DIVORCE MATTERS

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PENGUIN BOOKS

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For no effect of tyranny can sit more heavy on the commonwealth, than this household unhappiness on the family. And Farewell all hope of true reformation in the state, while such an evil as this lies undiscerned or unregarded in the house: on the redress whereof depends not only the spiritful and orderly life of our grown men, but the willing and careful education of our children. Let this therefore be new examined, this tenure and freehold of mankind, this native and domestic charter given us by a greater lord than that Saxon king the Confessor.

John Milton
The Doctrine and Discipline of Divorce, 1643.

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PREFACE

Although public concern about current levels of divorce often generates a good deal of journalistic comment, academic discussion of its causes and consequences tends to be highly specialized, addressing itself to very specific issues and audiences. Lawyers continue to debate the legal and procedural implications of rising divorce rates in various academic and professional forums. Counsellors, doctors and the helping professions generally are concerned about its effects on individuals, families, and, of course, children. There has, however, been relatively little reflective consideration of how marriage itself and our customary patterns of domestic life, have been affected by the rise in divorce rates and the meanings we attach to divorce.

This book is intended to redress the balance by providing an overview of divorce in Britain. As might be guessed, the authors originally met through the divorce industry, participating together in various conferences and seminars which focused on the problems of rising divorce rates, and this book has grown out of countless discussions with those in the front line – lawyers, counsellors, teachers, doctors, social workers and many others including the divorcing themselves. We felt it would be helpful to draw together some of the more specialized and partisan debates that have punctuated recent public discussion as well as, where possible, to convey something of the first-hand experiences of those adults and children directly involved. We each bring rather different, but hopefully complementary skills, experience and assumptions to the project and this, the final result, has been a genuinely collaborative effort. Although Jacqueline Burgoyne was initially responsible for the first drafts of chapters 1 and 3; Roger Ormrod for 2 and Martin Richards for 4 and 5, wastepaper baskets overflowing with earlier drafts remind us of how much we have each now contributed to the final result as a

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Jacqueline Burgoyne is Reader in Applied Social Studies at Sheffield City Polytechnic. Her research and writing are chiefly concerned with couple relationships, especially divorce and remarriage. She has completed a study of remarried parents with David Clark, a study of unmarried couples, and is currently looking at the ways in which people's working and family lives are interrelated.

Roger Ormrod had a large family practice at the Bar until 1961 when he became a judge in the Family Division. From 1974 until he retired in 1982 he was a Lord Justice of Appeal dealing mainly with Family Law appeals.

Martin Richards is a Lecturer in Psychology at Cambridge University. His research and writing concern parent–child relationships. Together with Margaret Dyson, he undertook a study of the effects of divorce on children for the D.H.S.S.

whole. The last chapter in particular embodies the fruits of this co-operation. As our separate areas of specialist knowledge and distinctive perspectives began to overlap and fuse we realized that collectively we had suggestions to make about possible ways forward and these are set out there. Although the final chapter is deliberately partisan, the material which precedes it is presented in as impartial a manner as possible. This has not been easy, simply because it is a subject which generates strong feelings and creates divisions – between 'guilty' and 'innocent'; women and men; expert and client – so we have tried to point to the sources we have used, especially where our conclusions may seem controversial. We have also included a list of further recommended reading.

Several long-suffering friends have also read and commented on various drafts and chapters. We would like to thank David Clark, Frank Field, John Hall, John Haskey, Brenda Hoggett, the late Iain Johnston, Anne Ormrod, David Pearl, Sarah Smalley, Daniel and John Stoddart for their patience in offering comments and criticisms. The final version seems to have been typed a great many times and we are grateful to Jill Brown, Brenda Chatterton and Sally Roberts for their efforts in this direction.

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DIVORCE IN ITS SOCIAL CONTEXT

In the years following the end of the Second World War marriage, parenthood and a way of life that revolved around home and family became more popular and attainable than ever before. In the wake of improved housing, higher average standards of living and a greater psychological investment in domestic life, the institution of marriage became a cornerstone of this transformation. Today, not only will over 90 per cent of the population be married at some stage of their adult life, a figure a good deal higher than for earlier generations, but the vast majority of adolescents anticipate, probably quite realistically, that they too will eventually settle down, marry and have children, albeit in a more precarious economic climate than their parents' generation.

However, in the last twenty years trends in divorce have also generated much public discussion and, at times, personal alarm. Our first reaction is generally one of fear about the pace of change. At a personal level, there are now very few of us who, directly or indirectly, have not had experience of the kinds of personal changes which must be endured when a marriage ends. At a public level, some of the almost hysterical debates about what the popular press has called 'divorce-crazy Britain' suggest a profound unease about current levels of divorce, as well as patterns of family and domestic life more generally. Yet in the course of our research, reading, reflection and discussion during the preparation of this book we have also become increasingly aware of the sources of continuity in patterns of marriage and divorce and of the ways that change – political, social and personal – is resisted. For example, as we shall indicate later in this chapter, even the rapid increase in divorce which characterized the later 1960s and 1970s has to be seen in the context of the stable rate which has, so far, been the pattern of the 1980s. More

significantly, as will become apparent from our discussion in this book, many of our observations are accompanied by inaudible but deeply-felt sighs of exasperation that in some areas, such as women's rights or the legal procedures of divorce, so little has changed, and that any alterations that have been made have been largely piecemeal and based on short-term expediency.

Our analysis must, therefore, encompass both of these responses to contemporary patterns of family life. On the one hand, most of us see divorce as a disturbing phenomenon whose sudden increase we appreciate both from public discussion or personal experience and for which, both individually and as a society, we seem so ill prepared. At the same time, many individuals who try to make sense of their marital crises do so within a very limited framework of conventional explanations and solutions which stress the apparent naturalness, desirability and normality of one particular pattern of household and family arrangements. For example, (as we show later (see pp. 117–19), remarriage is often offered and adopted as a solution to the problems of divorcees and other lone parents, even though second or subsequent partnerships are even more likely to end in divorce than first marriages. It is as if divorce is more manageable if it is treated as a temporary aberration or momentary failure within a conventional sequence of personal and family changes. Consequently, most people's views of marriage remain very traditional. An indication of this is that weddings are still an important part of popular culture and over half of those marrying for the first time do so in church. Many of the divorced people who ask for a church ceremony for their second marriage are expressing a wish for what they regard as a *real* wedding and the public recognition of their new relationship. Similarly, many of the public images of the family presented in advertising that, in turn, feed into popular consciousness are based on highly conventional stereotypes. These rarely reflect the many different household groupings to which we may belong during our lifetime. The persistence of such conventional images helps us to understand why, when high levels of divorce appear to challenge and undermine traditional family patterns, governments, policy-making and professional bodies frequently seem to sidestep serious discussion of either the trends themselves or how they should respond to their consequences.

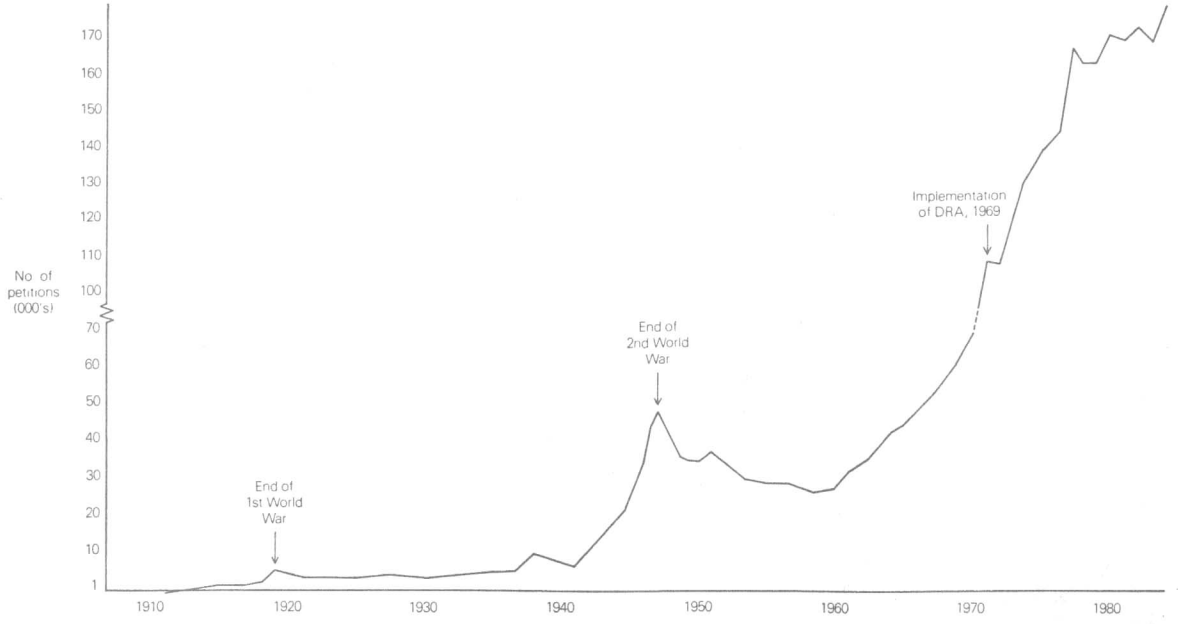

Fig. 1. *Petitions filed for dissolutions of marriage, England and Wales, 1912–1984*

'DIVORCE-CRAZY BRITAIN?' MARRIAGE BREAKDOWN IN THE 1970S

In the 1970s in Britain, as in many other industrial nations, both the number of divorces and the rate of marriage breakdown increased dramatically. During the 1970s both these measures doubled and if these trends were to continue it is calculated that one in ten couples would divorce before their sixth wedding anniversary; one in five before their twelfth anniversary; and one in four before they have been married for fifteen years.[1]

It is, however, important to set what has happened in this recent period in a longer-term context. An increase in the number of marriages in the early years of the Second World War was followed by a marked increase in the number of divorces in the immediate post-war period as large numbers of these wartime marriages broke down when couples were reunited after the war, as well as the more general disruptive effect of war on all marriages. The rate of divorce then remained fairly stable, perhaps because of changes in attitude that had occurred while the war persisted. Then a striking increase began. Between 1960 and 1970 there was a steady 9 per cent annual growth in the divorce rate, so that by the end of the decade the number had doubled, reaching 58,000 in 1970 (see Fig. 1). By 1972 it had doubled again, partly because of the backlog of long-dead marriages which received their official burial as a result of the new provisions of the 1969 Act (see chapter 2). Although the number of divorces continued to rise steeply until 1978, the most recent period has been one of relative stability.[2] Since 1980, decrees absolute granted in England and Wales have remained in the region of 145,000 a year.[3] While it is very difficult to predict how the current divorce rate is likely to be affected by the increasing proportion of marriages which involve at least one remarried partner (see pp. 37–9), changing patterns of women's employment (pp. 89–90) and the present economic recession (pp. 156–7), we have reached an apparently stable point where governments, relevant state institutions and policy-making bodies, as well as the churches, legal, medical and welfare professions, should perhaps review their response to this major social trend.

There are highly contradictory elements in the political and public