The Evolution of Divorce

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**I**n 1969, Governor Ronald Reagan of California made what he later admitted was one of the biggest mistakes of his political life. Seeking to eliminate the strife and deception often associated with the legal regime of fault-based divorce, Reagan signed the nation's first no-fault divorce bill. The new law eliminated the need for couples to fabricate spousal wrongdoing in pursuit of a divorce; indeed, one likely reason for Reagan's decision to sign the bill was that his first wife, Jane Wyman, had unfairly accused him of "mental cruelty" to obtain a divorce in 1948. But no-fault divorce also gutted marriage of its legal power to bind husband and wife, allowing one spouse to dissolve a marriage for any reason — or for no reason at all.

In the decade and a half that followed, virtually every state in the Union followed California's lead and enacted a no-fault divorce law of its own. This legal transformation was only one of the more visible signs of the divorce revolution then sweeping the United States: From 1960 to 1980, the divorce rate more than doubled — from 9.2 divorces per 1,000 married women to 22.6 divorces per 1,000 married women. This meant that while less than 20% of couples who married in 1950 ended up divorced, about 50% of couples who married in 1970 did. And approximately half of the children born to married parents in the 1970s saw their parents part, compared to only about 11% of those born in the 1950s.

In the years since 1980, however, these trends have not continued on straight upward paths, and the story of divorce has grown increasingly complicated. In the case of divorce, as in so many others, the worst consequences of the social revolution of the 1960s and '70s are now felt disproportionately by the poor and less educated, while the wealthy elites who set off these transformations in the first place have managed to reclaim somewhat healthier and more stable habits of married life. This imbalance leaves our cultural and political elites less well attuned to the magnitude of social dysfunction in much of American society, and leaves the most vulnerable Americans — especially children living in poor and working-class communities — even worse off than they would otherwise be.

**THE RISE OF DIVORCE**

The divorce revolution of the 1960s and '70s was over-determined. The nearly universal introduction of no-fault divorce helped to open the floodgates, especially because these laws facilitated unilateral divorce and lent moral legitimacy to the dissolution of marriages. The sexual revolution, too, fueled the marital tumult of the times: Spouses found it easier in the Swinging Seventies to find extramarital partners, and came to have higher, and often unrealistic, expectations of their marital relationships. Increases in women's employment as well as feminist consciousness-raising also did their part to drive up the divorce rate, as wives felt freer in the late '60s and '70s to leave marriages that were abusive or that they found unsatisfying.

The anti-institutional tenor of the age also meant that churches lost much of their moral authority to reinforce the marital vow. It didn't help that many mainline Protestant, Catholic, and Jewish leaders were caught up in the zeitgeist, and lent explicit or implicit support to the divorce revolution sweeping across American society. This accomodationist mentality was evident in a 1976 pronouncement issued by the United Methodist Church, the largest mainline Protestant denomination in America. The statement read in part:

In marriages where the partners are, even after thoughtful reconsideration and counsel, estranged beyond reconciliation, we recognize divorce and the right of divorced persons to remarry, and express our concern for the needs of the children of such unions. To this end we encourage an active, accepting, and enabling commitment of the Church and our society to minister to the needs of divorced persons.

Most important, the psychological revolution of the late '60s and '70s, which was itself fueled by a post-war prosperity that allowed people to give greater attention to non-material concerns, played a key role in reconfiguring men and women's views of marriage and family life. Prior to the late 1960s, Americans were more likely to look at marriage and family through the prisms of duty, obligation, and sacrifice. A successful, happy home was one in which intimacy was an important good, but by no means the only one in view. A decent job, a well-maintained home, mutual spousal aid, child-rearing, and shared religious faith were seen almost universally as the goods that marriage and family life were intended to advance. But the psychological revolution's focus on individual fulfillment and personal growth changed all that. Increasingly, marriage was seen as a vehicle for a self-oriented ethic of romance, intimacy, and fulfillment. In this new psychological approach to married life, one's primary obligation was not to one's family but to one's self; hence, marital success was defined not by successfully meeting obligations to one's spouse and children but by a strong sense of subjective happiness in marriage — usually to be found in and through an intense, emotional relationship with one's spouse. The 1970s marked the period when, for many Americans, a more institutional model of marriage gave way to the "soul-mate model" of marriage.

Of course, the soul-mate model was much more likely to lead couples to divorce court than was the earlier institutional model of marriage. Now, those who felt they were in unfulfilling marriages also felt obligated to divorce in order to honor the newly widespread ethic of expressive individualism. As social historian Barbara Dafoe Whitehead has observed of this period, "divorce was not only an individual right but also a psychological resource. The dissolution of marriage offered the chance to make oneself over from the inside out, to refurbish and express the inner self, and to acquire certain valuable psychological assets and competencies, such as initiative, assertiveness, and a stronger and better self-image."

But what about the children? In the older, institutional model of marriage, parents were supposed to stick together for their sake. The view was that divorce could leave an indelible emotional scar on children, and would also harm their social and economic future. Yet under the new soul-mate model of marriage, divorce could be an opportunity for growth not only for adults but also for their offspring. The view was that divorce could protect the emotional welfare of children by allowing their parents to leave marriages in which they felt unhappy. In 1962, as Whitehead points out in her book [*The Divorce Culture*](https://www.amazon.com/dp/0679751688?tag=natioaffai-20&camp=0&creative=0&linkCode=as1&creativeASIN=0679751688&adid=0C4QC6AV5DE24AK8DQNS&), about half of American women agreed with the idea that "when there are children in the family parents should stay together even if they don't get along." By 1977, only 20% of American women held this view.

At the height of the divorce revolution in the 1970s, many scholars, therapists, and journalists served as enablers of this kind of thinking. These elites argued that children were resilient in the face of divorce; that children could easily find male role models to replace absent fathers; and that children would be happier if their parents were able to leave unhappy marriages. In 1979, one prominent scholar wrote in the *Journal of Divorce* that divorce even held "growth potential" for mothers, as they could enjoy "increased personal autonomy, a new sense of competence and control, [and the] development of better relationships with [their] children." And in 1974's [*The Courage to Divorce*](https://www.amazon.com/dp/0345245008?tag=natioaffai-20&camp=0&creative=0&linkCode=as1&creativeASIN=0345245008&adid=109TKXD5C1DWP8PHFD4X&), social workers Susan Gettleman and Janet Markowitz argued that boys need not be harmed by the absence of their fathers: "When fathers are not available, friends, relatives, teachers and counselors can provide ample opportunity for youngsters to model themselves after a like-sexed adult." Thus, by the time the 1970s came to a close, many Americans — rich and poor alike — had jettisoned the institutional model of married life that prioritized the welfare of children, and which sought to discourage divorce in all but the most dire of circumstances. Instead, they embraced the soul-mate model of married life, which prioritized the emotional welfare of adults and gave moral permission to divorce for virtually any reason.

**The Morning After**

In the 1970s, proponents of easy divorce argued that the ready availability of divorce would boost the quality of married life, as abused, unfulfilled, or otherwise unhappy spouses were allowed to leave their marriages. Had they been correct, we would expect to see that Americans' reports of marital quality had improved during and after the 1970s. Instead, marital quality fell during the '70s and early '80s. In the early 1970s, 70% of married men and 67% of married women reported being very happy in their marriages; by the early '80s, these figures had fallen to 63% for men and 62% for women. So marital quality dropped even as divorce rates were reaching record highs.

What happened? It appears that average marriages suffered during this time, as widespread divorce undermined ordinary couples' faith in marital permanency and their ability to invest financially and emotionally in their marriages — ultimately casting clouds of doubt over their relationships. For instance, one study by economist Betsey Stevenson found that investments in marital partnerships declined in the wake of no-fault divorce laws. Specifically, she found that newlywed couples in states that passed no-fault divorce were about 10% less likely to support a spouse through college or graduate school and were 6% less likely to have a child together. Ironically, then, the widespread availability of easy divorce not only enabled "bad" marriages to be weeded out, but also made it more difficult for "good" marriages to take root and flourish.

Second, marriage rates have fallen and cohabitation rates have surged in the wake of the divorce revolution, as men and women's faith in marriage has been shaken. From 1960 to 2007, the percentage of American women who were married fell from 66% to 51%, and the percentage of men who were married fell from 69% to 55%. Yet at the same time, the number of cohabiting couples increased fourteen-fold — from 439,000 to more than 6.4 million. Because of these increases in cohabitation, about 40% of American children will spend some time in a cohabiting union; 20% of babies are now born to cohabiting couples. And because cohabiting unions are much less stable than marriages, the vast majority of the children born to cohabiting couples will see their parents break up by the time they turn 15.