

Social Science Research on Family Dissolution:
What It Shows and How It Might Be of
Interest to Family Law Reformers

by

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Social Science Research on Family Dissolution

One of the major social trends during the past century has been the increase in the divorce rate and many social scientists have attempted to understand the causes and consequences family dissolution (Amato 2001). The purpose of this paper is to review the recent social science research on family dissolution and discuss its implications for family law reform.

This review is divided into the following five sections: (1) Divorce rates and trends, (2) Cultural influences on divorce, (3) Effects of divorce on adults, (4) Effects of divorce on children, and (5) Implications for family law reform.

Divorce Rates and Trends

The divorce rate in the United States was relatively stable between 1950 and 1965, increased dramatically between 1965 and 1980, and decreased slightly between 1980 and 2000 (Cherlin, 1992; Teachman, et al. 2001; U.S. Census Bureau 1999). Given current divorce rates, it has been projected that about one-half of all marriages will eventually be terminated by divorce (Amato 2001; Cherlin 1992; Knox & Schacht 1999). About 40 percent of all minor children will experience the divorce of their parents. By the time they reach age 18, about one-half of all children will have spent some time in a single-parent home (Bumpass & Sweet 1989; Bumpass 1990).

In 1997, there were 1.16 million divorces and approximately 1.1 million children had their parents divorce. Thus, each year in America there are more than 3.4 million adults and children who experience a divorce in their family (U.S. Census Bureau 1999; National Center for Health Statistics 1998).

One of the recent trends that has been overlooked is the decrease in divorce during the past 20

years. Since 1981 small but consistent yearly decreases in the divorce rate have resulted in a significant reduction in the divorce rate. From 1980 to 1997 the divorce rate per 1,000 married women decreased from 22.6 to 19.5, a decrease of 13.7 percent (U.S. Census Bureau 1999). There are a variety of social forces that may impact the overall divorce rate including the age structure of the population. Social scientists have given scant attention to this trend and the possible social forces that have produced it. Although some of this decrease may be due to the aging of the population, it is also possible that there has been a real decrease in the propensity to dissolve. The recent decrease in divorce is a significant social trend that needs to be studied by social scientists.

Cultural Influences on Divorce

Sociologists have observed that the divorce rate is affected by rapid social change and social upheavals such as war and depression. For example, the divorce rate increased after both world wars and during and after the Vietnam War. It decreased during the Great Depression, was relatively stable from 1950 to 1965, and decreased modestly from 1980 to 2000. Some of the social characteristics that appear to have contributed to the increase in the divorce rate are high marital expectations, the economic independence of women, the social acceptance of divorce, no-fault divorce laws, and increased individualism.

High Marital Expectations.

Over time the expectations of marriage for personal happiness appear to have increased. In American culture the major purpose of marriage is personal fulfillment and happiness (Amato 2001; Cherlin 1992; Waite & Gallagher 2000). If love wanes and one does not achieve the expected fulfillment and happiness in marriage, then the major reason for being married no longer exists.

Tolerance for an unhappy marriage appears to have decreased (Jones 1987). Related to the high marital expectations is a decrease in family functions. Many protective, religious, educational, and recreational functions of the family may now be filled by other institutions (Knox & Schacht 1999). One marries to achieve personal happiness and if that expectation is not achieved, then the solution is to dissolve the relationship.

Economic Independence of Women

One of the major social changes during the past fifty years has been the increasing economic independence of women. The proportion of bachelor degrees earned by women increased from 35 percent in 1960 to 55 percent in 1996. The percentage of married women employed in the labor force increased from 32 in 1960 to 62 in 1998. Among married women with children under age six, 64 percent were in the labor force in 1998 compared with only 37 percent in 1975 (U.S. Census Bureau 1999). A woman who is employed may be more likely to leave an unhappy marriage than a woman who is not employed. Similarly, an unhappy man may be more likely to leave if he knows his wife is financially independent (Cherlin 1992; White 1991; Knox & Schacht 1999).

Social Acceptance of Divorce

Divorce has become much more common and acceptable during the past 50 years (Thornton 1998). Compared to the past, young married mothers are much more likely to state that divorce is the best solution to persistent marital problems (Thornton 1989). Everyone knows someone who is divorced and religious and social sanctions against divorce have decreased (Knox & Schacht 1999; Thornton 1998).

No-Fault Divorce Laws

The norms of the broader culture are reflected in the law. Therefore, it is not surprising that as divorce became more common and accepted, no-fault divorce laws were passed. However, law is not only a reflection of cultural values, it may help shape cultural norms. The law may teach, reinforce values, and be a model for appropriate behavior (Glenn 1997; Wardle 1991). One of the questions regarding no-fault divorce laws is whether they caused divorce rates to increase.

Research on this issue has been inconsistent. A number of researchers have reported that no-fault divorce laws had no effect on the divorce rate (Frank et al 1978; Glenn 1997; Jacob 1988; Muzar-Hart & Berman 1977; Peters 1986; Schoen et al 1975; Sell 1979; Sepler 1981; Wright & Stetson 1978). On the other hand, several others found that divorce rates did increase as a result of the passage of no-fault divorce laws (Allen 1992; Friedberg 1998; Marvel 1989; Nakonezny et al 1995; Wardle 1991; Zelder 1993). Debate continues over whether or not no-fault divorce laws influenced the divorce rate (Glenn 1999; Rodgers, et al. 1999).

In recent research with more sophisticated controls for confounding variables, no-fault divorce laws were found to be associated with a modest increase in the divorce rate (Friedberg 1998; Zelder 1993). Friedberg (1998) estimated that divorce rates would have been six percent lower if no-fault laws had not been enacted. She concluded that the passage of no-fault laws accounted for about 17 percent of the overall increase in the divorce rate; thus, 83 percent of the increase would have occurred in the absence of no-fault statutes.

Since the increase in divorce rates began before no-fault laws were passed, the passage of no-fault laws appears to have been a reflection of a cultural change already in existence. In addition,

however, the findings of Friedberg (1998) suggest that no-fault laws had an independent impact which helped shape the cultural acceptance of divorce and increase divorce rates. Thus, the adoption of no-fault laws may have been a reflection of changing cultural values but the change to no-fault also appears to have had a feedback effect in that it helped shape the cultural acceptance of divorce as a solution to troubled marriages.

Individualism

The American emphasis on individualism, freedom, autonomy, and pursuit of personal happiness appears to have contributed to the increase divorce (Thornton 1998). During the nineteen sixties and seventies, there was social upheaval and change with much emphasis on rights and the questioning of traditional roles, responsibilities, and authority. The Vietnam War along with the civil rights and feminist movements helped stimulate an emphasis on individualism. One consequence of the individualism is that marriage is no longer consider a permanent commitment (Thornton 1998). A common attitude is that if marriage no longer meets individual needs, then there is less no reason to stay marriage (Knox & Schacht 1999). Thus, Americans have become less committed to marriage and more enthusiastic about divorce, cohabitation, and alternatives to marriage (Waite & Gallagher 2000).

Effects of Divorce on Adults

Numerous studies have found that compared with married persons, divorced persons tend to have more economic hardship, higher levels of poverty, lower levels of psychological well-being, less happiness, more health problems, and a greater risk of mortality. Amato (2001), Kitson (1992), and Waite and Gallagher (2000) have conducted recent reviews of this literature. In this section I provide only a brief, selective review of this research.

When divorce occurs there is a loss of economies of scale and a decrease in economic well-being, particularly among women. Peterson (1996) reported that following divorce women had a 27 percent decline in their standard of living while men had a 10 percent increase in their standard of living. Other researchers have observed that both men and women had a decrease in economic well-being following divorce (Pollock & Stroup 1996; Stroup & Pollock 1994).

Numerous researchers have found lower psychological well-being among the divorced than the married (Amato 2001; Booth & Amato 1991; Kitson 1992; Mastekaasa 1994; Waite & Gallagher 2000). One of the important findings of the past decade is that these differences cannot be explained solely by selection (Mastekaasa 1994).

There is evidence that married persons have better physical health than divorced persons and have lower mortality rates (Amato 2001; Hahn 1993; Waite & Gallagher 2000). Mortality differences between the divorced and married are not explained by socioeconomic status, labor force status, or the presence of children (Hemstrom 1996). The benefits of marriage increase as the duration of the marriage increases. There is no significant difference between women and men in the mortality advantage that accrues from marriage (Lillard & Waite 1995).

One of the ongoing questions among social scientists is whether the differences between married and divorced individuals are due to selection or the stress of divorce (Amato 2001). The selection explanation suggests that poorly functioning individuals have a high risk of divorce. Thus, characteristics that existed before the divorce produce the low levels of well-being rather than the divorce itself. If this explanation is correct, then differences between divorced and married persons could be explained by characteristics that existed prior to the divorce. An alternative explanation is that

the stress of divorce lowers people's well-being. If this explanation is correct, then divorce would produce significant reductions in well-being net of pre-divorce characteristics.

Recent research with controls for pre-divorce characteristics lends support to the stress explanation (Cooney & Uhlenberg 1990; Hemstrom 1996; Lillard & Waite 1995; Maskekaasa 1994; Peterson 1996). After reviewing the literature published during the past decade, Amato (2001:501) concludes that "although selection can account for some of these differences, the evidence is strong that divorce has an impact on well-being net of selection."

Effects of Divorce on Children

A large number of studies are consistent in showing that children of divorce do not do as well as children raised with two biological parents (Amato 2001; Kunz 1992; Emery 1999; Wallerstein, et al. 2000). In this section I summarize some of the major findings of the past decade on the impact of divorce on children. Compared with children raised by two biological parents, children of divorced parents (1) have poorer psychological adjustment (Cherlin, et al. 1998; Furstenberg & Teitler 1994; Hodges, et al. 1990; Simons & Associates 1996), (2) have more physical health problems (Mauldon 1990), (3) do not do as well in school (Furstenberg & Teitler 1994; Sandefur, et al. 1992; Simons & Associates 1996; Smith 1990), (4) are more likely to become involved in a variety of anti-social and delinquent behaviors (Coughlin & Vuchinich 1996; Forehand, et al. 1997; Simons & Associates 1996), (5) are much more likely to live in poverty (Emery 1999), (6) tend to have sex earlier, (7) are more likely to cohabit, and (8) are more likely to have a premarital birth (McLanahan & Bumpass 1988; Thornton 1991). When they become adults, children of divorce have more favorable attitudes toward divorce, less commitment to marriage, and are more likely to divorce themselves

(Amato 1996; Amato & Booth 1991; McClanahan 1988; McLanahan & Bumpass 1988; Webster, et al. 1995; Wolfinger 2000). In addition, they have less contact with and do not feel as close to their parents, particularly their fathers, and receive less financial support from their parents (Aquilino 1994; Booth & Amato 1994; White 1992). Although some of these differences do not appear to be large (Amato & Keith 1991), Simons and Associates (1996) found that children of divorce were twice as likely as those from intact families to display problems such as emotional distress, academic difficulties, delinquency, and early sexual intercourse.

Social scientists continue to debate the merits of selection and stress in explaining the differences between children raised in divorced and intact homes (Amato 2001; Demo & Acock 1988). According to the selection explanation, the negative outcomes are due to factors other than marital disruption, such as parents' personalities, inept parenting, pre-divorce marital conflict, or genetic influence. On the other hand, in the stress explanation the differences are assumed to be due to the divorce and not primarily to characteristics that preceded the divorce. In research prior to 1990, professionals tended to minimize the differences between children from divorced and intact parents because most researchers had not adequately controlled for pre-divorce characteristics (Demo & Acock 1988).

Research published during the nineties has confirmed that selection accounts for part of the negative consequences of divorce on children (Amato 2001; Amato & Booth 1996). However, there is considerable recent research that is consistent with the stress explanation (Cherlin, et al. 1998; Demo & Acock 1996; Forehand, et al. 1997; Hanson 1999; Simons & Associates 1996). Even after controlling for pre-divorce characteristics, divorce continues to be associated with increased problems

among children (Amato 2001). The mechanisms through which divorce affects children include “disruptions in parent-child relationships, continuing discord between former spouses, loss of emotional support, economic hardship, and an increase in the number of other negative life events, such as moving (Amato, 2001:501).”

Another important question is whether children in families with high levels of parental conflict are better off if their parents remain together or divorce. This question was examined in two recent studies. First, using national data from a twelve-year longitudinal study, Amato et al. (1995) studied young adults from high-conflict families. They compared those whose parents had remained married with those whose parents had divorced while they were children. They found that those from high-conflict divorced families had less psychological distress and greater happiness than those from intact high-conflict families. In the second study, Jekielek (1998) used national longitudinal data to study anxiety and depression in children ages 6-14. She found that children remaining in high-conflict intact families tended to exhibit lower levels of well-being than children from high-conflict families whose parents divorced. The conclusion from both studies is that divorce can be beneficial if it removes a child from a high-conflict, dysfunctional environment.

However, only a minority of divorces are preceded by high levels of marital conflict (Amato & Booth 1997) In addition, it has been shown that marital disruption has a negative effect on children’s well-being that is independent of the level of conflict (Amato et al. 1995; Hetherington 1999; Jekielek 1998). A number of researchers have documented that shock, disbelief, and hurt are common reactions of children when their parents divorce, particularly if parental conflict was not high prior to the separation (Amato & Booth 1991; Amato, et al. 1995; Hanson 1999; Hetherington 1999; Wallerstein,

et al. 2000). For these reasons, divorce appears to harm many more children than it helps (Amato 2001; Hetherington 1999).

Researchers have also attempted to separate the effects of disruption from the effects of income and parental competence. The results demonstrate that children of divorce can do well if their family has an adequate income, if their parents are competent, and if the children are able to maintain good relationships with their parents (Hetherington 1999). However, decreased economic well-being and diminished parenting are common consequences of divorce. The fact remains that large proportions of children whose parents divorce face decreased economic well-being, less time both parents, and a decrease in the quality of parenting (Amato & Booth 1991; Amato, et al. 1995; Hetherington 1999; Hanson 1999; Wallerstein, et al. 2000).

Implications for Family Law Reform

The social science research demonstrates that there are large, long-lasting private and public costs to our high divorce rates. The private costs affect the physical, psychological, emotional, and economic well-being of millions of adults and children. The public costs include strain on the health care system, increased welfare costs, higher crime rates, lower high school graduation rates, and greater criminal justice expenditures. These are real social costs that should be taken into account as we contemplate family law reform.

Moving from social science research to specific family law reform is challenging. In this concluding section I identify seven points to consider as the reform of family law is debated.

1. Focus on the interests of children. Although the frequently cited legal standard is “the best interests of the child,” my observation is that most judges, attorneys, and parents focus on the individual rights of the adults involved rather than on the best interests of the children involved. A clear and consistent finding from social science research is that children bear an inordinate share of the costs of divorce. The economic and social costs borne by children of divorce are a national disgrace and demonstrate that responsible parenthood is not a high priority in our culture. One of the limitations of existing law is that it has ignored the costs of divorce, particularly the costs borne by children (Parkman 1992).
2. Focus on equity rather than equality. Current culture and law appears to focus on equality rather than on equity. Divorcing parties tend to be treated as equals when in fact they are not equals in terms of economic, parenting, and social skills. This has had negative consequences for the well-being of all, particularly the well-being of children and women (Bahr 1983).
3. Modify tax and welfare laws to be pro-marriage. Given the enormous public benefits of marriage, we ought to seriously consider changing the law to recognize and reward marriage rather than penalize marriage or assume that marriage is just one of many equally beneficial alternatives (Waite & Gallagher 2000). Perhaps the law could include incentives to choose a mate wisely, stay married, and support one’s children.
4. Provide marriage and family education in colleges, secondary schools, churches, and community education centers. Perhaps incentives could be provided to encourage new

couples and prospective parents to take premarital, marital, and parenting classes. The curriculum should include education about the private and public benefits of marriage, the private and public costs of dissolution, and the responsibilities of marriage and parenthood.

5. Provide assessment, education, and counseling at reduced rates or at no cost. State subsidies and incentives could be established to help make assessment, educational, and counseling services more available. Insurance coverage for premarital and marital counseling and education could be expanded, along with incentives provided by the state. Incentives could be provided for schools, religious groups, and other groups to provide premarital and marital education and counseling.
6. Establish a national task force and state task forces to develop a campaign to encourage marriage and discourage divorce. From a public health perspective, a campaign to reduce marital failure may be as important as a campaign to reduce smoking (Waite & Gallagher 2000). This campaign should explore ways that the law, education, media, and public service announcements could educate the public about the costs of divorce and emphasize the responsibilities of parenthood and family.
7. Provide funds to systematically monitor and evaluate family law reforms. One of the omissions of the passage of no-fault divorce laws was that no procedure was established to collect information to monitor and evaluate the new laws (Jacob 1988). It is essential that mechanisms and funds are established so that family law reforms may be evaluated. In addition, the government should collect basic statistics on marriage

and divorce that can be used in evaluations. The neglect of state and federal governments in gathering marriage and divorce information is detrimental to our ability to monitor and evaluate marriage and divorce in America (Waite & Gallagher 2000).

The purpose of this paper has been to inform rather than to provide specific direction for legal reform. Nevertheless, the findings have implications that for the direction of family law reform. Most important is a recognition that marriage is a unique institution which provides many public and private benefits, while family dissolution produces tremendous public and private costs.

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