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Right-libertarian views on divorce causes in the light of evolutionary psychology

Abstract

The article aims to present and discuss the profound right-libertarian approach to marriage and the reasons for its dissolution. It also compares contemporary libertarian contributions to the subject with the achievements of evolutionary psychology, a recent development of the Darwinian approach, considering that early libertarianism has been associated with social Darwinism. The article underscores that most libertarians view marriage as a contract; however, more conservative right-libertarians emphasize the social value of this institution rather than its contractual form, a perspective that carries significant implications for the issue under study. Evolutionary psychology investigates and explains human behaviour and attitudes as evolutionary adaptations, which concerns, for example, differences in involvement in child-rearing between the two sexes. Both the libertarian and evolutionary approaches reach similar conclusions regarding the topic at hand. They view marriage as a means for spouses to support each other mutually and argue that this purpose is undermined if another entity can take on the role of one of the spouses. Libertarians believe that the state, particularly the welfare state, replaces spouses in their functions, leading to higher divorce rates. Advocates of evolutionary psychology can subscribe to this claim.

Keywords: *libertarianism, evolutionary psychology, marriage, divorce, marriage dissolution, childcare, parental investment theory.*

Abstrakt

Artykuł ma na celu zaprezentowanie i analizę podejścia do małżeństwa i rozvodu prezentowanego przez prawników libertarian. Artykuł porównuje spostrzeżenia libertarian

z osiągnięciami psychologów ewolucyjnych w tym zakresie. Zestawienie libertarianizmu i psychologii ewolucyjnej motywowane jest tym, że przedstawiciele wczesnego libertarianizmu uznawani byli za darwinistów społecznych. W artykule wskazano, że większość libertarian postrzega małżeństwo jako kontrakt, jednakże bardziej konserwatywni prawnicy libertarianie podkreślają społeczną wartość tej instytucji, nie przywiązując wagi do jej formalnego kształtu. Psychologia ewolucyjna wyjaśnia ludzkie zachowania i motywacje jako ewolucyjne adaptacje, co dotyczy na przykład odmiennego zaangażowania w wychowanie dzieci ze strony kobiet i mężczyzn. Libertarianie i psychologowie ewolucyjni wyprowadzają zbliżone wnioski w odniesieniu do czynników sprzyjających rozwiązywaniu małżeństw. Postrzegają oni małżeństwo jako instrument wzajemnego wsparcia małżonków i przekonują, że dostarczenie takiego wsparcia przez inną jednostkę może podkopywać trwałość małżeństwa. Libertarianie wierzą, że państwo, w szczególności państwo dobrobytu, zastępuje małżonków w ich rolach, co prowadzi do zwiększenia częstotliwości rozwodów. Zwolennicy psychologii ewolucyjnej wpisują się w ten pogląd.

Słowa kluczowe: libertarianizm, psychologia ewolucyjna, małżeństwo, rozwód, rozwiązywanie małżeństwa, opieka nad dziećmi, teoria inwestycji rodzicielskiej.

1. Introduction

Divorce rates have been steadily rising across Western countries for at least the past five decades. Marriage rates also declined significantly during this period (OECD, 2009, pp. 68–69; Kołodziej-Zaleska, 2019, pp. 17–21). This situation was a matter of concern for scholars, politicians, and lawmakers. Scholars were mainly interested in explaining the causes of this state of affairs (Szlendak, 2010, pp. 285–288; Błazek and Lewandowska-Walter, 2017, pp. 47–68; Bębas, 2020, pp. 112–116), while politicians and lawmakers sought measures to prevent this tendency. The dissolution of marriage has become an issue of political importance. Firstly, because of the discussion on its availability, i.e., the conditions required to obtain it. Secondly, after granting society broad access to it, because of its social consequences, especially from the perspective of children's interests (Bębas, 2020, pp. 116–125; Błazek and Lewandowska-Walter, 2017, pp. 125–139). Advocates of libertarian political philosophy offer an interesting perspective on the causes of divorce. In brief, libertarians blame the state for provoking rising divorce rates. They oppose state support in every sphere and, in the realm of marriage and divorce, advance mainly economic arguments. In turn, evolutionary psychologists present ostensibly different approaches to marriage and

divorce, focusing on human biological inclinations to form, maintain and dissolve relationships. Considering these two stances can yield beneficial insights into the causes of divorce.

Nowadays, the term „libertarianism” is often used as an umbrella term. It covers a broad range of political thought, distinguishing right-wing and left-wing libertarianism. Thinkers representing many different approaches, methods, aims and branches of knowledge, such as Robert Nozick, Friedrich A. Hayek, Milton Friedman, and Richard Posner, are identified as libertarians. When discussing libertarianism, it can be difficult to identify an uncontroversial list of traits that describes this political thought. An attempt to do so would likely reference the high value of negative freedom (or liberty) as crucial for all libertarians, but also individualism in both its methodological and ethical sense, anti-statism (libertarians often proclaim themselves as anarchists or proponents of a so-called minimal state) and close attachment to the economic way of reasoning. Even when the scope is narrowed to right-libertarianism, significant differences emerge among the authors typically grouped under this label. The attitude towards the problem of abortion represented by Murray Rothbard and his intellectual heir, Hans-Hermann Hoppe (both of whom I consider right-libertarians), serves as a perfect example of this diversity. Rothbard defends a permissive approach towards abortion, whereas Hoppe’s views are the opposite; he is a conservative not only in this matter (Hoppe, 1998, pp. XXXIX-XL). Nevertheless, in the field under study – grounds of increasing divorce rates, Hoppe’s views can be seen as a continuation of Rothbard’s thought. Bearing this in mind, I attempt to reconstruct right-libertarian views on the causes of divorce and, in a further part of the article, I compare them with an evolutionary psychology-based approach.

In contrast to libertarianism, which is a branch of political philosophy and belongs to the humanities, evolutionary psychology aspires to belong to natural sciences and, as a result, promises to provide us with less speculative and more strict explanations. As it is put by Victoria Cabrera García and Viviana Aya Gómez: “evolutionary psychology explains that the human mind possesses a functional and structural design, a set of psychological mechanisms that have developed throughout the process of hominization as an instrument that provides us with adaptive answers to problems such as the selection of a partner, family relationships, or cooperation. These psychological mechanisms condition, mainly, the social and cultural features that are revealed and transmitted in human societies.” (Garcia and Gómez, 2014, p. 84).

In this article, I do not aim to provide the most convincing theory of divorce causes, which would require a more complex and possibly multidisciplinary

nary approach than this article offers. Instead, I will compare two perspectives within the field of family. The outcome of this comparison is theoretical, revealing the identities, differences, and shortcomings of both viewpoints. On the following pages, I argue that what links views of right-libertarians and advocates of evolutionary psychology is their emphasis on the economic aspects of marriage (relationships) and the causes of divorce (breakups), which explains similarities between their perspectives. However, this also limits their viewpoints and renders their investigation into divorce causes incomplete. I show that, behind biological notions of evolutionary psychology, there are assumptions of an economic nature.

The following part of the text refers to influential figures such as Herbert Spencer and William G. Sumner, often seen as proto-libertarians. Both subscribed to the traits of contemporary libertarianism mentioned above. What distinguishes them from contemporary libertarians and also positions their thought as a relevant introduction to the problem under study is that they both applied evolutionary arguments to considerations of social issues. The latter part of the text briefly reconstructs right-libertarian views on marriage and presents their stance on divorce causes (Hoppe, Rothbard, and Roback Morse are discussed). The final section presents essential evolutionary explanations of the grounds for divorce. The conclusions aim to compare and evaluate the stances represented by libertarians and evolutionists.

2. Social Darwinism – the marriage of proto-libertarians and evolutionists

2.1. Herbert Spencer

Even though Charles Darwin is nowadays commonly considered the author of the idea of evolution, observations regarding transitions from less complex and well-adapted phenomena to more complex and developed ones in various areas of biological and social life had been known before the publication of his *On the Origin of Species* (1859). Attempts to explain the grounds of these observations had also been undertaken before Darwin. What is worth emphasizing is that the idea of cultural evolution predated Darwin's elucidation of biological evolution. One of the most influential authors who espoused cultural evolutionism was the English philosopher and sociologist Herbert Spencer. Although his most popular work, *Social Statics* (1851), was published years before Darwin's *On the Origin of Species*, he is labeled a social Darwinist (Hovenkamp, 1985, pp. 651–652, 664).

Spencer is the author of the notorious “survival of the fittest” motto, which reflected his approach to social relations. He saw rivalry and competition as model virtues in social relations rather than altruism and benevolence. It should be stressed that this perspective has little in common with Darwin’s view on human moral development. Darwin believed that evolution is a source of co-operative behaviours, leading to the emergence of a “moral sense” (Luco, 2021, pp. 154–156). Spencer expressed his reluctance to state involvement in improving individuals’ positions. He considered the state oppressive and restrictive; he condemned the imposition of burdens depicted as “duties of social solidarity” on ambitious and self-sufficient individuals (Hovenkamp, 1985, pp. 666–667). In Spencer’s eyes, individual success in early capitalist society was perceived as evidence of one’s proper fitness to the social environment.

2.2. William G. Sumner

The American proto-libertarian thinker, William G. Sumner, adopted Spencer’s views. Sumner encountered Spencer’s legacy during his studies in Europe. Whether he can be identified as a social Darwinist is still a matter of ongoing discussion (Marshall, 1979, p. 274; Scott Trask, 2004, p. 3; Bannister, 1992, p. IX, XI; Błaszczuk, 2018, p. 380); however, his writings provide many examples confirming this thesis. He appeared as a consistent critic of state involvement in social life. When it comes to personal virtues, Sumner valued self-reliance, hard work, and responsibility and rejected state support in case of any deserved failure. In one of his famous essays, *The Forgotten Man*, he declares that the state should refrain from helping drunkards – individuals addicted to alcohol, calling such persons “a nature’s mistake” (Sumner, 2018, p. 395). Sumner stresses an individual’s moral character and argues that being on the dole does not provide a subject with any positive impulse to bring positive changes in their life. His argument concerning the given situation was not limited to the problem of self-reliance. He convincingly argued that the state’s support for people who have made the wrong choice burdens others who are unjustly obliged to pay taxes.

Like Spencer, Sumner was an economic determinist (Hovenkamp, 1985, p. 654). He saw work and production, not redistribution, as the source of wealth in both individual and social dimensions. The economy he witnessed and experienced in the second part of the 19th century was “an economy of scarcity” (Marshall, 1979, p. 266), linking his views with Darwin’s assumptions about natural conditions, which, in turn, were inspired by Thomas Malthus. When discussing state-driven redistributive initiatives, Sumner refers to the relationship

of parent and child and argues that it “is the only case of sacrifice in Nature.” In contrast to these relations: “Elsewhere equivalence of exchange prevails rigorously.” (Sumner, 1974, p. 64).

William G. Sumner appears as a critic of social reforms; a brief description of his “philosophy” is encapsulated in the term *laissez-faire*. According to Sumner, the state’s functions should be limited; however, he is still far from being an anarchist. The American philosopher is a proponent of a minimal state. Like modern right libertarians – for example, Hoppe – he criticizes democracy (Scott Trask, 2004, pp. 2–4).

2.3. Political and legal legacy of proto-libertarians

Contemporary libertarians share many views held by Spencer and Sumner. Anti-statism, attachment to negative liberty, individualism and an appreciation for the virtues of the economic sphere are among them. There are, nevertheless, certain dissimilarities between proto-libertarian figures under study and their modern descendants. One such difference is the stance toward natural rights theory. Murray Rothbard was a staunch proponent of natural rights theory. The first chapter of his influential book, *The Ethics of Liberty* (Rothbard, 1998, pp. 3–26), is devoted to the issue. Pages discussing natural rights precede those concerning liberty and relations between the state and liberty. In *The Libertarian Manifesto*, Rothbard asserts that “the abandonment of the philosophy of natural rights, and its replacement by technocratic utilitarianism” was one of two “critically important changes in the philosophy and ideology of classical liberalism which both exemplified and contributed to its decay as a vital, progressive, and radical force in the Western world” (Rothbard, 2006, pp. 18–19). In contrast, Sumner and Spencer questioned the notion of natural rights (Hovenkamp, 1985, pp. 667–668). Scott Trask concludes: “For Sumner, rights are legal and historical, and represented an accomplishment of civilization. Moreover, every just right is balanced by a corresponding duty.” (Scott Trask, 2004, p. 6; see also Błaszczuk, 2018, p. 378). Among legal – not natural – rights, property rights seem to be the most important for Spencer and Sumner. This order of importance is still shared by libertarians nowadays.

In real-life politics, social Darwinism, represented by Spencer and Sumner, has been defeated by reformist, welfare-state tendencies introduced in the United States, for example, by Theodore Roosevelt. However, contemporary libertarians such as Friedrich A. Hayek or Murray Rothbard are considered descendants of Spencer and Sumner (Marshall, 1979, p. 275). The thought of the latter two has influenced the emergence of modern libertarianism (Błaszczuk, 2018, p. 378).

2.4. Proto-libertarians on marriage and divorce

In discussing the institution of marriage, Spencer's studies focused on two aspects. On the one hand, he was deeply involved in ongoing anthropological discussions across the 19th century on the origins of marriage. In this field, he adapted his evolutionary views to convince the audience that contemporary monogamous marriage is a result of changes that began in the state of animal promiscuity and went through non-monogamous forms of marriage. As Robert L. Carneiro writes: "Spencer believed monogamy to be superior to polygyny under certain conditions, he offered a number of explicit and persuasive arguments for his views, and these arguments were framed in terms of adaptive advantages rather than moral superiority." (Carneiro, 1981, p. 195). On the other hand, Spencer, at least in the early stages of his life, was an advocate for the equality of both sexes, which, he believed, was most comprehensively realized by monogamous marriage (Beeghley, 1983, pp. 307–315).

Following Spencer's lead, Sumner also examines the origins of marriage and the family. As an economic determinist, he was convinced that the emergence of the family was conditioned by human needs and interests, among them hunger and sex. Bruce Curtis summarizes Sumner's stance by writing that:

The family originated in need, the need specifically of a woman encumbered in the struggle for existence by an infant. Woman had had to overcome fear of submitting to the male so that she and her child might be fed. The man had offered protection in return for coerced labor. From these aboriginal beginnings—protean examples of antagonistic cooperation—had developed all the complexities of human society. (Curtis, 1977, p. 106)

The American thinker distinguishes between family and marriage. The former is a result of evolution, while the latter is a product of civilization, not a pre-political institution, as some contemporary libertarians would like to portray it. Sumner, like Spencer, associates monogamous marriage with industrialism and capitalism (Curtis, 1977, p. 109). In such conditions, both spouses have a chance for employment, unlike in militant societies, which, relying on Spencer's views, favor men and foster polygyny (Beeghley, 1983, pp. 313–315).

Despite his beliefs about the origins of marriage, Sumner valued the institution and was concerned about the growing prevalence of divorce in his time compared to earlier periods. He criticized divorces initiated for trivial reasons but also recognized that as marriage transitioned from being primarily an economic contract to an institution driven by emotions, feelings, and mutual ex-

pectations, it became easier for spouses to let each other down and find grounds for divorce as a consequence (Curtis, 1977, pp. 110–111).

3. Right-libertarians on the institution of marriage and divorce causes

3.1. General remarks

There is no single unique libertarian view on the institution of marriage. The variety of stances covered by the umbrella term “libertarianism” is reflected in the diversity of “libertarian” approaches toward marriage. It appears that, according to the viewpoint most widely accepted among libertarians, marriage is a contract – an agreement concluded by two individuals aimed at living together. A caveat here is that some libertarians take a permissive stance toward non-monogamous relationships. Libertarian attachment to the concept of marriage as a contract should come as no surprise, as long as libertarians view agreements as a universal solution to every legal problem, serving as the primary legal instrument. A closer examination of libertarian views on marriage reveals several stances that reflect broader debates within the libertarian movement.

Andrew J. Cohen and Lauren Hall divide the contractarian approach to marriage into procedural and substantive ones. A representative of the procedural stance was, for example, John Locke, who rejected the “religious and political content” of marriage, focusing instead on the bare consent of spouses. In contrast, the substantive approach to marriage emphasizes specific additional requirements of the institution concerning its content, such as egalitarian construction. Advocates of this position included John S. Mill and the abovementioned Herbert Spencer (Cohen and Hall, 2022, pp. 336–337). The substantive approach is more morally demanding, whereas the procedural stance mirrors “pure” libertarian ideals, and adheres to the “*volenti non fit iniuria*” principle.

Libertarians advocate for privatizing marriage, which can vary in its degree and specific form. Considering marriage as a contract, libertarians argue that the state’s involvement should be minimal. The consensus among libertarians is that the government should abstain from interfering with marriage, irrespective of the nature of such interference (Mirocha, 2023).

3.2. Hans-Hermann Hoppe and Murray Rothbard on marriage and divorce

While the contractarian perspective on marriage reveals libertarian preferences regarding the form of the marriage arrangement, it offers little insight into how libertarians value this institution and, if they do, to what extent. There is a substantial group of libertarians who place greater emphasis on marriage's social and moral importance than on the form of its conclusion. Right-libertarian Hans-Hermann Hoppe exemplifies this stance. In his most famous work, *Democracy: the God That Failed*, he constantly laments the falling value of marriage, family, and children, the high rates of marriage dissolution, and the weakening of the institutions of marriage and family (Hoppe, 2007, p. 30, fn. no. 30, pp. 42–43, 66, 183). Due to his conservative attitude to moral and social matters, he is often classified as a paleolibertarian, a member of the far-right vein of libertarianism initiated by Lew Rockwell (Rockwell, 1990). Other, less conservative libertarians also highly appreciate marriage's significance. Andrew Syrios calls it “a bedrock of civilization” (Syrios, 2015), and Jennifer R. Morse refrains from applying libertarian principles in the field of family relations, which can be seen as a sort of exceptionalism (Roback Morse, 2005; Cohen and Hall, 2022, p. 343). She rejects the stance that marriage is a contract – the title of one of the chapters of her most influential book, *Love & Economics*, is *Why Marriage Is Not a Contract* (Roback Morse, 2011, pp. 71–91). Its content, like the content of the entire work, constitutes a strong argument against transferring legal and economic modes of thinking into the realm of family.

Compared to Hans-Hermann Hoppe, Murray Rothbard is less engaged in evaluating the institution of marriage. When discussing the moral status of children, he does not refer to “marriage” but mentions only “parents” (Rothbard, 1998, pp. 97–112). In his view, the institution of marriage arises from considerations of the binding force of a contract. He exemplifies the failure of the so-called promise theory of contract by discussing the following case:

Suppose that A promises to marry B; B proceeds to make wedding plans, incurring costs of preparing for the wedding. At the last minute, A changes his or her mind, thereby violating this alleged “contract.” What should be the role of a legal enforcing agency in the libertarian society? Logically, the strict believer in the “promise” theory of contracts would have to reason as follows: A voluntarily promised B that he or she would marry the other, this set up the expectation of marriage in the other's mind; therefore this contract must be enforced. A must be forced to marry B.

As far as we know, no one has pushed the promise theory this far. Compulsory marriage is such a clear and evident form of involuntary slavery that no theorist, let alone any libertarian, has pushed the logic to this point. (Rothbard, 1998, p. 134)

While seemingly unrelated to marriage and divorce matters, Rothbard's remarks regarding public education and the welfare state constitute a necessary introduction to these topics.

When debating the issue of compulsory public education, Rothbard directly refers to Herbert Spencer's *Social Statics*, in which he asks:

For what is meant by saying that a government ought to educate the people? Why should they be educated? What is the education for? Clearly to fit the people for social life—to make them good citizens? And who is to say what are good citizens? The government: there is no other judge. (Rothbard, 2006, p. 159)

The author of *The Libertarian Manifesto* objects to state involvement in the upbringing of children and presents his reluctance concerning the uniformizing effects of public schooling. Rothbard's critique is multifaceted, including the claim that public schools replace parents in their educational roles and are burdened by compulsion. He argues that "public schools force those parents who wish to send their children to private schools to shoulder a double burden: they are coerced into subsidizing public-school children, and they also have to pay for their own children's education." (Rothbard, 2006, p. 163). A similar problem arises in the case of childless parents, who, despite this, are compelled to pay taxes to cover the costs of public schools.

Rothbard's critique of the welfare state is multidimensional, encompassing economic and moral arguments. He challenges the idea that progressive taxation leads the rich to support the poor. Instead, he argues that the poor end up subsidizing the wealthy. Rothbard illustrates this point with the example of public education, where the poor pay taxes for public schools attended by the children of wealthy citizens (Rothbard, 2006, p. 197). Furthermore, Rothbard contends that welfare programs are ineffective as they do not diminish poverty. Instead, they multiply it, which, in consequence, leads to the expansion of welfare institutions. He suggests that employees of these institutions are not sincerely interested in fighting poverty because their success would undermine the need for their existence.

Moreover, Rothbard recognizes changes in social mentality that, in his view, stem from the welfare state's conduct. For Rothbard, like Sumner and Spencer,

self-reliance, initiative, hard work, and ambition are esteemed traits of character. Instead, welfare state institutions promote, as Rothbard claims, dependence and laziness. As an example of a change in social attitude toward state support for the poor, he sees naming it a “right”. Libertarian author laments the disappearance of disincentives for going on welfare:

The leading disincentive has always been the stigma that every person on the welfare dole used to feel, the stigma of being parasitic and living off production instead of contributing to production. This stigma has been socially removed by the permeating values of modern liberalism (...) (Rothbard, 2006, p. 180)

Rothbard’s assault extends even to state support for individuals with disabilities, whom he argues, instead of investing in rehabilitation, which could facilitate their return to the labor market, prefer to rely on the state’s disability payment (Rothbard, 2006, p. 194).

To sum up, Rothbard presents three types of arguments. The first argument refers to concerns about the state replacing the family in its social roles (for example, public education). The second concerns changes in social attitudes toward state support and the diminishing role of social pressure and stigma in the modern era. The third argument pertains to the economic aspects of the matters under discussion, such as the issue of transferring the costs of an individual’s decisions to other individuals, which a state intermediary facilitates. From a libertarian perspective, all these factors contribute to conditions that encourage marriage dissolution, making it easier to decide on divorce by acknowledging that “there is a life beyond family.” Hoppe further develops and applies Rothbard’s arguments to his broader, pessimistic perspective on modern societies.

Hoppe discusses the issue of time preference in depth, asserting that social security legislation, initially introduced by Otto von Bismarck in Germany, had a profound impact on this aspect. Before the development of the welfare state, individuals were compelled to care for themselves in old age. They had no opportunity to rely on state assistance in such situations or in any other life crisis. The emergence of state support relieved the individuals of having to consider their future from a broader, long-distance perspective. An individual could then focus on the “here and now” because of the sense of security delivered by the state. Hoppe argues that before the rise of the welfare state, the family was an institution that cared for individuals, so the decision to abandon it was challenging. As Hoppe writes:

By relieving an individual of the task of having to provide for his own old age, the range and the temporal horizon of private provisionary action will be reduced. In particular, the value of marriage, family, and children will fall

because they are less needed if one can fall back on “public” assistance. Indeed, since the onset of the democratic-republican age, all indicators of “family dysfunction” have exhibited a systematic upward tendency: the number of children has declined, the size of the endogenous population has stagnated or even fallen, and the rates of divorce, illegitimacy, single parenting, singledom, and abortion have risen. (Hoppe, 2007, p. 30, fn. no. 30)

The author of *Democracy: the God That Failed* places a watershed moment in the years following World War I, when “private government ownership was completely replaced by public government ownership and from which a tendency toward rising degrees of social time preference, government growth, and an attending process of decivilization should be expected to have taken off.” He claims that at the same time, “the institutions of marriage and family have been increasingly weakened, the number of children has declined, and the rates of divorce, illegitimacy, single parenthood, singledom, and abortion have increased.” (Hoppe, 2007, p. 42).

Hoppe restates his thesis several times. A few pages later, he writes: “Consequently, by increasingly relieving individuals of the responsibility to have to provide for their own health, safety, and old age, the range and temporal horizon of private provisionary action have been systematically reduced. In particular, the value of marriage, family, and children has fallen, since one can fall back on “public” assistance.” (Hoppe, 2007, p. 66). This quotation is not the last one in his book *Democracy: the God That Failed*, which repeats the same message (Hoppe, 2007, p. 183, 195).

For both Rothbard and Hoppe, the causes of divorce are not the primary issue in their studies. Instead, they apply arguments proposed in other contexts to marriage and to factors contributing to its dissolution. Both of them express concern about the risk that the state may replace the family in its traditional roles, thereby weakening the family’s social position. Both libertarians recognize shifts in social mentality that undermine marriage stability: Hoppe emphasizes the shortening of time preference, and Rothbard laments the diminishing social stigma associated with reliance on state assistance.

3.3. Jennifer Roback Morse on marriage and divorce

Another right-libertarian author who offers counter-welfare-state arguments and even more extensively connects them with the issues of marriage and its crisis is Jennifer Roback Morse. Her considerations are much more comprehensive than those of Rothbard and Hoppe. When examining the welfare state’s

intellectual background, she fiercely criticizes the socialist attitude toward the family. In the short pamphlet *The Socialist Attack on the Family*, she asserts that an attack on the family by early socialists, such as Engels, aimed to subordinate society to the state. From her perspective, the family is an essential civil society institution that should remain independent of the state. She refers to socialists' calls to abandon the family and monogamous marriage as capitalist institutions of oppression, as well as to socialist ideas concerning the collectivization of family functions (Weikart, 1994). When discussing contemporary events, she notices that the Left presents an indifferent stance towards the matters that the Right sees as significant social problems, such as increasing rates of divorces and unmarried mothers. From the socialist viewpoint, "alternative" forms of family life enable women to free themselves from men's hegemony, embodied by the biological father of their child. Roback Morse argues that ideologically inspired liberalization of divorce laws constituted the first legal reforms enforced in post-revolutionary Russia in 1917 or in Spain after the socialist election victory in 2005 (Roback Morse, 2013, pp. 7–11).

In Morse's perspective, introducing no-fault divorce in the United States exemplifies the blameworthy liberalization of divorce laws. On the one hand, such a legal solution often harms a reluctant spouse who does not wish to divorce at all. On the other hand, no-fault divorce grants the state broader power over family life because it is the state that decides whether the relationship will continue, compels one parent to pay a specific amount of money for their children, and establishes particular dates for parent-child contact. Roback Morse argues that no-fault divorce fails to fulfill the promise of expanding the space of freedom; instead, it widens states' influence over family life. Finally, the author turns to classic libertarian themes, such as the claim that state support for single parents burdens married couples or childless persons with the duty to maintain the former (Roback Morse, 2013, pp. 11–16). She is also concerned about the risk of replacing family functions with the state, as reflected in the title of one of the chapters of her *Love and Economics: Why There Is No Substitute for the Family*.

Like Rothbard and Hoppe, Morse draws attention to shifts in social mentality that occurred in the last decades; however, unlike them, she identifies these shifts differently. She foremostly associates the likelihood of divorce with the influence of the so-called sexual revolution, which emerged in the 1960s. The sexual revolution resulted in the split between sex and procreation, which was preceded by the development of contraceptives. Sex became mainly a recreational, instrumental activity, deprived of the responsibility connected with it earlier (Roback Morse, 2011, p. 126). Morse condemns co-

habitation before marriage and refers to data evidencing that such behavior, contrary to popular belief, negatively affects later marriage. People who cohabit before marriage are more likely to divorce than those who refrain from cohabiting (Roback Morse, 2011, p. 73). From Morse's perspective, shifts following the sexual revolution encompassed a greater focus on individual needs, interests, and good at the expense of the needs, interests, and good of the family, particularly children. More significant stress on one's free choice attracted even the Right, which resulted in the popularity of the contractarian concept of marriage among some libertarians (Roback Morse, 2011, pp. 61–62). The weakening of social norms regarding the sexual sphere of life affected institutions like family and marriage and caused a snowball effect. Children brought up in incomplete families are more likely to divorce themselves (Roback Morse, 2011, p. 106, pp. 129–132).

3.4. Conclusions

Right-libertarians are economic determinists, which is evident when discussing their views on the causes of marriage and divorce. The comments by Rothbard and Hoppe reveal much about their understanding of human nature. Suppose we take their position and assume that circumstances such as the opportunity to receive financial support from a source other than our spouse are sufficient reasons for divorce. In that case, it implies that we agree with the view that the *homo oeconomicus* model accurately describes humans. The logic behind libertarian views in the field under study is simple. "Subsidize something, and theoretically, you will always get more of it", as Margaret F. Brinig comments on welfare programs aimed at supporting single mothers (Brinig, 1999, pp. 248–249). This vision, however, appears to be limited. The libertarians being studied aim to broaden their perspective on the factors contributing to divorce. They recognize socially significant shifts, but their primary focus is on economic aspects of life. Jennifer Roback Morse delivers the most comprehensive analysis of the causes of divorce. While religiously inspired – she is a devout Catholic – she grounds her study in various arguments, always considering children's well-being. Her considerations, however, are not flawless. For instance, when debating the adverse effects of no-fault divorces, she omits the fact that fault divorces similarly invite the state into the private sphere. Nevertheless, she contributed to the ongoing discussion of divorce by recognizing its cultural aspects.

The following section illuminates the libertarian stance on the debated issue. Contrasting libertarian views with evolutionary insights can prove beneficial, as evolutionary psychology provides a specific perspective on human nature.

4. Evolutionary psychology on divorce causes

4.1. General remarks

Evolutionary psychology is a field of study that seeks to explain human behaviour through an evolutionary lens. It assumes that behaviour patterns, attitudes and even emotions result from a long-lasting process of adaptation to the problems faced by our animal and human ancestors (García and Gómez, 2014, pp. 82, 84; Tooby and Cosmides, 2016, p. 4). Such an approach is not new – as mentioned above, social Darwinists and Charles Darwin himself have tried to apply an evolutionary way of thinking to elucidate social phenomena or human virtues. From its early stages, the theory of evolution was not only treated as an explanation of the origins of a wide variety of species. Proponents of evolutionary psychology reject the concept of human psychology as a blank slate; they trust the idea of “universal human nature” (Tooby and Cosmides, 2016, pp. 4, 6). They also pay special attention to survival and reproductive issues (Kenrick *et al.*, 2010, p. 296).

When examining contemporary people’s behaviours or approaches, evolutionary psychology draws on contributions from diverse branches of knowledge, such as ethnography, biology (including genetics), statistics, psychology, and sociology (Buss, 2001, pp. 79–86; Tooby and Cosmides, 2016, pp. 16–17). On the one hand, evolutionary psychology distinguishes explanations that refer to social or cultural factors from those that appeal to biological aspects of our nature (Wade, Moran, and Fisher, 2022, p. 568); on the other hand, it objects to treating them as mutually exclusive (Tooby and Cosmides, 2016, p. 7). Advocates of evolutionary psychology are aware that, even if some of our behaviour patterns can be explained in biological terms and are biologically conditioned, this does not mean they are morally justified. What is more, according to evolutionary psychology, biological inclinations that originate in the process of evolution are not our (only) motivators. Martin Daly and Margo Wilson argue that “fitness consequences are properly invoked not as direct objectives or motivators, but as explanations of why certain proximal objectives and motivators have evolved to play their particular roles in the causal control of behaviour.” (Daly and Wilson, 1996, p. 24). In sum, evolutionary psychologists are far from biological determinism. Tooby and Cosmides – in contrast to views often linked with evolutionary psychology – argue:

In any case, observed human behavior dramatically and systematically departs from the sociobiological predictions of generalized fitness striving (as well as the predictions of economic rationality and blank-slate learning abili-

ties). To take one simple contrast, large numbers of men will pay to have non-reproductive sex with prostitutes they believe and hope are contracepting, but have to be paid to contribute to sperm banks that, with high probability, may lead to offspring. (Tooby and Cosmides, 2016, p. 15)

Kenrick *et al.* claim that “an evolutionary approach implies that all behaviour is goal-oriented, resulting from psychological adaptations that were designed by natural selection to deal with recurrent threats and opportunities” (Kenrick *et al.*, 2010, p. 295). When describing the essence of influential *Life-History Theory*, he claims that models which are proposed on the grounds of this theory, “assume that resources are always limited and that development involves trade-offs in when and how to allocate those scarce resources” (Kenrick *et al.*, 2010, p. 299). Roberts and Dunbar, in turn, argue that “cost-benefit basis” is an element of evolutionary explanations, also concerning human relationships (Roberts and Dunbar, 2015, p. 427). These brief remarks show that an evolutionary approach, however closely linked to the biological aspects of human life, is also deeply tied to the instrumental logic of economics.

4.2. Evolutionary psychology and sexual life

Evolutionary psychologists elaborate on issues concerning human sexual life, the selection of a partner, and parenthood. Views concerning evolutionary grounds for divorce can be found among these matters.

Robert Trivers, the author of *Parental Investment Theory*, made the most influential contribution to the field of study. The theory, in brief, claims that representatives of the sex that invests more in its offspring are more selective in mating, while the sex that invests less is involved in competition for access to a partner (Schmitt, 2016, pp. 296–297). The consequences of these assumptions are far-reaching. In the case of humanity, women are those who invest more in giving birth and raising a child. A woman’s costs are a nine-month period of pregnancy during which she is dependent on other people, at least to some extent; pregnancy requires extra energy in comparison to a childless life. Breastfeeding after pregnancy increases women’s caloric needs by 26%. Even in a child’s later life, a woman devotes more time and effort to the child’s upbringing (Parker *et al.*, 2022, pp. 301–303). In comparison, man’s investment in reproduction can be minimal: having sex – leaving aside all steps leading to it – constitutes little energy expenditure (Buss, 2001, p. 130). The difference between a woman’s and a man’s investment in reproduction is apparent when examining their gametes: a woman’s ova are bigger and produced in limited

amounts over a woman's life, while spermatozoa are a much smaller effect of mass production.

From an evolutionary psychology perspective, these circumstances entail different strategies adopted by women and men (Szlendak, 2010, pp. 58–63). As stated above, women should maintain a selective approach when choosing their partner. The father of a child is going to be their primary support during pregnancy and the following years, when she will be burdened by child-rearing. Because of that, such factors as material assets or perspectives of its acquisition are the foremost criteria of mate selection from a woman's perspective. What is significant is that even shifts linked with the so-called sexual revolution have little influence on that approach. Cultural or national differences are reflected in women's approach to the importance of a man's financial position as a potential mate; however, across cultures, women pay more attention to this aspect than men do. Data show that even wealthy women still consider material assets as primary mate-selection criteria (Buss, 2001, pp. 136, 151). Other factors that attract women to their mates include social position, age, ambition, responsibility, physical strength and health. Strict partner selection is a measure of successful reproduction. It should be noted that this perspective, which views the child as a vehicle for our genes, underpins evolutionary psychology. The wrong choice in mate selection may result in a lack of opportunity to raise a child, i.e., to pass genes. Men's basic reproductive strategy is different: instead of putting stress on the selection of a partner, it is worth having intercourse with as many partners as possible to spread genetic material. Such behaviour is burdened by the risk that few of man's children will be brought up because of the lack of resources in the hands of their mothers. However, there is still a chance that reproduction will be successful with minimal effort and investment (Wade, Moran, and Fisher, 2022, pp. 567, 575). To some extent, men's strategy relies on the "free-rider effect". Ethnographic data show that men tended to be polygamous, at least until the relatively recent development of agriculture, which affected the current monogamous shape of marriage (Daly and Wilson, 1996, p. 14).

Evolutionary psychology puts forward a few theses when answering the question of why men are less engaged in child-rearing. Firstly, unlike women, men are always uncertain about their parenthood. It discourages them from bearing the high costs of raising the child (Szlendak, 2010, pp. 47–54). Secondly, the "free-rider effect" comes into play – men can risk that the child, despite their little involvement, will still be raised by a woman who desires to pass her genes successfully. Thirdly, constant engagement in child-rearing limits a man's chances for reproduction; he loses opportunities to conceive another child (Buss,

2001, pp. 219–224). Some scholars argue, however, that even paternity certainty and a higher survival rate of descendants are not a sufficient basis for paternal investment (Geary, 2016, p. 526).

The abovementioned explanations, which apply terms such as investment, cost, risk, and opportunities, in their general sense, are consistent with the main line of libertarian argumentation. Geary puts it briefly: “Reproductive effort involves trade-offs between mating and parenting (...), and the attendant conflicts between the best interests of males and females and between parents and offspring (...)” (Geary, 2016, p. 524). Both libertarians and evolutionary psychologists argue that couples are motivated by their interests. Advocates of evolutionary psychology claim that a woman primarily selects her mate by considering his assets and his willingness to support her. If other sources of assets appear on a woman’s horizon – for example, the welfare state – she loses motivation to maintain relationships. Another aspect recognized by both libertarians (particularly by Jennifer Roback Morse, who links it with the so-called sexual revolution) and evolutionary psychologists is easy access to contraceptives, which undermines women’s dependence on men (Parker *et al.*, 2022, p. 301). Put briefly, “a loss of interdependence (...) poses threats to modern marriage.” (Parker *et al.*, 2022, p. 304). In turn, men are interested in achieving reproduction at the least cost, which does not foster relationship stability. Both reasons constitute grounds for divorce.

The views presented so far might be considered oversimplified. However, they reflect the main traits of evolutionary psychology inspired by the concept of the “selfish gene” and the observation that individuals are evolutionarily inclined to replicate their genes most effectively. Evolutionary psychology offers us other, more detailed ideas about marriage and divorce. It links the relationship’s durability to child-rearing: when children need support from both parents, the relationship is more likely to last (García and Gómez, 2014, p. 83). From a man’s perspective, the factor that interferes with the relationship is the presence of stepchildren – those who do not contribute to passing the man’s genes (Daly and Wilson, 1996). The same reason makes a woman’s infidelity so crucial from a man’s perspective and can lead to the destruction of a relationship.

What should be stressed is that evolutionary researchers still offer different notions of biologically and culturally grounded models of relationships. Some scholars claim that people are inclined toward long-term monogamous relationships. In contrast, others claim that we are born to mate with more than one person over our lifetimes, or even to lead a polygamous life. Buss and Schmitt argue that we are endowed with different, context-sensitive strategies in this

field (Schmitt, 2016, p. 294). Their theory, known as *Sexual Strategies Theory*, relies on the assumption that:

men and women have evolved a complex repertoire of mating strategies. One strategy within this repertoire is “long-term” mating. Long-term mating is typically marked by extended courtship, heavy investment, pair bonding, the emotion of love, and the dedication of resources over a long temporal span to the mating relationship and any offspring that ensue. Another strategy within this repertoire is “short-term” mating, defined as a fleeting sexual encounter such as a hook-up or one-night stand. Between the ends of this temporal continuum are brief affairs, prolonged romances, and other intermediate-term relationships. (Schmitt, 2016, p. 297)

An individual’s strategy may be conditioned by many factors, including childhood experiences (Schmitt, 2016, pp. 306–308).

Despite the abovementioned men’s inclinations to abandon women and children aimed at further reproduction, advocates of evolutionary psychology argue that the institution of marriage can also be explained in terms of evolutionary adaptation. Given that the feminine approach to mating is selective, evolution favored men who could present themselves as reliable and trustworthy to women. Moreover, by remaining in a stable relationship, such men were rewarded with greater certainty about their parenthood and granted their children a greater chance to succeed and pass on their genes (Buss, 2001, pp. 159, 175; Daly and Wilson, 1996, pp. 15–16). A similar elucidation is linked to love – this feeling enables maintaining a stable relationship, which, in turn, fosters reproduction and the bringing up of a child (Sciara and Pantaleo, 2022, p. 589).

As mentioned above, evolutionary psychology tries to explain the origins of human emotions, which are considered psychological programs that help us deal with specific situations. Tooby and Cosmides describe, for instance, psychological mechanisms involved in the case of infidelity:

the condition of having a mate plus the condition of your mate copulating with someone else constitutes a situation of sexual infidelity—a situation that has recurred over evolutionary time, even though it has not happened to every individual. Associated with this situation were cues reliable enough to allow the evolution of a “situation detector” (e.g., observing a sexual act, flirtation, or even the repeated simultaneous absence of the suspected lovers are cues that could trigger the categorization of a situation as one of infidelity). Even more importantly, there were many necessarily or probabilistically associated elements that tended to be present in the situation of infidelity

as encountered among our hunter-gatherer ancestors (Tooby and Cosmides, 2016, p. 64)

Such mechanisms might not be 100% accurate in infidelity predictions, but they may still lead to a real crisis in an individual's life if the individual follows them. Jealousy, as an emotion, is an example of such a psychological mechanism. This kind of emotion can play a preventive role in the relationship but can also be destructive.

The presence of contradictory theses in the realm of evolutionary psychology is characteristic of it. It should be emphasized that the discussed discipline aims to explain human behavior, strategies, or emotions, which are often inconsistent rather than consistent. The phenomenon that our nature comprises such mutually incomplicant inclinations, and – what is more – even positive traits of our character can turn negative (friendliness can become partiality; group altruism can turn tribalism), was called double ambivalence (Załoski, 2020, pp. 416-421).

5. Conclusions

It is worth noting that, despite contemporary libertarianism abandoning the evolutionary way of reasoning, libertarians' conclusions remain consistent with those stemming from evolutionary research. It shows that the early "marriage" of proto-libertarians and evolutionists was not a mistake. Herbert J. Hovenkamp argues that "Darwin's theory of natural selection was an economic theory, not a biological one". (Hovenkamp, 1985, p. 653). The article's remarks confirm the deep bonds between economic reasoning and biologically inspired insights. Both accounts, libertarian and evolutionist, refer to the logic of costs, investments, opportunities, and risks. They rely on closely related visions of an individual as a subject governed mainly by its interest, which, in the case of libertarians, is understood in economic terms, whereas in the realm of evolutionary psychology, this might be hidden under the metaphor of the "selfish gene". Both accounts seem to provide mutual support but have limited explanations of the causes of divorce. They say little about the cultural background of rising divorce rates and the general devaluation of the institution of marriage (an exception in this field is Jennifer Roback Morse). The second section of the article presents Sumner's perspective on the origins of the family, which appears relevant to both libertarians and advocates of evolutionary psychology. This suggests that the early connection between libertarians and evolutionists was not coinciden-

tal. Libertarianism, like evolutionary psychology, promises to provide a rational explanation for phenomena that often have little in common with rationality because they are grounded in feelings or emotions. Due to that fact, it is more convincing to perceive libertarian and evolutionist contributions to the problem of marriage dissolution as concerning its background conditions rather than the causes or reasons for divorce. Right-libertarians do not realize that even when we focus on the economic aspects of family, reasons for divorce can be explained not only by the rise of the welfare state but also by women entering the job market and gaining economic independence. This phenomenon still aligns with the libertarian claim that divorce causes are linked to economic factors, but it extends beyond the libertarian perspective.

Despite the limitations mentioned earlier, politicians and lawmakers should take the views discussed in the article seriously, especially when considering welfare state tools as a solution to the so-called decline of the family. The caution that other factors also influence divorce rates does not weaken the validity of the points raised by libertarians and evolutionists. However, the impact of economic factors should not be overstated. As the considerations above demonstrate, they are only one part of the issue.

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