

The Meaning of Marriage Matters, Part 2 Permanence vs. Divorce: Finding a Safe Place to Keep Our Hearts¹

A high divorce rate makes it harder for us all to aspire to forever. We come to see marriage as fragile rather than strong, as something that succumbs instead of overcomes. It's harder to trust that marriage is a safe place to keep our hearts. As a result, the decision to marry is bigger and harder to make and the fear that marriage may not be permanent may restrict our ability to fully commit.

There has been a lot of debate recently among scholars and pundits about whether the divorce rate in the United States has been going up or down, or has been level over the past 30 years.² Do half or more marriages really end in divorce? We will say only a little about that here. Yes, it appears that 40%–50% of first marriages—and 60% plus of second marriages—fall short of forever.³ Divorce rates for well-educated Americans are much lower and have been coming down, while rates for the less educated two-thirds of Americans are higher and have been going up.⁴ Also, sadly, divorce rates for longer-married couples have been going up.⁵ And when you account for the fact that so much relationship churning and family instability is missed by divorce statistics—because there were no formal marriages—there is little question that family instability has risen substantially.⁶

But we don't want to get caught up here in a technical story about the divorce rate. Nor will we explore the social and economic forces that have been contributing to a long history of rising divorce rates. Whatever those reasons and whatever the true direction of the divorce rate, it is still high.

Too high, especially for the more disadvantaged in our society and for the million-plus children each year whose lives, on average, are negatively affected by divorce.⁷ Instead, we want to focus here on how the high rates of divorce over the past 50 years have affected the *meaning* of marriage today and how changed meaning may be influencing behavior, especially for young people in the prime marrying years.

Marriage is still personally valued in America. Nearly four in five young people today aspire to lifelong marriage.⁸ And two out of three Americans disagree that marriage is an outdated institution.⁹ However, among Millennials (people who came of age around the turn of the millennium), nearly half (44%) believe that the institution of marriage is becoming obsolete in society, even while they aspire to marry.¹⁰ This figure has been rising over the last generation.¹¹

As a result, the decision to marry is bigger and harder to make and the fear that marriage may not be permanent may restrict our ability to fully commit. That fear likely has contributed to the rising proportion of individuals who never marry, now about one in seven.¹² About 70% of young adults agree that concerns about the frequency of divorce keep many couples from getting married at all, and 75% agree that the prevalence of divorce makes it more important to be careful about choosing a spouse.¹³ A decreasing percentage of youth are confident that they can have a lifelong marriage; about 40% today say it is unlikely that they will stay married to the same person for life.¹⁴ Many young adults fear that the lifelong

love they aspire to is a gamble. The choice to marry must overcome a gnawing doubt that love can last. Once married, the specter of divorce is a destabilizing force. One intriguing study found that having more people in your social network who are divorced substantially increases your own odds of divorce. For instance, having a divorced close friend increases the odds of your divorce by 75%.¹⁵

Researchers also are finding that a fear of divorce discourages many young, low-income couples from marrying. Sociologist Kathy Edin's ethnographic studies of low-income women's and men's family relationship decisions document a widespread belief that it would be worse for unwed parents to marry and divorce than never to marry.¹⁶ She finds that, in one sense, their fears are a deep sign of respect for the institution of marriage. They accept that marriage is a big commitment and should be lifelong. They believe that to aspire to marriage but then fall short demeans the institution. They avoid marriage until they are sure it will work. But a hesitancy to hitch is not accompanied by a postponement of parenting. The norm now among less educated, lower income couples is having children before marriage. As a result, the average age of first birth is now earlier than the average age of first marriage in the United States, a trend driven by less educated couples.¹⁷

It's not that we, as a society, take divorce lightly. More than 90% of Americans believe that divorce is a major problem in society and nearly 60% believe that it should be harder than it is to get a divorce.¹⁸ More than 40% say that it should be harder for parents with minor children to divorce than for other couples. And nearly 90% say that couples who marry should make a lifelong commitment to one another, to be broken

only under extreme circumstances. Yet on a personal level, attitudes are more accepting. When young adults are given a choice between "Divorce should be avoided except in an extreme situation" and "Divorce is preferable to maintaining an unhappy marriage," most reject the former and endorse the latter.¹⁹

The point is not that any specific divorce is wrong. Quite the contrary, the option of divorce is necessary to be able to end a dangerous or unhealthy marriage. And some marriages are dead; for whatever reason, they have no hope of revival and probably need to be ended. When there are serious, long-term problems that have not been adequately resolved by good-faith efforts to fix them, and the continuing relationship becomes destructive to a personal sense of worth and dignity, divorce is a needed path.²⁰ Ending such problematic marriages may actually preserve the moral boundaries of marriage. And research suggests that when parents are in a long-term, high-conflict relationship, their children do better, on average, when their parents divorce rather than continue to expose their children to the serious conflict.²¹

Yes, a weakened norm of permanence in marriage does make it easier for those in unhealthy relationships to exit the institution safely. But that is not the end of it. It is also makes it harder for all of us to stay committed and work through our challenges. Greater acceptance of divorce means more divorces occur not just among unhealthy marriages but for those on the margins, as well.

And many marriages at some point muddle in the margins. Research suggests that about half of all married couples have experienced a significant problem and thought their marriage was in trouble, and a third have

seriously considered a divorce at some point in their marriage.²² About one in four married individuals ages 25–50 currently are having thoughts about divorce.²³ (Of course, those who have already divorced are left out of these numbers.) Most marriages go through ups and downs. But when marriage no longer has a strong sense of permanence, it becomes easier to exit than to endure during those hard times, even when circumstances are not extreme.

And usually they are not. The hard reasons that people give for their divorce—abuse and addiction that indicate unhealthy and dangerous relationships—are not the reasons most people give for divorce. Adultery *is* a cited reason in about half of divorces,²⁴ and most people say that they would end a marriage when the powerful norm of fidelity is violated.²⁵ However, most couples who experience infidelity do not divorce, at least not quickly; about half report that they work through the painful process of dealing with the violation of trust and are able to heal (sometimes even strengthen) the relationship.²⁶

The most common reason that divorced individuals give for their divorce is lack of commitment by one or both spouses, listed by about 75% of divorced individuals.²⁷ Too much arguing or conflict is the next most common reason given (55%), followed by such things as unrealistic expectations (45%), lack of equality (44%), and marrying too young (46%).²⁸ While any of these reasons can reflect real problems, they are also potentially amenable to help and can and often do resolve themselves over time. They are problems that many can work through while preserving the marriage and providing children stability and the advantages of a married, two-parent household.

But the pillar of marital permanence seems to be cracking for contemporary couples. The idea that divorce should never be an option, even though sometimes it's a necessity, is eroding, and thus our ability to sustain a marriage is weakened. Evidence for this comes from research finding that most divorces are not preceded by unsatisfying and high-conflict relationships but by relatively happy and low-conflict marriages.²⁹ And most unhappy marriages, when given time, rebound to become happy again.³⁰ The threshold for divorce apparently is getting lower.

As a result, the sense that we can deposit our hearts in an institution for safekeeping and earn a lifetime of interest is diminishing. A fading faith in the permanence of marriage may be making it harder both to commit to marry and to maintain a strong marriage. When we make the leap of faith to marriage, the fear of failure may be making it harder to give our hearts fully to our spouses. Understandably, the fear of divorce softly, perhaps unconsciously, could pull us back and push us to protect our vulnerable hearts from the potential pain of losing forever. It may interfere with our willingness to commit completely to the marriage.

Marriage doesn't mean what most people still want it to mean: a permanent place to entrust love. It seems that many people now view permanence as simply a reflection of a good match, not as an essential element in the meaning of marriage and an active ingredient in maintaining a loving relationship. Rather than being a crucial pillar that supports the weight of building a strong and stable marriage, many today see permanence as merely the outcome of what some lucky couples are able to achieve over time.

An essential component of a healthy marriage is a feeling of psychological safety.³¹ This safety is harder to find when marital doors and windows have no locks. And a lack of trust in permanence can make unhappy spouses quicker to assume the worst and head for the unlocked door. When permanence feels like a fading feature of the institution, we will come to expect it less. Importantly, we will be less able to ask for it. And those lowered expectations and reduced requests become self-fulfilling prophecies.

The meaning of marriage matters for our abilities to form and sustain a healthy, stable marriage. “Whatever” doesn’t work that well when it comes to the meaning of marriage. As individuals and as a society, we need to engineer ways to reinforce the crumbling sense that marriages are forever.

One potential place to look for better paths forward is our set of laws governing marriage and divorce. The extraction of permanence from the legal meaning of marriage is a history worth remembering.

The Challenges of Divorce Reform

Permanence has been a prime feature of marriage for millennia, even though there have been norms and laws across time that have allowed for divorce in extreme cases.³² But about 50 years ago in the United States and in many other countries, our laws governing divorce went through a major reform. The reformers didn’t intend to create permanently high rates of divorce or a societal specter of divorce. They were trying to fix a problem. Some reformers sincerely felt that they were trying to strengthen the institution of marriage. The law made it hard and expensive to terminate marriages, even unhealthy ones. Serious fault from unacceptable behavior that violated marital

boundaries had to be proved in a courtroom trial. This was difficult to do with private matters, took a long time, was expensive, created more conflict between spouses, and pushed lawyers and judges into colluding to shade the truth in order to produce the desired end of a divorce.³³

Reformers reasoned that if we made divorce easier to get, then bad marriages would end, freeing people to pursue better matches and happier marriages. Plus, as researchers have pointed out, lowering the barriers to divorce gave more marital bargaining power to wives, which raised the standards of marital behavior for husbands and appears to have reduced abusive marriages.³⁴ So early reformers reasoned that making it easier to end bad marriages would strengthen the institution of marriage and remove children from conflicted relationships, which would be good for children. Deregulating the marital economy would create greater marriage-market efficiencies leading to a stronger institution (albeit a more volatile one).

California passed the first no-fault divorce law in 1969. Within a decade, almost every other state had passed similar laws, and today every U.S. state operates under no-fault divorce laws. In practice, no-fault divorce laws allow one spouse to get a divorce by asserting irreconcilable differences at any time—there is no legal recourse to the termination of the marriage. That is, when one spouse asserts that the marriage cannot be repaired, there is no legal challenge to that assertion. There is no need to prove fault or bad behavior in court, but also there is no way to argue that the marriage could be repaired.

Moreover, the idea of a mandated waiting period for divorce, to allow more time to assess the prospects of reconciliation and the

consequences of divorce, was inconsistent with the newly deregulated divorce regime. So most states now have no mandated waiting period, and of those that still do, 30 days is the typical waiting period. Any legal presumption of permanence in marriage is gone. Love becomes the central defining element of marriage. Love must support the weight of marriage now, without the pillar of permanence.

What was missing from the divorce reformers' wisdom, despite good intentions, was that the pillar of permanence was bearing an important part of the load. Permanence was not a vestige of history; it is an essential part of how marriage worked. While societies over time have included a few serious marital problems as extreme circumstances that justify divorce, these have still been the exceptions that prove the point.

Early thinking was that getting rid of the bad marriages would have no effect on good marriages; "if you like your marriage, you can keep it." But we know now that this reasoning was short-sighted. Perhaps reformers thought that the weight born by the pillar of permanence would be readily taken up by other pillars that defined the meaning of marriage, such as a stronger emphasis on love and companionship, keeping the evolving institution sound and solid. But it turns out that it was not a straightforward engineering task to brace the load traditionally held by a clear understanding that marriage was to be a full investment, a lock-the-door-and-throw-away-the-key commitment.

The advent of no-fault divorce (with accompanying shorter waiting periods) did not just make it procedurally easier to exit an unsatisfying marriage. It also changed the legal presumption of permanence in

marriage. Intentionally or unintentionally, the effect of no-fault divorce was to diminish the institutional and social expectation of marital permanence. It changed the public meaning of marriage from a legally binding, lifelong union that was expected to weather the inevitable disappointments and challenges of romantic relationships ("for better or for worse") to a union whose duration depended on the present personal satisfaction of one spouse—the traditional vow "for as long as we both shall *live*" was, in effect, replaced by "for as long as I shall *love*."

Our divorce laws are now indifferent to marital permanence. In fact, by allowing no legal challenge to the assertion by one spouse of irreconcilable differences in the marriage, the law now sides with the spouse who wants to terminate the marriage and against a spouse who wants to try to save the marriage. The law now treats the request by one spouse for a divorce as unimpeachable evidence that the marriage is broken and should end.³⁵ The idea that marriages have ups and downs and that many marriages do go from unhappy to happy³⁶ is ignored.

When one spouse wants to move on, the court will erect virtually no barriers to that action. Evidence that the marriage has been good in the past and that problems could be fixed to improve the marriage for the future is not on the legal table for consideration. It is as if the court sees marriage as an institution defined exclusively by individual adult emotions or mutual love. A prior personal promise made to "love and cherish, in good times and bad, 'til death do us part" is a laudable sentiment, perhaps, but legally irrelevant. Other facets of marriage are not pertinent to a petition for divorce—what the other spouse wants, what is best for the children, how family instability tears at the seams of civil society—because the law is

focused on reinforcing the freedom to leave at any time for any reason, rather than consideration of obligations to others.

While no-fault divorce did make it easier to end bad marriages, and this has had benefits for some women and children, the wholesale legal rejection of permanence from the meaning of marriage has had far-reaching negative consequences. A strong expectation of permanence provides a strong incentive for parents to work through their problems to achieve a mutually satisfying, functional relationship; it encourages parents to prioritize their children's long-term needs above their own short-term frustrations; it helps to harness two adults in the rearing of their children. Weakening the expectation of permanence in the legal and cultural understanding of marriage unexpectedly weakened the institution's power to achieve its social ends, on average harming the well-being of children.

The no-fault divorce reform experience serves as a cautionary tale, especially with respect to child well-being. The definition of the institution of marriage—its legal rules and norms and the religious, social, and personal meanings and expectations that flow from them—affects the behavior of all couples within marriage (and those who are thinking of entering into the institution), not just its unhappy members. While changes in the legal meaning of marriage do not automatically modify cultural norms, we know that the law is a teacher, and it seems likely that legal changes spurred or reinforced cultural changes. As one scholar has explained: “Definitions matter. They constitute and define authoritative public knowledge. . . . Changing the public meaning of an institution changes the institution. [The change] inevitably shapes the social understandings, the practices, the goods, and

the social selves sustained and supported by that institution.”³⁷

Some Public and Personal Proposals

The reality and specter of divorce contribute to a widespread, tangible sense that marriage is fragile and that dreams of forever may only be fiction. It seems our hearts are not safe in marriage and it's harder to give our hearts fully to marriage when we sense that the institution can't back up its promise of lifelong love.

So what should we do? As a society, how can we reduce high divorce rates? How can we make marriage a safer place for all of us to keep our hearts? Let's start with some public policy proposals.

Although we are troubled by the legal legacy of unilateral divorce on demand, we don't think reverting back to the old fault-based system of legal divorce is feasible and probably is not advisable. Getting legislatures to reign in the excesses of no-fault divorce is probably not a workable path forward. And as mentioned above, if no-fault divorce has reduced the risk of abuse in marriage, we would not want to give it up without a ready replacement.

But we do think there are other feasible and effective actions we could take. While the law has abandoned the concept of marital permanence, most people still want to believe in forever, and we can implement a series of effective public policies that will support and reinforce those beliefs and reduce the legal necessity of divorce. The overall goal of anti-divorce policy would be to *reduce the need for divorce* by providing more help to couples forming marriages and supporting more services for couples struggling to hold their marriages together. In short, we can do more to prevent the need

for divorce while our laws place minimal barriers to ending unhealthy marriages.

This is not the space for a comprehensive and in-depth agenda of anti-divorce measures.³⁸ But we can offer a general model. We can start by helping couples be better prepared for a healthy, enduring marriage. We know a lot about why marriages succeed or fail. We can do more to teach young people, to give them the knowledge and skills and motivations needed to form a healthy marriage. This teaching needs to start in adolescence when ineffective relationship skills and patterns are already forming. And it needs to continue in young adulthood, when risky relationship trajectories often are set—problematic paths that will bring people to marriage with a lot of relationship baggage that makes it harder to get to their desired destinations.

When couples commit to marriage, we can provide better premarital education to build a stronger foundation for a healthy, enduring marriage (or help a couple realize they are about to make a mistake). The reality is that the relational seeds of most divorces are present even before the marriage begins,³⁹ so we need to improve couples' skills at dealing with those issues from the start. Once couples marry, more educational services could help them fight off the inevitable forces of marital entropy and keep their relationships vital.

Overall, we can build a smart marriage culture, with a strong understanding that healthy, stable marriages are built on a known foundation of correct knowledge and motivations, as well as a set of effective skills that can be learned, practiced, and improved.

And when struggling couples find themselves thinking that divorce might be the answer to their problems, we can do more as a civil society than throw our hands up in the air. For some who are experiencing prolonged, serious problems with no apparent solution, we can support the hard work of ending a marriage safely and improving post-divorce co-parenting. But for most who are feeling doubts about their marriages but are not experiencing insurmountable problems, we can provide better educational and counseling options to help them see their circumstances more clearly and assess the prospects of repairing the marriage.⁴⁰

Of course, everything we can do indirectly to make it easier for marriages to thrive—from more good-paying jobs, to better educational opportunities, to help for overcoming addictions, to workplaces that help couples balance work and family demands—will help prevent the need for divorce. Media could be more sensitive to the distorted messages they send to young people about love, sex, and marriage and more willing to deliver accurate and healthy messages. Religious institutions will be needed to reinforce the moral and ethical training that sustains healthy relationships and strong marriages, although they will need to improve their outreach to young people to do so. And better parenting will produce more relationship literacy and competency to form and sustain healthy marriages. We could go on. But it is not hard to imagine a culture that embraces a multifaceted approach to making marital success a realistic opportunity for all who desire it.

While we can imagine a better world that helps to reduce the necessity of divorce, the reality is that we live in the present, imperfect one. So it is important to consider

some more personal paths as well as public policies. What can young adults do to minimize the risk of divorce, to act with more confidence in forever? They can start by developing a long-term perspective. Understand that marriage is a skill learned over time; soul mates are created more than they are found. Understand that marriages are living things; they have ups and downs, they grow and shrink, they change and stay the same. They are more marathon than sprint. They create a shared history based on all the experiences, good and bad, that bind us together in a way that mere love (without a shared history) cannot achieve. Together, young couples can approach a marriage like seasoned long-term investors who ride out the frequent market undulations knowing the likelihood that a good investment will pay off handsomely in the long run. Marriage, like financial markets, is no place for the short-sighted and impatient.

Next, they can reject the notion that divorce is a random accident waiting to happen. Divorce happens for reasons, most of which are understandable and predictable, many of them in plain sight even before lovers exchange “I do’s.” Even people who are saddled with all the big risk factors for divorce can overcome them—they are no match for relationship smarts and work. This understanding leads to the next action point: couples can take a proactive approach to building and sustaining a healthy, stable marriage. A marriage preparation class can give a deeper understanding of self, the future spouse, and the relationship, and give the opportunity to learn and practice the skills and motivations that create healthy relationships. There are classes in both religious and secular settings that will help. Couples should take the classes early enough to have adequate time to learn and grow, to implement and improve skills, and to avoid the problem of mixing up marriage

preparation with wedding preparation. And earlier education will give more time to reexamine the decision to marry if danger signs keep popping up.

After the wedding, couples must keep investing energy in the marriage. Like physical systems, marital systems need regular inputs of energy to counter the natural tendencies of all systems to run down and fall apart. We must find a way amidst all the other demands of life to demonstrate that a good marriage is really the most important personal goal.⁴¹ And we can surround marriage with supportive people and institutions that want the marriage to succeed as much as the couple does.

While these prescriptions are not easy, they are not complicated. It’s really pretty straightforward. Be nice. Be kind. Be grown up. Be willing to make sacrifices. Forgive. Pay attention. Take time. Be friends. Be lovers. Be faithful. We defeat divorce day to day with intelligent attitudes and efforts. All such efforts—personal and societal, direct and indirect—communicate support for the aspiration of marital permanence. They reinforce that there are ways to make marriage a safer place to keep our hearts.

Endnotes

¹ Scholars who contributed to writing this essay include: Alan J. Hawkins, Brian J. Willoughby, Jason S. Carroll, and Dean M. Busby.

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http://www.huffingtonpost.com/robert-hughes/is-the-us-divorce-rate-go_b_4908201.html. And see this insightful discussion of the controversy by a noted family scholar: http://family-studies.org/what-is-the-divorce-rate-anyway-around-42-percent-one-scholar-believes/?utm_source=IFS+Main+List&utm_campaign=5bd530e021-Newsletter_66&utm_medium=email&utm_term=0_c06b05f1ff-5bd530e021-138499829

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- ³⁴ Stevenson, B., & Wolfers, J. (2006). Bargaining in the shadow of the law: Divorce laws and family distress. *Quarterly Journal of Economics*, 121, 267–288.
- ³⁵ About four states have “time-out laws” that allow a spouse who wants to preserve a marriage to ask the judge to halt divorce proceedings and order counseling. In my own state of Utah, however, this option is seldom employed.
- ³⁶ Waite, L. J., et al. (2002). *Does divorce make people happy? Findings from a study of unhappy marriages*. New York: Institute for American Values; Waite, L. J., Luo, Y., & Lewin, A. C. (2009). Marital happiness and marital stability: Consequences for

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³⁷ Cere, D. (2003, December). The conjugal tradition in postmodernity: The closure of public discourse? 4–5, *quoted in* Stewart, M. N. (2004). Judicial redefinition of marriage. *Canadian Journal of Family Law* 21, 11, 76–77 (footnotes omitted).

³⁸ For a more in-depth treatment of this model, see: Hawkins, A. J. (2013). *The forever initiative: A feasible public policy agenda to help couples form and sustain healthy marriages and relationships*. North Charleston, SC: CreateSpace Independent Publishing Platform. And for a summary of this book, see: Hawkins, A. J. & VanDenBerghe, B. (2014). *Facilitating forever: A feasible public policy agenda to help couples form and sustain healthy relationships and enduring marriages*. Charlottesville, VA: The National Marriage Project.

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⁴⁰ Hawkins, A. J., Fackrell, T. A., & Harris, S. M. (2013). *Should I try to work it out? A guidebook for individuals and couples at the crossroads of divorce*. Available at:

<http://strongermarriage.org/htm/divorce-remarriage/should-i-try-to-work-it-out>

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