

*SOCI 226: Families and Society*

# UNION DISSOLUTION

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# 3 Eras in the History of Divorce

- Era of Restricted Divorce (< mid-19<sup>th</sup> century)
  - Divorce granted only under extreme circumstances
    - Adultery\*
    - Desertion
    - Severe violence by husband
  - Annulment was available if could prove marriage was invalid and church approved
  - Marriage as an economic institution & importance of orderly inheritance of property
  - System favored elite men because to be granted a divorce, it required an act of English Parliament
  - High levels of informal union formation and dissolution

*\*(only if committed by women, focus was on ensuring any children born were “legitimate” heirs, because law assumed all children born to a married woman were her husband’s)*

# 3 Eras in the History of Divorce

- Era of Divorce Tolerance (mid-19<sup>th</sup> to late 20<sup>th</sup> century)
  - “Separate spheres” ideal lead to intolerance of husbands’ mistreatment of wives
  - Growing idea of marriage as companionate union, emphasis on self-fulfillment
  - Divorce granted for limited reasons (“fault”)
    - List of “faults” expanded during this time—adultery, abandonment, cruelty, habitual drunkenness, unemployment, incarceration, etc.
    - Still strong social disapproval
  - Shifted power to dissolve unions toward women

# 3 Eras in the History of Divorce

- Era of Unrestricted Divorce (> late 20<sup>th</sup> century)
  - Full legal acceptance of marriage as self-fulfillment, consistent with ideals of the individualistic marriage
  - Divorce granted for a wide array of reasons, including “irreconcilable differences”
  - “No-fault” divorce (First available in California, Jan, 1 1970)
    - Legislature realized many people were lying in court to fit “fault” statutes.
    - California eliminated fault-based grounds altogether
    - One party could dissolve union without consent of other (before one party could object and that slowed proceedings on hope that reconciliation possible).
    - No adopted immediately or unilaterally by other states



# 3 Eras in the History of Divorce

- Era of Unrestricted Divorce (> late 20<sup>th</sup> century)
  - Most states adopted some compromise “No-fault” divorce legislation between 1970 and 1985
    - 18 states have pure no-fault laws—”divorce on demand” (incl. Nebraska)
    - Waiting periods --27 states have none, 11 states less than 1 year, 12 states a year or more (60 days in Nebraska)
    - New York was *last* state to adopt “no-fault” divorce—in 2010, 25 years after S. Dakota became the 49<sup>th</sup> state to do so.
    - Effect is that today 39 states allow relatively fast divorce at the request of one party

# 3 Eras in the History of Divorce

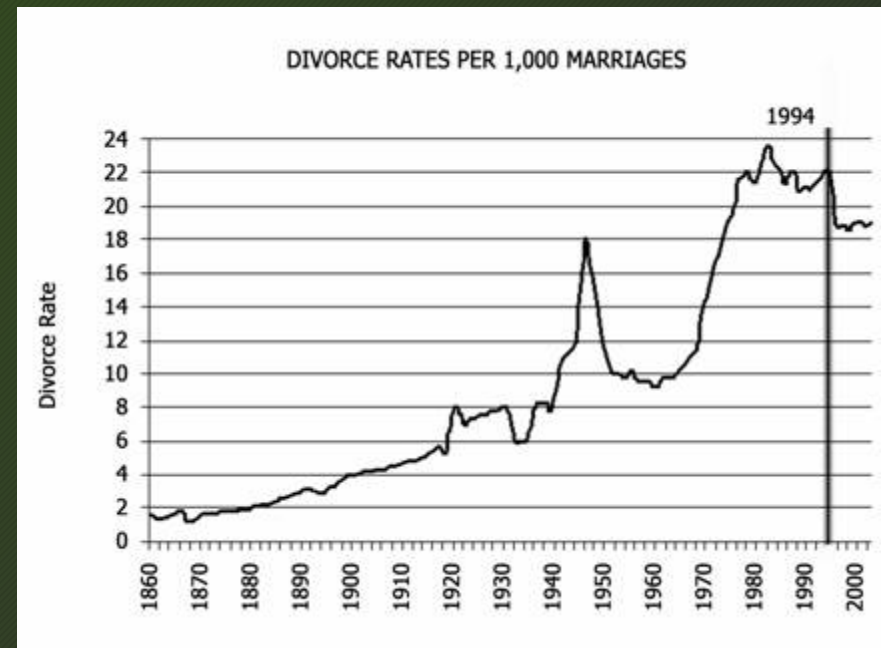
- Era of Unrestricted Divorce (> late 20<sup>th</sup> century)
  - No legislative preference for men or women (but women file majority of petitions)
    - “Equitable” division of marital property proportionate to what each party contributed in 41 states (incl. Nebraska)
      - What is “equitable” is highly variable by state
      - Some states consider not just income and assets, but also unpaid labor (such as when caring for children) as economic continuation to HH.
      - New York has the most generous equitable division statutes
    - 9 states regulate assets as “community” property, equal division

# Divorce & Union Dissolution Trends

- Total Marital Dissolution
  - Marital dissolution common throughout history, not “new”
  - Reason for marital dissolution has changed
    - Historically, dissolution occurred due to premature death (disease, childbirth, etc.)
    - Mid-1970s divorce became the primary reason
    - Widowhood now concentrated in later life

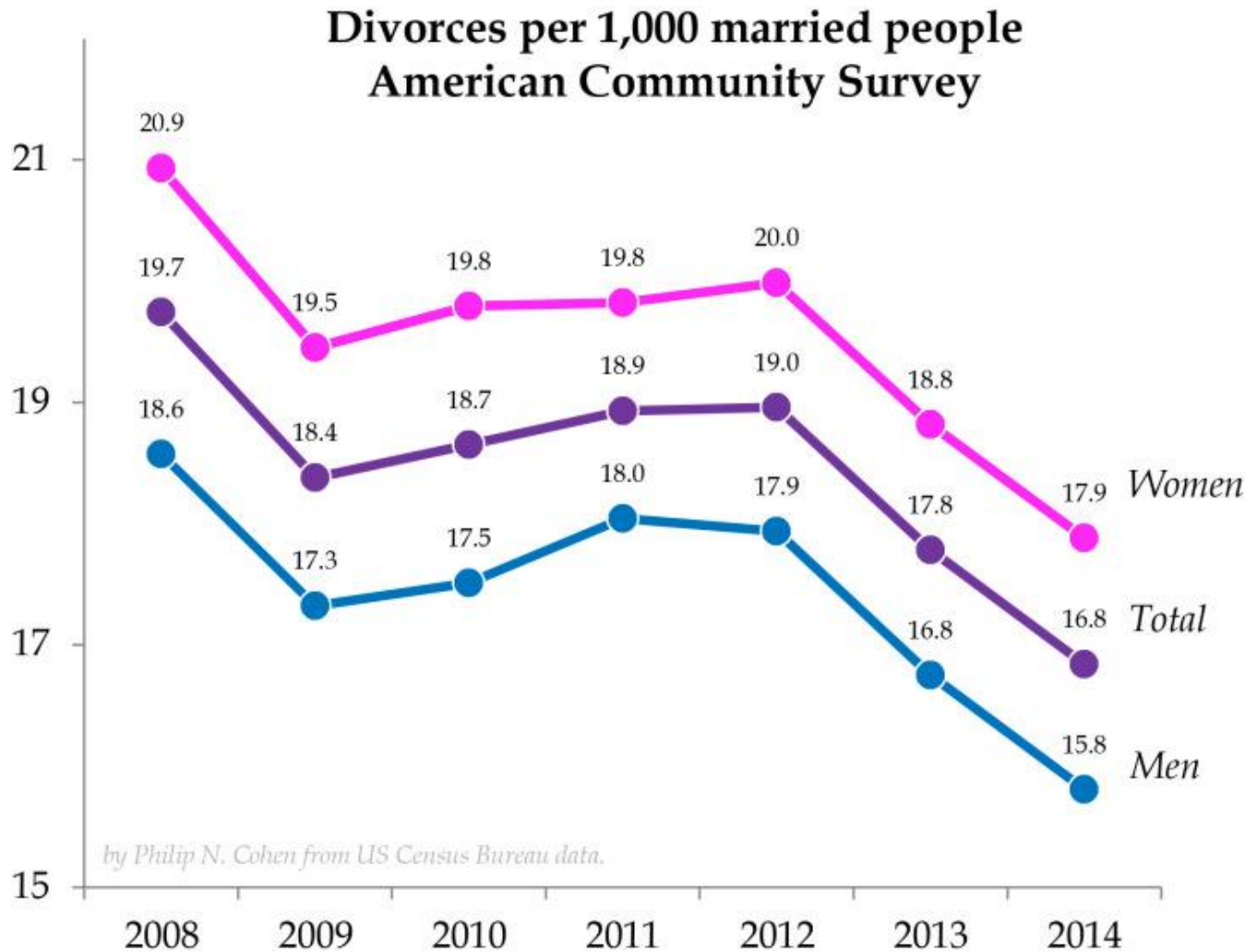
# Divorce & Union Dissolution Trends

- Divorce Rate (Cross-Sectional Estimate)
  - Generally, legal divorce has increased since 1860
  - No idea of trends in informal marital dissolution—desertion
  - Highly-dependent on economic climate and historical factors (i.e., war)
  - Seems to have stabilized since 1994 peak, but divergence between educational groups since then (see Module 2).
  - Currently, about there are about 17 to 18 divorces per 1000 marriages *per year* : the divorce rate is about 2%





# Actual Divorce Rate Today is 1.68%

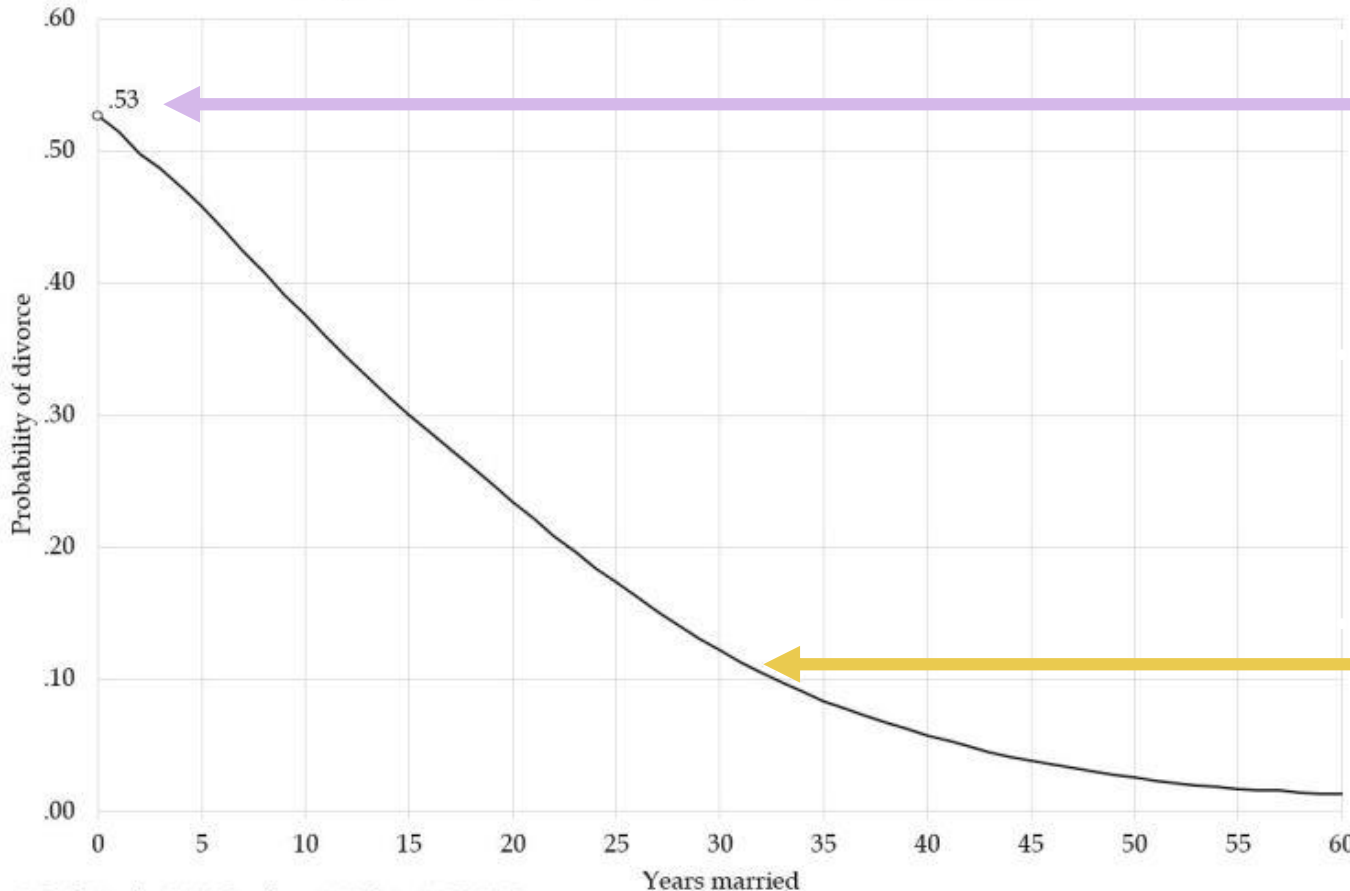


# Divorce & Union Dissolution Trends

- Divorce Risk (Longitudinal Estimate)
  - Couples who do not divorce this year, still may divorce in the future. What is the chance someone will *ever* divorce?
  - You can calculate this lifetime risk one of two ways:
    - Wait for cohorts to complete lifecycle
    - Estimate if current divorce rates remain stable (this is a big assumption)
  - Lifetime risk of divorce has increased
    - Couple married in 1920 had an 18% chance of eventually divorcing
    - Couple married in 2010 has about a 53% chance of eventually divorcing

# Lifetime Divorce Risk

Probability of divorce at year x or later: All marriages both sexes  
*Multiple-decrement life table estimates from 2010-2012 ACS data*



Calculations by PN Cohen from ACS data via IPUMS.org

Newlyweds have a **53%** chance of eventually divorcing

But risk declines the longer you stay married

Couples who make it to 32 years, have about a **10%** risk of divorcing

# Structural Explanations for the Rise of Divorce

- How can we explain the steady rise in divorce since the mid-1800s and why more than half of marriages today will eventually end in divorce?
- Given the scale of this change, we need to be thinking about things that were happening in society that could affect a lot of people simultaneously.
- These are known as structural factors.

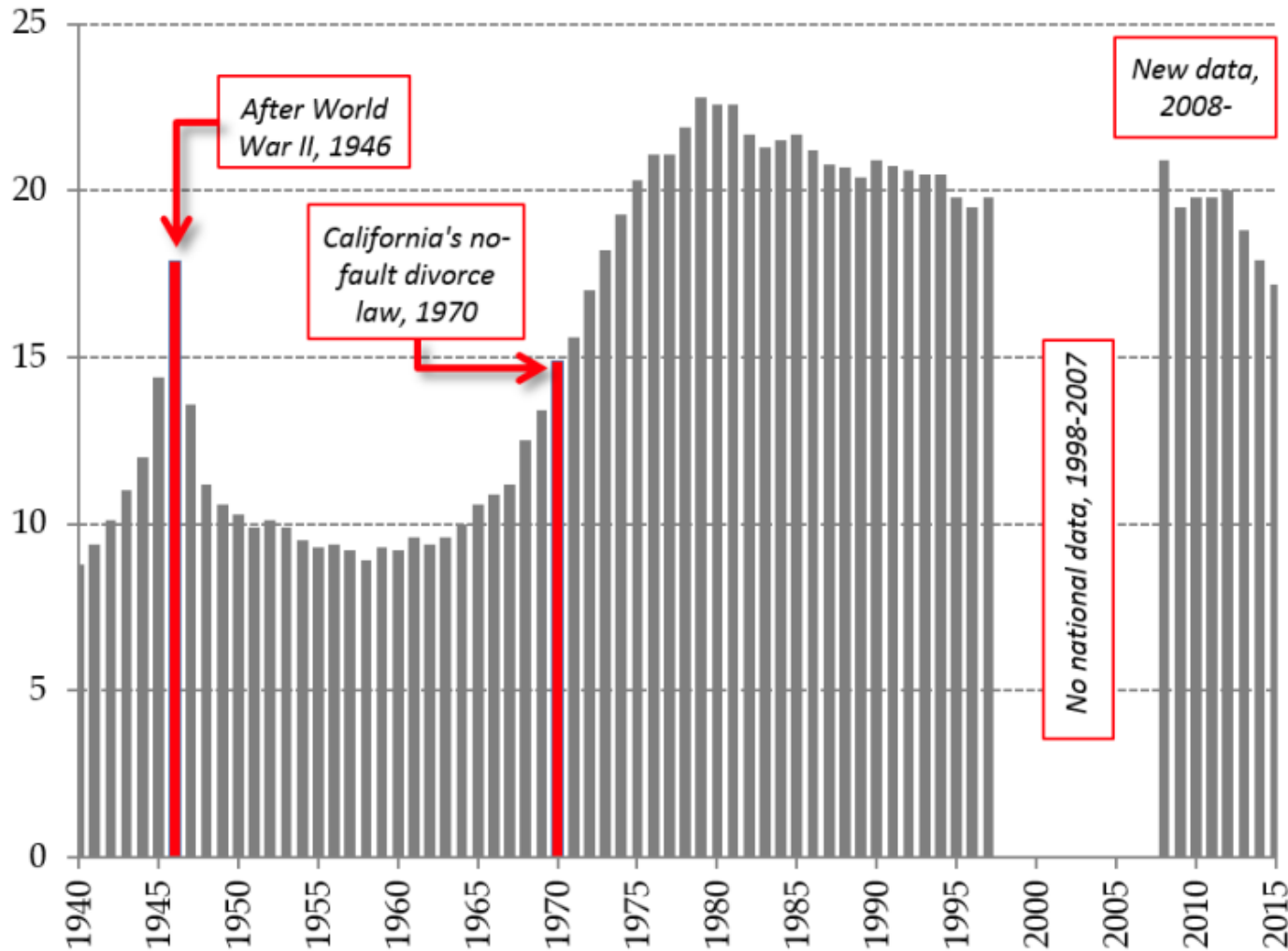
# Structural Explanations for the Rise of Divorce

- No-Fault Legislation

- Claim: Legislation weakened marriage and promoted divorce
- Evidence?
  - The divorce rate did increase exponentially following 1970 (see next slide) but (1) it had already started increasing before that point and (2) not all states enacted no-fault at the same time
  - We do see a temporary increase in the year after a state passed no-fault as pending cases were “converted” to no-fault, but then rates returned to expected. This is known as a backlog effect.
  - Changes in law typically lag behind changes in behavior. So no-fault legislation was catching up to changing views of marriage
  - That said, the ease of divorce with no-fault probably reinforced some other changes happening.

# Is No Fault Divorce to Blame for Rise? *Probably Not*

Divorces per 1,000 married women, 1940-2015



- Divorce rate was already increasing at steady rate before 1970
- And, remember, not all states enacted no-fault legislation at the same time

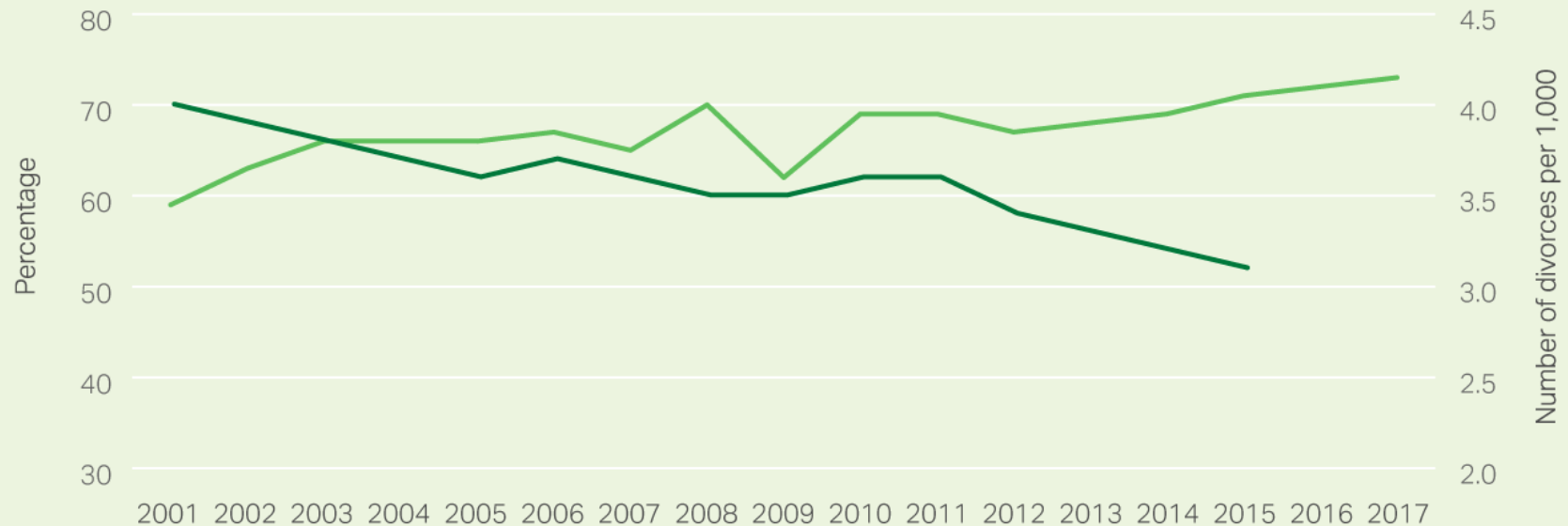
# Structural Explanations for the Rise of Divorce

- Cultural Change
  - Claim: Growing emphasis on personal fulfillment undermines trust, obligation, and commitment to marriage
  - Evidence?
    - There only a weak correlation between public attitudes and the divorce rate (see next slide).
    - People have not abandoned marriage, but expect more out of it.
      - Most people still marry (although the % every marrying is declining)
      - Attitudinal surveys consistently show a happy marriage to be an important life goal
      - But fewer people see marriage as absolutely necessary
    - Increasing acceptance of divorce as way to end unfulfilling marriage

# Cultural Shift in Attitudes about Divorce $\neq$ Change in Divorce Rate

## Moral Acceptability of Divorce and U.S. Divorce Rate

■ % of U.S. adults who say divorce is morally acceptable ■ Divorce rate



Divorce rate from Centers for Disease Control and Prevention  
Divorce rate equals number of divorces per 1,000 people

GALLUP

Note: that here is the divorce rate is expressed per 1,000 persons (not per 1,000 marriages. Always look at the **16** denominator in any rate.



# Structural Explanations for the Rise of Divorce

- Women's Employment Opportunities

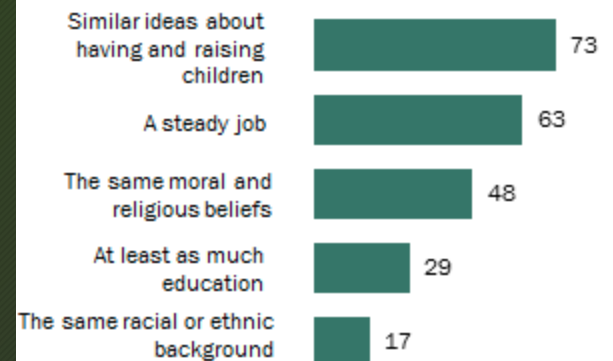
- Claim: Women's paid work rose at same time as divorce rate, so it caused divorce by making alternatives more viable

- Evidence?

- In heterosexual couples, a wife working for pay is associated with an increased risk of divorce.... BUT:
- Women often begin working when marital quality declines (so causal order is backwards)
- Experience with divorce increases women's LF attachment, but women who've been divorced before are more likely to get divorced again.
- Employed women are *more* likely to get married, economic potential is near top of desirable qualities in a spouse

## What Matters Most in Choosing a Spouse or Partner

*% who say finding someone with ... was/would be "very important" to them in choosing a spouse or partner*



Note: Based on all adults. Currently married respondents were asked whether each trait "was" important to them. Unmarried respondents were asked whether each trait "would be" important to them.

Source: Pew Research Center survey, May 22-25 and May 29-June 1, 2014 (N=2,003)

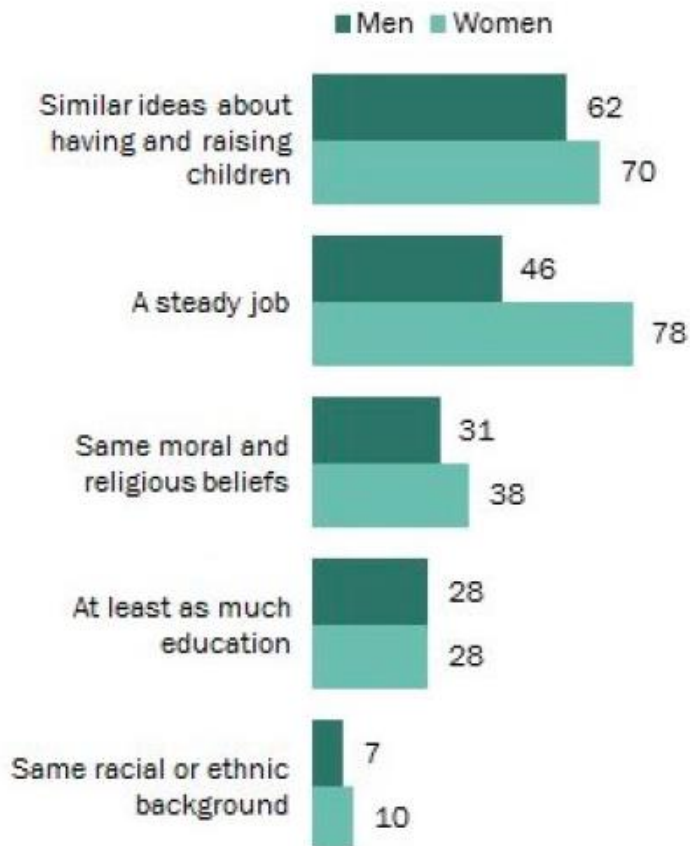
# Structural Explanations for the Rise of Divorce

- Men's Declining Wages & Employment Opportunities
  - Claim: Men's declining wages have increased stress and conflict in marriages, as well as reduced economic attractiveness of marriage
  - Evidence?
  - Men's wages have declined only since 1970s, so cannot account for historical rise in divorce
  - But divorce has increased faster among lower SES families, where decline in men's wages concentrated since 1970 (see Module 2)
  - Women rank the economic potential of a spouse as the #1 factor they look for in a potential spouse (see next slide)—and men's employment is key for staying married.

# Men's Employment Key to Getting Married and Staying Married

## Never-Married Women Want a Spouse with a Steady Job

% of never-married adults who say ... would be "very important" to them in choosing a spouse or partner



- Three-fourths of women say that having a steady job is an important trait in a potential partner/ spouse
  - This is the top characteristic for heterosexual women.
  - Even more important for low SES and racial/ethnic minority women.
- And a study by Killewald (2016) shows that men's full-time employment has become a *more* important predictor of marital stability since 1975.
  - Men who are not employed full-time are **33%** more likely to get divorced
- The "good provider" norm remains very strong for men.

# Structural Explanations for the Rise of Divorce

- So, which structural factor was most important?
  - That's a trick question. They all matter.

The culture has become more individualistic, with greater emphasis on the interpersonal rewards of relationships

The laws became more permissive of divorce in response to the associated shift in marital expectations (. )

Women's rising labor force opportunities allowed them to seek alternative sources of personal fulfillment outside of marriage.

Men's declining wages reduced the economic incentive to marry by undermining their ability to fulfill the "good provider" norm.

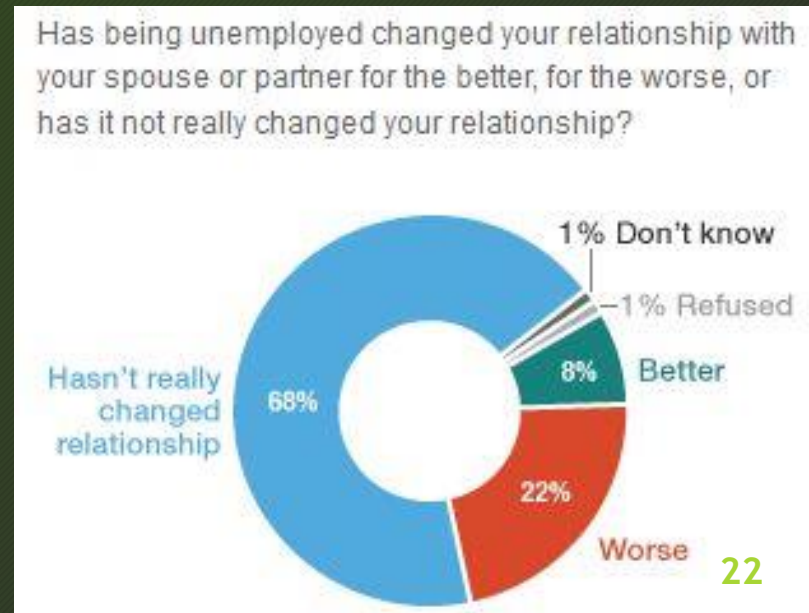
This reinforced the cultural shift toward individualism.

# Individual Risk Factors for Divorce

- Up to this point we've been considering the broad social changes that are associated with the overall increase in divorce over time.
- Although the divorce rate has increased, not all marriages end in divorce.
- A lot of scholarship has been devoted to understanding which individual characteristics increase the likelihood of divorce.
- Several risk factors have been identified.
  - These are not deterministic (if you have this characteristics, you *will* get divorced). They are probabilistic (increases the *chances*).
  - These come from studies of heterosexual marriage. Studies of risk factors for divorce ins same-sex marriages are just starting.

# Individual Risk Factors for Divorce

- Unstable economic situation
  - Low family income & chronic unemployment
  - Why?
    - Little economic reason to endure unhappiness
    - Disruptive effects on the family and spousal relationship, as this graph from a survey in 2011 shows
    - Men seem to cope with unstable employment rather poorly as it inked to higher rates of alcoholism, abuse, & violence



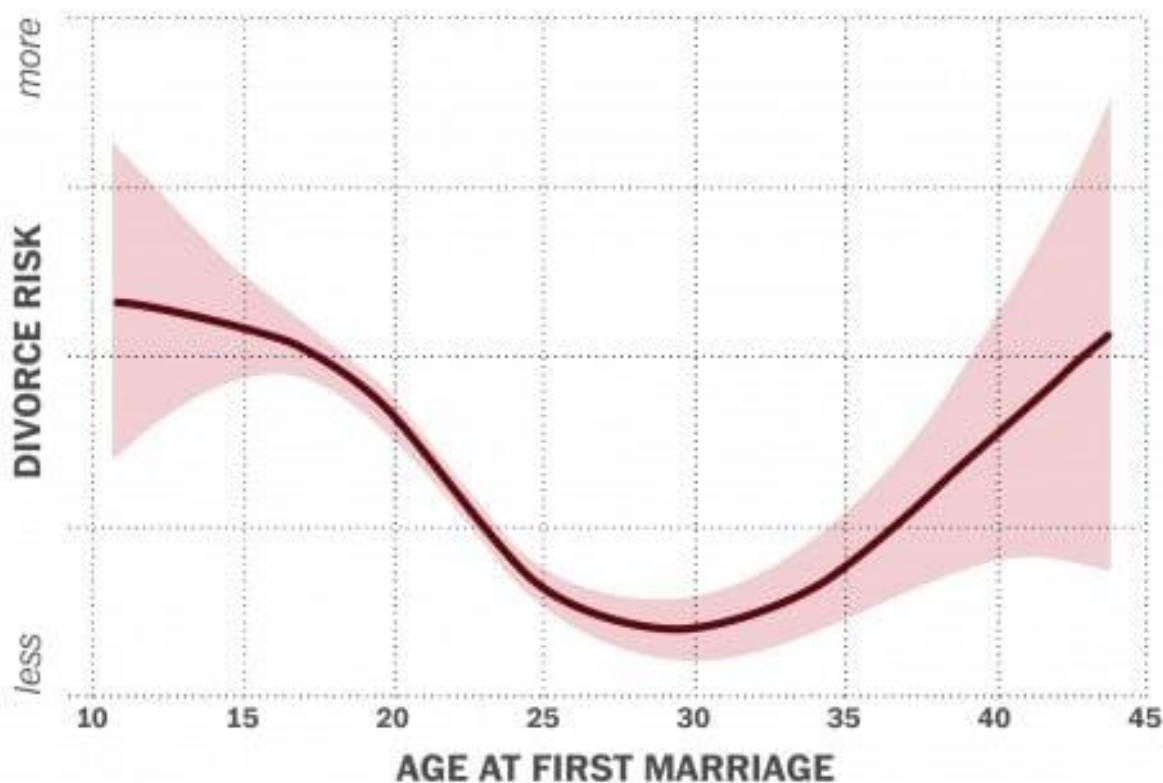
# Individual Risk Factors for Divorce

- Age at marriage “off-time”
  - “Off time” means experiencing something outside of the age range when most people think it should happen.
  - “Early” (<25) or “late” age (>40) at *first* marriage (see next slide)
  - Why?
    - Unstable basis for early marriage—such as non-marital pregnancy
      - Haven’t had a chance to form an identity as a couple yet before having to deal with challenge of parenting
    - “Poor marriage material”
      - People with psychological/ impulsivity problems more likely to marry young
      - Limited education and financial resources when young
      - Commitment problems or greater value on independence when older
      - Less selective with age—fewer people who have the “right” characteristics you’re looking for are left on the marriage market

# Off-time Age at 1<sup>st</sup> Marriage Increases the Risk of Divorce

## When (not) to get married.

Age at first marriage and divorce risk as of 2006–2010. Shaded areas represent confidence intervals.



WAPO.ST/WONKBLOG

Source: Nicholas H. Wolfinger analysis of National Survey of Family Growth Data



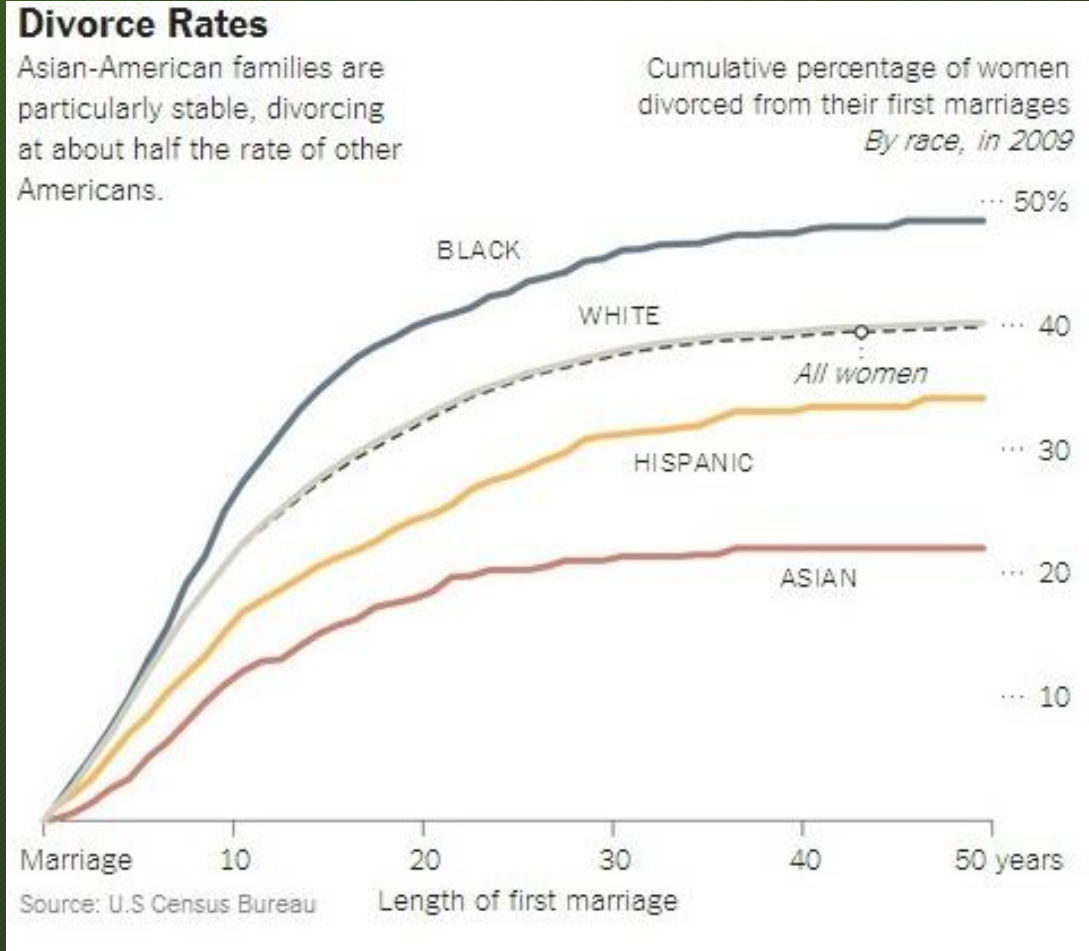
# Individual Risk Factors for Divorce

- Low educational attainment
  - Those with less than high school have greatest risk, advanced degree holders lowest risk (widening difference; see Module 2)
  - Why?
    - Less educated tend to marry earlier
    - Less education have more unstable economic situation
    - Education associated with better communication and conflict resolution skills
      - All marriages involve disagreements
      - But the more years you spend in higher education the better you are at identifying problems and taking proactive steps to resolve them (Doesn't matter what your major is)



# Individual Risk Factors for Divorce

- Race & Ethnicity
- Why?
  - Partially related to economic situation and education
  - Religious prohibitions (e.g., Mexican Americans)
  - Low cultural legacy of divorce in sending country (Hispanic Immigrants, most Asian groups)



# Individual Risk Factors for Divorce

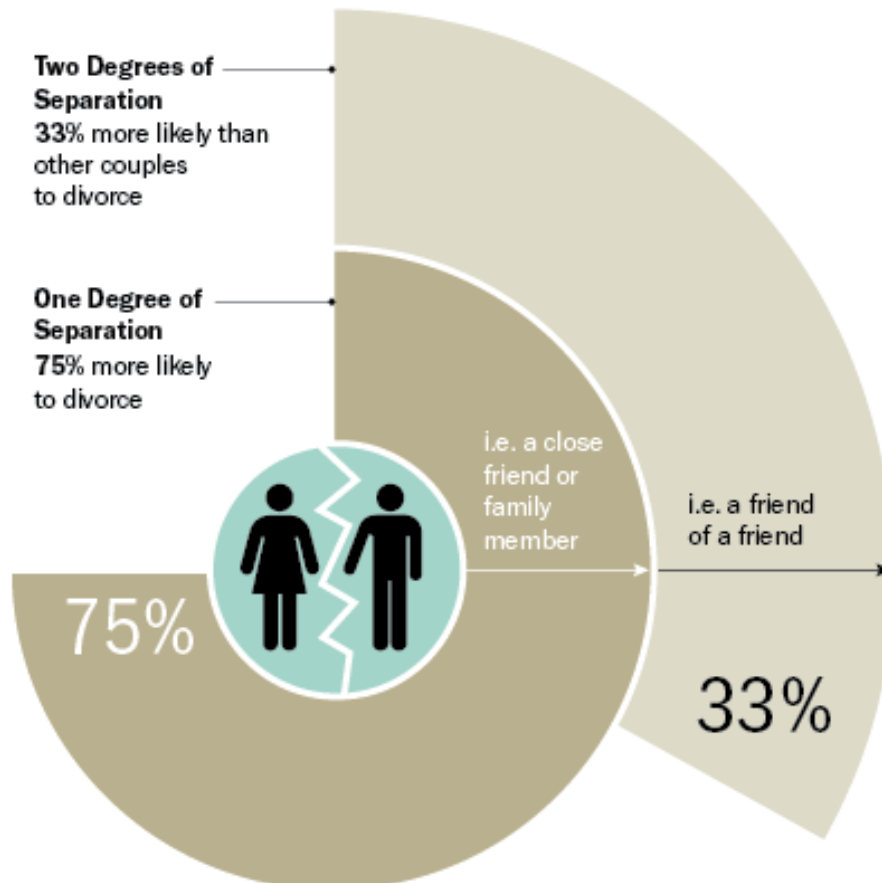
- Cohabitation
  - 2x the risk of divorce compared to those who did not cohabit
  - Why?
    - Selection effect--people with more permissive attitudes about divorce are more likely to cohabit.
    - Cohabiting appears to lower commitment to marriage, even if you already had fairly permissive/liberal attitudes
    - Conflict with marital roles
      - Lots of expectations come with role of “Husband” and “Wife” that do not exist when living together before marriage.
      - Men seem to be more at risk of becoming more “traditional” at marriage.
    - May be less true for more recent cohorts
      - Kuperberg (2010) finds that most of the cohabitation effect is due to living with a partner at an early age.
      - Cohen and Manning (2012) find that more recent cohorts cohabitation doesn't matter—unless you lived with more than one partner before marriage.

# Individual Risk Factors for Divorce

- Parental divorce
  - 2x the risk of divorce compared to those who did not experience parental divorce
  - Why?
    - Parents were poor marriage role models, so not good partners
      - Poor communication skills, conflict avoidant, hyper-vigilant to problems because trying to avoid divorce
    - Associated with other risk factors
      - More likely to cohabit
      - Risk of both early marriage and non-marital birth
    - More accepting of divorce
      - Parental divorce is associated with more permissive attitudes.
      - It turns out, the more people that you know that have divorced—family, friends, even acquaintances—the more likely you are to get divorced yourself (see next slide)

# Is Divorce Contagious?

## Divorce and Degrees of Separation



Source: "Breaking Up is hard to Do, Unless Everyone Else is Doing it Too: Social Network Effects on Divorce in a Longitudinal Sample" by Rose McDermott, James H. Fowler and Nicholas A. Christakis. Forthcoming in *Social Forces*.

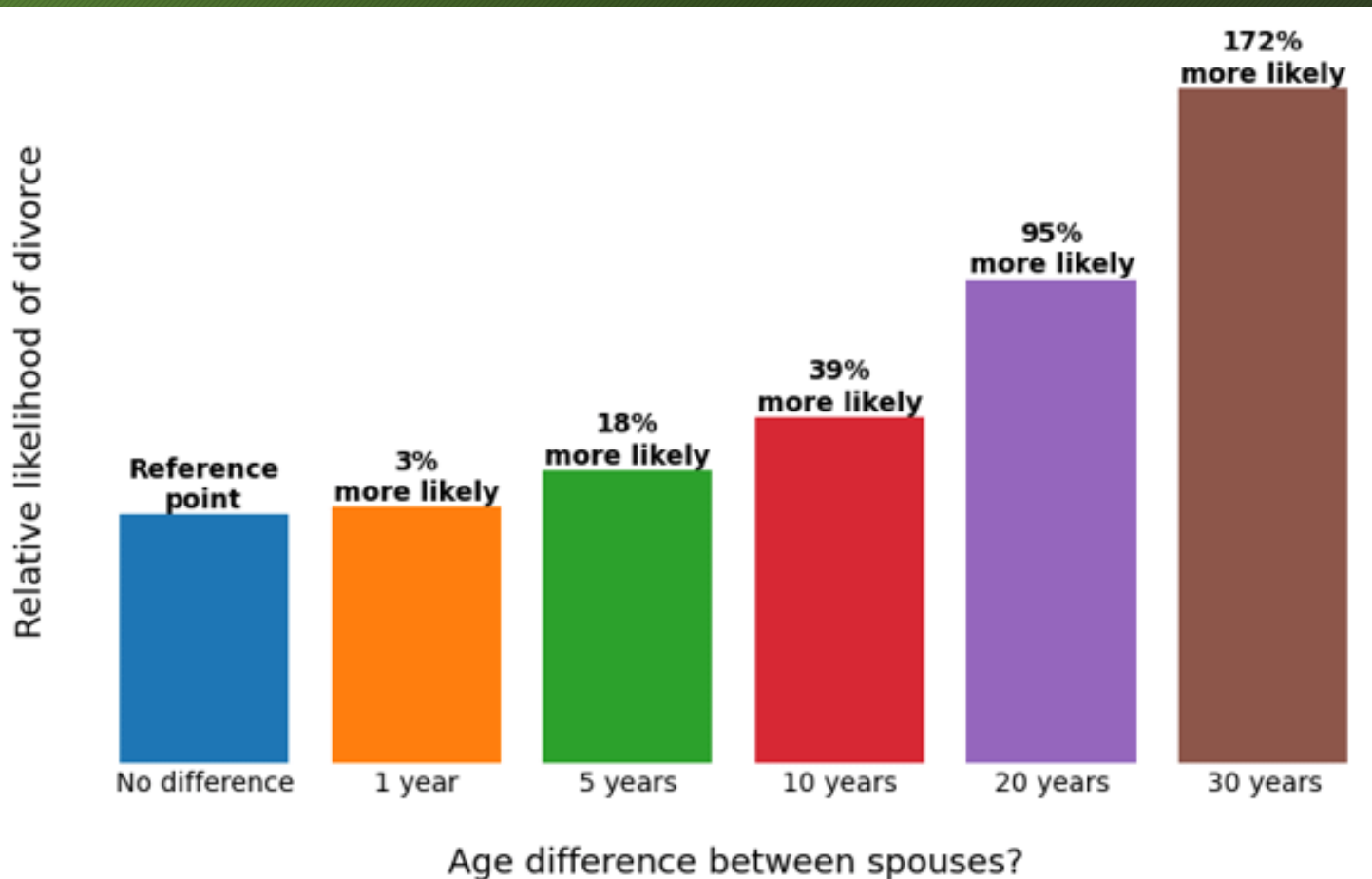
- Your risk of divorce is higher when you know people who've divorced.
- And the closer your relationship, the greater the effect.
- Is divorce contagious? Not quite.
- But if other people you know and trust have divorced, this reduces stigma and might make you think about divorce if you're not happy.

# Individual Risk Factors for Divorce

- Spousal Dissimilarity

- Remember, assortative mating is the rule when it comes to who people tend to marry. Violating that tendency increases the chances of dissolution.
- Interracial marriages have a higher risk of divorce
- Large differences in education and age (see next slide) increase risk of divorce, especially if violate gender norms of older, more educated husband
- Different religious backgrounds also increase risk
- Why?
  - Different goals, values, interests? [race/ethnicity, education, age]
  - Spend less time together because at different life stages? [age]
  - Differences in childrearing? [religion]

# Big Age Difference= Big Divorce Risk



Source: Francis, A.M. and Mialon, H.M. 'A Diamond is Forever' and Other Fairy Tales (2014)  
Author: Randy Olson (randalolson.com / @randal\_olson)

# Consequences of Divorce : Adults

- Divorced persons report lower levels of physical and mental health, higher rates of substance use, and higher mortality on average
  - More negative for those who were married longer or older at time of divorce
  - Tend to improve after a period of time and upon remarriage
  - Exception? If marriage was characterized by conflict and negative marital quality divorce actually leads to improved physical and mental health.
- The health consequences of divorce tend to be larger for men and related to lifestyle.
- The consequences for women are more related to financial strain and stress
  - Women more likely to come out of divorce less financially secure
  - Women more likely to have custody of children, but face difficulty receiving child support payments



# Consequences of Divorce: Children

- Need to think of divorce as a process more than a 1-time event
- Wide range of adjustment and outcomes
  - Risk of both externalizing and internalizing behaviors (some of which exist before the divorce)
  - Academic problems
- Most studies using representative samples shows that these effects are temporary and there are few long term consequences
- *BUT...*



# Consequences of Divorce: Children

- [Outcome] Depends on situation leading up to divorce and following the divorce:
  - Are the children preschool aged? [ Better]
  - Are the children adolescents? [Worse]
  - High conflict family pre divorce? [Better]
  - Are parents in new relationships? [Can be Bad]
  - Did family economic situation decrease a lot? [Bad]
  - Is there conflict between custodial and non-custodial parent? [Bad]
  - Are parents coordinating and cooperating with each other to raise the kids? [Best]



*See Amato (2004) Reading for more information about the consequences of divorce for adults and children.*

# Consequences of Divorce: Children

- Children who experience multiple transitions in household arrangements (changing residences, parents new partners) tend to do worse
  - Lose social networks if change neighborhoods and/ or schools
  - Ambiguous family settings can result when new partners move in and out of household
- Children do best when their lives post-divorce remain predictable and familiar