

April 8, 2004

## DIVORCE I

Read: Coontz: Putting Divorce in Perspective. 97-108  
Hackstaff: Divorce Culture: A Quest for Relational Equality in Marriage  
Lawson and Thompson: Divorce and Fatherhood  
Mason, Harrison-Jay, Svare, Wolfinger: Stepparents: De Facto Parents or Legal Strangers

### I. Family values debate

A. Divorce is one significant issue of the debate, which is about family change

B. Demography: reminder

1. Whether we are against or for liberal divorce laws, it is important to know that some of the cause of the higher rates of divorce is that people die far less often

a. Even with 50% divorce rate, couples are far more likely to survive to a 45<sup>th</sup> wedding anniversary than before

b. People live longer, there are going to be more divorces because there are more years to stay married or to decide to divorce

### II. The Range of views

A. Conservatives (Hackstaff's "pessimists")

1. Because she is comparing "marriage culture" to "divorce culture"

B. Liberals (Hackstaff's "optimists") are not nearly as opposed to change; some provide a functionalist-like explanation for change, which is what Coontz does for divorce

C. There are other ways to characterize the splits, drawing finer distinctions

1. E.g., a 4-way split, adding centrists and distinguishing feminists from liberals

a. Giele's article

D. Note that yesterday's liberals tend to become today's conservatives

### III. Discourses vary

A. Religious positions defining divorce (or out-of-wedlock births, etc.)

1. As “wrong” do so because they’re seen as morally wrong
  2. This is analytically different from a position that sees divorce as “wrong” because it is seen as detrimental to society, damaging to children, whatever
    - a. The position of those we might call secular conservatives
- B. Within an overall normative frame that sees change as good, bad, etc.
1. “Conservatives” want to *conserve*
  2. “Reactionaries” want to turn back the clock
  3. Conservatives promote what Hackstaff calls “marriage culture”
- IV. Hypothesized *causes* of family change vary, too
- A. In addition to the evaluation made of the changes as good, bad, etc.
1. Often closely linked, but must be kept analytically separate
- B. Conservatives see causes in terms of personal values, declining morals, etc.
1. So they would say the rise in divorce stems from a deemphasis of duty, obligation, and personal restraint
    - a. Selfishness, “me-first” values
    - b. Parental permissiveness
      - 1) Corporal punishment more likely to be approved of
  2. Religious conservatives might attribute it to “secular humanism”, another attitude
  3. And conservatives tend to suggest that value, attitudinal changes are what’s necessary to improve things
    - a. Propose a deliberately engineered change in the culture: reestablish traditional family values, become more religious
    - b. Along with some policy/legislative change, such as making divorces harder to get

- 1) Recently in Louisiana and Arizona legislation was passed establishing “covenant marriage” in which the spouses give up their right to no-fault divorce
  - 2) In fact, a proposal for two types of marriage was advanced more than 50 years ago by Margaret Mead, the anthropologist
  - 3) The more committed type was entered into when the couple decide to have children
  - 4) Think about this: would it work?
  - 5) One criticism would be that one member of the couple would pressure the other into entering into a covenant type of marriage because that showed the greatest commitment, was more of a compliment, looked better to relatives, etc.
    - a) So that the type of marriage in which no-fault divorce would apply would be seen as second-best
4. Note that critics of divorce don’t necessarily reject gender equality in marriage, but they do tend to set it apart
- C. Liberals tend to look at family change as produced by broad social changes
1. Which are inevitable, so we must confront them, deal with them
    - a. Some of which are positive
    - b. E.g., higher rates in divorce are partly due to:
      - 1) Trend toward equality of men and women
      - 2) Women having economic options other than marriage
    - c. Heatherington:
      - 1) Although families who are poor, African-American, and suffering multiple life stresses are more likely to divorce
      - 2) The rise in economic independence for well-educated women also has led to a greater likelihood that these women will divorce compared to their less-educated peers

- 3) Some would say the second factor is good in itself, although divorce is not good
- d. Note that, like abortion, no one says divorce is good
  - 1) “Divorce culture” can be a misleading characterization
- e. Debates are about whether it should be available, how freely available, and what kinds of couples/pregnancies qualify
- 2. We hear about inevitability much more from liberals and feminists
  - a. This is *precisely* the argument made by someone like Coontz
- D. Liberals will seem to be on the women’s side and conservatives will seem to be on the men’s side
  - 1. But there is no *necessary* reason apart from history and a patriarchal past why they are linked in this way
    - a. In other times and places women have collectively been more conservative than men

#### IV. When to divorce?

- A. Conservative view: divorce should be resorted to only if there is violence, gross misbehavior by a spouse, or marital discord that does not yield to protracted and sincere efforts at resolution
  - 1. In particular, no-fault provisions for divorce was a mistake
    - a. No-fault: divorce no longer seen as the fault of someone
    - b. No longer assess blame and victimhood
      - 1) Alimony in addition to child support based on contributions and need but also \$\$ awards were punitive if spouse at fault had assets
    - c. Acceptable reasons for the divorce much broader
    - d. Earlier: one had to do the divorce, show the other’s fault
      - 1) In NY state evidence that the spouse was adulterous was required

- a) Some couples went so far as to set up a fake situation
    - e. Prior to no-fault, in cases of mutual agreement on the divorce the husband often let the wife obtain the divorce; a chivalrous gesture
    - f. But note that, as was the case in the 17<sup>th</sup> and 18<sup>th</sup> century as described by Cott, men could get divorces more easily than women
      - 1) Adultery as a reason was far more serious in a woman, even though far more men were unfaithful
      - 2) Patriarchy-influenced gendered values
        - a) Women should hold the marriage together; if a man strayed, it was very probably the wife's fault
      - 3) These values were written into law as well as held by judges, etc.
      - 4) Most judges were men
  - 2. Married couples with children should keep together for their sake of the children
  - 3. Argue that divorce should be stigmatized
  - 4. Some conservatives want wife subordinate to husband and the economic situation one in which the wife will face economic hardship if she is found at fault and has a well-off spouse, economic hardship no matter what if she has to get a job
- B. Liberal view: divorce is justified for many more reasons
  - 1. Do not support that couples should stay together for the sake of the children
- VI. Other points (made by Giele early in the term)
- A. There are inconsistencies of both sides with respect to basic principles
  - B. Freedom, for example
    - 1. Liberals: favor a high degree of freedom for individuals to pursue self-interest

- a. But they tend to criticize individualism and the pursuit of self-interest in the economic domain
- 2. Conservatives favor freedom in the market but oppose
  - a. For example, a hypothetical free mating market based on individual self-interest
- 3. “Freedom” spoken of by divorcing/divorced couples has different associations
  - a. Women: from subordination and for self-development
    - 1) Reflect the limits to equality
  - b. Men: freedom from obligations demanded by wives and from wives’ scrutiny
    - 1) Reflect dissatisfaction with marital labors
  - c. “Divorce, Italian-style”

## V. Gender and divorce

- A. The divorced man is on average better off in several areas
  - 1. More earning power
    - a. Although more women are preparing themselves to be able to be economically self-sufficient
    - b. Still, overall women earn significantly less than what men earn
  - 1. Less likely to have custody (10%-14% are the estimates)
    - a. This can be what they want, but is stressful, nonetheless
  - 2. Easier to find partners and enter into another marriage
    - a. Because men need to be “er”—older, richer, taller, smarter
      - 1) This reduces the marriage market for women, who normally look for partners their age or older
      - 2) Also, women age about 10 years ahead of men in terms of how they are evaluated by society

- 3) Youth and beauty: the phenomenon of “trophy wives” for successful men—much younger wives
1. Divorced women are perceived as more of a threat by married women, esp. in suburbs, than divorced men are perceived by married men
    - a. If they stay in the community they may find their social lives significantly changed
    - b. There is a couples culture in many communities; not so in cities, but in some cities, like D.C., there are more women by far than men
- B. However, the divorced man has it harder often in emotional and social domains
1. Depended on wife to maintain friendships; will have fewer friends, those friends are less likely to be close, intimate friends
  2. Not socialized to do domestic, social things
    - a. Entertain by cooking
    - b. Send out Christmas cards
    - c. Keep in touch with relatives
      - 1) Sometimes in families it is the wife who maintains relations with the husband’s family
    - d. And, of course, is very likely to feel cut off from his kids
- C. Class differences
1. In one study the higher their class position, the more likely women were to cite personal dissatisfaction
  2. The lower the class position, the more they reported violence and hard living (drinking, absences)
    - a. This is correlated with employment histories and rates change with shifts in employment rates in a given area
    - b. Downward mobility and job insecurity still hits men harder in terms of their self-esteem

- D. Traditional gender roles a precipitating factor
1. One study found that women spoke of their reasons for divorce in ways that suggested a contributing factor was problems arising from the conventional male role
    - a. For ex., husband was too controlling; husband wanted to make all the decisions; wife had to do all the emotional work, husband not responsive, not supportive, too willing to see himself as needing to be a good provider, period
      - 1) Especially if the women were working full-time
  2. Another reason, for about a 3<sup>rd</sup> of the marriages: husbands aren't working, or not working hard enough
  3. And adultery
    - a. Men leave wives for other women more often
  4. Violence