and plan her course into its future. She knows how to go on in the context of her professional life; but she does not know how to go on in her life as a whole.

[13] It is true that the breakdown of a morally serious marriage need not be traumatic, and therefore need not result in transformation or disorientation, if both parties have the maturity and decency and self-confidence to admit that they no longer belong together. Again, I am limiting my discussion to traumatic (but faultless) divorce cases such as Tereza's.

[14] Harbin (p. 155) stresses the importance of 'interpreters', close friends and family who can help the disoriented individual avoid being overwhelmed by the disorientation. As part of this, she adds, "what feelings an individual can have depend to some extent on what feelings they are enabled to express to others" (p. 156).

Here is a strong intuition that underpins my discussion. Under Tereza's disorientation, it would be churlish in the extreme to remind her of her unconditional wedding vow, let alone to reproach her for breaking it. This is not just because it would be hurtful or discourteous; rather, it is because it would be almost irrelevant; not just *psychologically* almost irrelevant, but *morally* almost irrelevant too. Tereza is so hollowed out by the process of divorce that she loses touch with her earlier self, the one who made the wedding vow, the one who wholeheartedly embraced her new husband and her new life. With her head full of memories of her 7-year married life, the actual wedding vow is the furthest thing from her mind; and during the process of recovery and reorientation after the divorce, it recedes even further.

Harbin herself mentions divorce only briefly (p. 20 and p. 164), but I think she would accept it as a paradigm case of disorientation. Harbin defines disorientation thus: "temporally extended, major life experiences that make it difficult for individuals to know how to go on. They involve feeling deeply out of place, unfamiliar, or not at home" (p. 2-3). She coins the term 'resolvism' to denote a widespread assumption in philosophy and among the general public that the essentially untouched subject can merely resolve to make the best of a bad situation.[15] Importantly, however, Harbin is not just interested in disorientation but also in reorientation: "it is especially when experiences of disorientation exceed one's will that they stand to be morally beneficial in the senses that interest me" (ibid.). Divorce can of course lead some to find it so difficult to go on that they fall apart entirely. But Tereza manages to recover, manages to discover something about herself in the process, and uses this new knowledge to generate a new momentum into the future. At the very least, she has learned that she will survive (if I may be allowed to quote the great Gloria Gaynor); but in so doing she has to partly re-invent herself to accommodate the permanent scars. Harbin's main interest is less in disorientation as a process of useful self-discovery, but rather as a process of confidence-undermining leading to a healthy 'epistemic humility' in the person's encounters with others into the future; it can curb some of the arrogance she might have harboured in her married life, and, once 'tenderized' (p. 119), allows her greater sensitivity to her own and others' vulnerabilities. Perhaps the self-discovery only begins in the reorientation phase, although there is hardly a clear dividing line between phases.

It is worth remarking that two spouses' disorientation and reorientation can take place *without* divorce, that is, within a continuing marriage.[16] Typically disorienting events include the birth of a child, diverging political allegiances, different responses to infirmity and ageing, different career success etc. Paul (2014 p. 71) discusses the transformation brought about by childbirth. Such a transformation might even be enough to release them from their wedding vow in the sense I am arguing, even if they do not in fact seek divorce. Perhaps they might seek to "renew" their vows. However, there remains an obvious but fundamental difference between in-marriage transformation and post-marriage transformation; in the former the couple remains together: it will make sense to speak of the transformation of each individual and of the relationship itself. In contrast, Tereza is alone.

So to take stock: my second preliminary question asked whether divorce marked the breach of an unconditional promise. My answer is that Tereza-at-37 has become enough of a different person through the traumatic process of divorce to attenuate the hold of that promise on her. The corollary is that once Tereza is single again, she rebuilds and reorients herself over the

[15] Note: Harbin's 'resolvism' should be distinguished from the 'resolve' which Mendus described as essential to marriage.

[16] I'm grateful to an anonymous reviewer for emphasising this.

coming years, and this process further distances her from the Tereza-at-30 who made the wedding vow.[17]

5 The Role of Luck and Contingency

Before we finally tackle the main question, there is one more piece of the puzzle to put in place. When we say that a certain event was necessary for epistemic improvement, we have to be careful to distinguish between greater and lesser degrees of contingency in the process. If I am struck down by a reckless driver and end up in hospital, Harbin could describe this as a disorienting experience. If I then meet a handsome nurse in that hospital and embark on a deep and passionate relationship with him, then it is probably true that I would not have met him without the traffic accident; but the relationship between the accident and the encounter remains deeply contingent in the sense of being rationally unpredictable. Although the accident may have been necessary for the encounter and therefore for the relationship, there is no sense that the accident *prepared* me for the relationship with *this man*.

On the other hand, Tereza's divorce has disoriented her in just such a way that she is now better prepared for marriage than she was the first time round. Not only in terms of self-discovery, but also in terms of epistemic humility. We can say that her particular divorce was necessary for her to become the particular person that was ready to embark on the second marriage.

To put it another way, in contemplating my passionate relationship with the nurse after the accident, I can be grateful for the accident that brought us together. But I am not grateful for the accident itself, which I found deeply unpleasant. There may well have been a way of meeting the same nurse in a different venue; let's say I met him again – and would have met him again – a couple of weeks later at an evening language class. In that sense I could wish the accident had never occurred. In contrast, Tereza had to undergo the divorce in order to undergo the disorientation and then to undergo the particular reorientation that led her to a position where she was ready to marry the second man – there is no possible world where she could have undergone the beneficial self-development without the divorce. As such she cannot regret the divorce, because the very perspective from within which she would regret it has been deeply shaped by the divorce itself.[18]

The words 'have to' suggests a kind of necessity, perhaps a kind of fate. Normally the concept of fate is taken by philosophers to imply a radical determinism, and so is quickly rejected. But when it comes to interpreting the past under the mode of necessity, it is less fanciful. Robert Solomon (2003) offers the example of a long-married couple who describe their first encounter, subsequent acquaintance, courtship and wedding as 'fated'. Of course all

[17] In passing, I am taking a not uncontroversial view of factual significance as shifting in time. Tereza remembers the facts of the first meeting with her husband. But when she fell in love, she blessed the day; during the divorce, she cursed the day; ten years after the divorce, she is bittersweet about the day – throughout, the remembered facts remain the same. Importantly, I am taken such perspectival significance as objective in the sense of discoverable and serious. There is then a further question of whether the *final* significance of a fact in one's life, within the deathbed perspective, is somehow 'more accurate' than the earlier significance; unfortunately I do not have space to discuss that.

[18] For a very recent exploration of this kind of 'biographical perspective', see Golub (2019). I am hoping that the reader will accept the loose Nietzschean spirit of my argument, without picking me up on the many assumptions I am making about causality. It can be notoriously difficult for therapists to identify causal influences on character change.

these events were contingent, admits Solomon; but within the perspective of the couple, looking back at their own lives, all the events were a necessary condition for them to reach this point. This is not just a matter of the couple 'affirming' or 'endorsing' the past events, for that is merely epistemic – fate is something stronger. Nor is it a banal point about the fixity of the past, since the vast majority of past events (e.g. whether he was wearing the red jumper or not) were certainly not necessary for the couple to reach their present perspective.

In Tereza's own marriage, of course she was free, and of course there were many other contingencies, of course each day offered new future pathways – and in the small hours she has gone through those contingencies again and again: her marriage might have been saved if X had happened, or if her husband had done Y, if she had said Z etc.. But now that she has reached the second marriage, now that her perspective has been irreversibly altered by these events, now she can plausibly describe the events as fated.

6 Conclusion: The Second Wedding Vow

It is now time to bring all the strands together to tackle my main question: on the assumption that Tereza made a *first* unconditional vow in full moral seriousness, can she make a *second* one, in full moral seriousness, and can she expect to be taken morally seriously by observers – and by her new husband? The default view would seem to be: no. She tried to make such a promise before, and we all know how that ended. She should learn from her failure and the accompanying disorientation and be more careful in what she promises.

In saying that she *is* entitled to make the second unconditional vow, there are two components to my response, flowing from the above discussion. The first concerns the double transformation arising from the processes of disorientation and re-orientation. Not only is disoriented Tereza-at-37 distant enough from Tereza-at-30 to be partly released (with moral residue) from her younger self's unconditional vow, but the reoriented Tereza-at-44 is even further away, and so it is even less appropriate to compare the two vows with the intention of discrediting the second. Under the second component of my response, Tereza is not only *changed* by the disorientation and reorientation process, but *improved*. That is, she is even more entitled to make the unconditional vow this second time round. Again, in the words of Guardian columnist Zoe Williams (see footnote 1), there is nothing as deadly serious as a second marriage, precisely because one knows the sceptics are circling, both those watching the ceremony and those in one's head.

In speaking of improvement, however, I have to avoid two simplistic interpretations. The first interpretation would see Tereza-at-30's wedding as ignorant, naïve and frivolous; this reduces the moral weight of the vow, reduces the first marriage to a dress rehearsal, and allows her more room for the "real thing" the second time round. This interpretation is too easy, however, and Tereza is not tempted by it. Given what she remembers believing and wanting at the time, marrying the first man was still a good decision at the time, she still thinks.

The second simplistic interpretation takes Tereza as simply older and wiser, and better at a lot of things. She is a better GP, for starters. She has learned more about medicine, about patients (including particular patients), and about the healthcare bureaucracy, and this makes her more effective and efficient, and reduces the frustration of unreasonable expectations. Like many projects, medicine allows for never-ending improvement throughout one's career, guided by various perfectionist ideals, provided one does not become jaded or exhausted or bitter with experience. Is it possible to interpret Tereza's re-marriage in this perfectionistic

sense? Not entirely, for the important reason that her first and second husbands are unique individuals, and the intimate relationships with each are also unique, to the point of incomparability. If Tereza stays with the second husband more than seven years, all she will be able to say is that she lasted longer with him than with the first, but that should not imply that the second is a better man or that they have a better relationship.

Instead of these simplistic interpretations, Tereza has improved in the sense of having learned from the disorientation and reorientation process following the divorce, she has reached a position of greater epistemic humility and authenticity in her decisions about long-term relationships, and she is fully prepared to make an unconditional vow to her new fiancé.

References

Brake E (2011) Is Divorce Promise-Breaking?. Ethical Theory and Moral Practice, 14(1), 23-39. (reprinted in Brake (2012))
Brake E (2012) Minimizing Marriage. Marriage, Morality and the Law. Oxford University Press
Chambers C (2017) Against Marriage: An Egalitarian Defence of the Marriage-Free State, Oxford University Press
Golub C (2019) Personal Value, Biographical Identity, and Retrospective Attitudes. Australas J Philos 97(1):72–85
Harbin A (2016) Disorientation and moral life. Oxford University Press
Mendus S (1984) Marital faithfulness. Philosophy 59(228):243–252
Paul LA (2014) Transformative Experience. Oxford University Press
Solomon R C (2003) On fate and fatalism. Philosophy East and West, 435-454
Williams B (1981). Moral Luck. Moral Luck. Cambridge University Press