The Origins of Modern Divorce

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High rates of marital dissolution and easy access to divorce are not unprecedented, historically or cross-culturally. But contemporary divorce in North America and Western Europe has different origins and features than divorce in previous cultures. The origins of modern divorce patterns date back more than 200 years, to the invention of the historically unprecedented idea that marriage should be based on love and mutual affection. Ironically, then, the fragility of modern marriage stems from the same values that have elevated the marital relationship above all other personal and familial commitments: the concentration of emotion, passion, personal identity, and self-validation in the couple relationship and the attenuation of emotional attachments and obligations beyond the conjugal unit. The immediate causes of divorce may range from factors as diverse as the personal psychological characteristics of one or both spouses to the stresses of economic hardship and community disintegration. But in a larger perspective, the role of divorce in modern societies and its relatively high occurrence both flow from the same complex of factors that have made good marriages so much more central to people’s happiness than through most of the past, and deterioration of a marital relationship so much more traumatic.

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Contrary to conventional wisdom, the frequency of divorce in modern American society is not entirely unprecedented. Anthropologists report rates of separation and remarriage among many hunting and gathering societies, and in several horticultural groups as well, that are just as high as in modern industrial societies. Malaysia and Indonesia had the highest rates ever recorded in the first half of the 20th century, surpassing the United States’ record rates of 1981.

Nor has divorce always been an arduous process. Among the Shoshone Indians, a wife who wanted a divorce would simply place her husband’s possessions outside the dwelling, which belonged to her. Among the Cewa of East Africa, the husband takes his hoe, axe, and sleeping mat when he leaves his wife’s village and the divorce is complete. In traditional Japanese society, a letter of 3 1/2 lines was all a man needed to
divorce his wife. Women, however, had to put in two years of service at a special temple before they could get a divorce.

In the ancient Roman Republic, a simple statement of intent to divorce was sufficient to effect the dissolution of a marriage. During the reign of Augustus, founder of the Roman Empire (27 BC to 14 AD), a law was introduced requiring seven witnesses to a statement of repudiation, but not until four centuries later did the state require any document more formal than a simple notification by the departing spouse, signed by these witnesses. Contrary to later practice, the early Christian church in medieval Europe allowed divorce for several reasons. Some local Church councils even had the equivalent of no-fault divorce, in which a couple was allowed to part after swearing that “communal life has become impossible between us” or that “there is no charity according to God” in the marriage (Gies & Gies, 1987, p. 56).

Despite these surprising precedents, however, through most of history, the reasons for divorce were quite different than today, especially in complex, stratified societies, and access to it was often unequal. In many of the patriarchal civilizations of the ancient world, divorce was primarily a male prerogative. In ancient Rome, unlike modern America, divorce was most frequent among the affluent classes, in which many individuals switched mates as unemotionally as we might change Internet providers, to acquire more advantageous in-laws. In early medieval Europe, an upper-class man would often seek divorce if his wife had not provided him with a male heir. In China, a man’s parents could force him to send his wife away (the word for divorce literally means “cast out wife”) if he took her side against the parents or if they thought that his affection for her interfered with his filial duties.

The reasons for divorce were different through much of the past because the reasons for marriage were different. For thousands of years, marriage was not contracted for the individual fulfillment and mutual benefit of the man and woman and their children. People married to acquire influential in-laws, effect business mergers, raise capital, improve their social status, seal military alliances, or expand their family labor force. Romantic love was not unknown in the past, but it was not closely linked to marriage. In ancient India, falling in love before marriage was seen as an irresponsible, antisocial act. In the Middle Ages, the French defined love as a form of insanity that could be cured by sexual intercourse, either with the object of infatuation or with someone else. Most societies through the ages discouraged people from marrying for such a fragile and self-indulgent reason as love (Coontz, 2005).

Even in cultures in which couples were encouraged to cultivate love after marriage, they seldom put all their emotional eggs and personal loyalties in that single basket. In 17th-century Europe and America, Protestant and Catholic theologians advised couples to marry someone whom they could learn to love and warned that even after marriage, too much love was a form of idolatry that should be avoided. They censured wives who used endearing nicknames for their husbands because such intimacy tended to interfere with the authority relations that were central to a proper marriage. Right up through the 18th century, novels and diaries reveal that people invested as much emotion in the sibling relation as in the marital one.

THE RISE OF ROMANTIC LOVE AND THE ORIGINS OF MODERN DIVORCE

The origins of our modern divorce patterns lie in the invention of the same values that eventually elevated the marital relationship above all other personal and familial
commitments: the concentration of emotion, passion, personal identity, and self-validation in the couple relationship and the attenuation of emotional attachments and obligations beyond the conjugal unit. For any particular couple today, the immediate causes of divorce may range from factors as diverse as the personal psychological characteristics of one or both spouses to the stresses of economic hardship and community disintegration. But in a larger perspective, both the role of divorce in modern societies and its relatively high occurrence flow from the same development that made good marriages so much more central to people's happiness than through most of the past, and deterioration of a marital relationship so much more traumatic: the very nontraditional idea that marriage should be the most powerful commitment in people's lives.

The radical notion that marriage should be based on love and companionship only began to win widespread acceptance in Western Europe and America under the influence of the Enlightenment and the individualistic doctrines of the French and American Revolutions. Almost immediately, conservatives of the day—defenders of what was then seen as "traditional" marriage—warned that love would be the death of marriage. Society, they reasoned, required some people to marry, and to marry only appropriate mates. How would we compel them to do so if they could refuse on the grounds that they didn't love the required partner? How would we stop them from claiming the right to leave a marriage where love had died? And society also had an interest in preventing some people from marrying. The concern of 18th-century conservatives was the danger of poor people claiming the right to marry. They were as frightened by the idea that poor people could claim a right to marry "just" because they loved each other as contemporary conservatives are by the similar claims of gays and lesbians today.

As it turned out, the dire predictions of social conservatives were premature. Although demands for freer access to divorce laws were immediately raised by many supporters of the love match, and the French Revolution temporarily made divorce easier than it would be again until the 1970s, the increase in divorce rates was quite gradual. Free divorce was held in check by the economic dependence of women on marriage and the ability of local economic, political, and religious elites to penalize singlehood and divorce for both men and women.

But the handwriting was on the wall. As the ideal of marital intimacy spread, many countries liberalized their actual legal codes. Elsewhere, judges became more sympathetic on a case-by-case basis to couples who sought divorce. In America, fewer than half the states accepted cruelty as a reason for divorce before 1840, and when they did, the cruelty had to be extreme. After 1840, however, cruelty began to be defined more loosely, and by 1860, a majority of states also allowed divorce in cases of habitual drunkenness. Divorce also became significantly easier in Canada and most countries of Western Europe. The French Revolution's legalization of divorce, which Napoleon had revoked in 1816, was reinstituted in 1884.

Thoughtful observers of the day sensed that these changes foreshadowed worse to come. In 1856, the antislavery activist Lydia Maria Child warned that when it came to marriage, "society stands over a heaving volcano, from which it is separated by the thinnest possible crust of appearances" (Jeffrey, 1975, p. 123).

Between 1880 and 1890, the United States experienced a 70% increase in divorce. In 1891, a Cornell University professor made the preposterous prediction that if trends in the second half of the 19th century continued, by 1980, more marriages...
would end by divorce than by death (Goldthorpe, 1987). As it turned out, he was off by only 10 years.

The rise in divorce rates that so shocked contemporaries still left the number of formal divorces (informal separations were another matter) ludicrously small by today’s standards. In 1900, there were just 0.7 divorces per 1,000 people in the United States, whereas in Europe, most countries had fewer than 0.2 divorces per 1,000. So it is easy to see why many people today look back to the 19th century as a time of marital stability, failing to recognize the inexorable changes that had been set in motion by the radical idea that marriage should be based on love.

One reason that rising expectations about love and marriage did not pierce through the thin crust of surface stability in the 19th century was that these ideals were still confined to a relatively small segment of the population—the most well-published group, to be sure, but not the most representative. And even those who most enthusiastically embraced the goal of achieving happiness through marriage had not yet discarded many of the older values and social constraints that were hostile to the full “pursuit of happiness” in marriage and personal life. The Victorians did not have some secret formula, since lost, about how to expect the best of marriage and still put up with the worst. Rather, they were much more accepting than we are today of a huge gap between rhetoric and reality, expectation and actual experience. In large part, this was because they had as yet no other choice.

People were also inhibited from pushing the implications of the love match to their logical conclusion by the rigid redefinition of gender differences that undergirded the early versions of the love match. The Victorians defined love as the union of two opposite beings. Supposedly, it was the differences between men and women that made them love each other. Women loved men for their strength and their knowledge of the outside world. Men loved women for their purity, their fragility, and their protection from knowledge of the outside world. In practice, however, the separation of male and female spheres and the cult of female purity created huge emotional and sexual tensions between men and women. Women often referred to men as “the grosser sex.” Men suffered tremendous ambivalence about having sexual relationships with “good” women—the kind of women they wanted as wives (Coontz, 2005).

Thus, despite society’s abstract glorification of romance and married love, the day-to-day experience of marital intimacy in the 19th century was still quite limited by the standards that would prevail in the 20th century. Very few marriages were based on mutual negotiation. Most women took for granted their duty to defer to their husbands, and most men took for granted their right to extort such deference if necessary. Many women and men found more intimacy in same-sex friendships than in courtship or marriage.

Only when these limits on marital companionship and sexuality were overcome did people discover just how thin a crust separated Victorian marital ideals from an explosion of new expectations about love, gender roles, and marriage. And that happened in the early years of the 20th century, when the ideal of the love match was enlarged to include sexual desire and satisfaction between husband and wife, and the rigid separation of gender roles and space began to break down.

THE MODERNIZATION OF THE LOVE MATCH

Today we often read the poetry and philosophy of the bohemians who raised radical new ideas about sexuality in the 1920s. But in fact, the sexual revolution was largely a
product of the efforts of middle-class proponents of the love match—people who wanted to save marriage from its 19th-century tensions and to overcome the late-19th-century tendency of middle-class men and women to avoid or postpone marriage. During the first two decades of the new century, the close chaperoning of middle-class youth that had characterized the Victorian period gave way to dating and a much more highly sexualized ideal of courtship. This sexual revolution, far from being a revolt against marriage, spurred a new valuation of heterosexual love. Cultural ideals denigrated same-sex relationships and close ties to parents or unmarried siblings, elevating the conjugal couple to pride of place.

Increasingly, men and women of the 1910s and 1920s expected to gain their major life satisfactions from love and marriage. Many marriages became more satisfying, intimate, and passionate than couples of the past would ever have dared to hope for. But higher expectations of marriage created greater disappointments when marriage failed to deliver the satisfactions promised by popular culture and the growing profession of marital advice experts.

Again, conservatives of the day understood the destabilizing effects of the spread of higher standards for marital happiness better than the modernizers. The well-known ethicist Felix Adler (1915) blamed the “evil of divorce” on the primacy of personal choice and love in marriage decisions. Free choice of mates by young people, he wrote, may have overcome some of the tragedies caused by arranged marriages, but it had produced a new set of tragedies because of its “pretension that nothing is now to be considered except the happiness of madame and monsieur.” Adler lambasted the “pernicious” idea that husbands and wives should be friends and comrades. “Comradeship,” he warned, “is obnoxious and antagonistic to the idea of marriage.” It “depends on free choice and free choice can be annulled. There is nothing permanent in the idea of comradeship.” Happiness, explained Adler, “is an incident, a concomitant [of marriage], and you cannot make it the highest end, without coming to the intolerable position that marriage should cease when happiness ceases” (pp. 10–21, 47).

The new profession of marriage counselors that emerged in the 1920s disagreed. They believed that emphasizing the emotional and sexual gratification to be found in marriage would gradually bring divorce rates down. But as it turned out, the conservatives were better prognosticators. Divorce rates skyrocketed during the 1920s. And increasingly, people filed for divorce because their marriages did not provide love, companionship, and emotional intimacy, rather than because their partners were cruel or had failed to perform their marital role as housekeeper or provider.

By the late 1920s, America was gripped by a panic about the future of marriage every bit as intense as the one that reemerged in the 1980s. Many contemporaries despaired of the future. “Is marriage bankrupt?” asked one newspaper article. Columnist Walter Lippman warned that the spread of birth control had made regulation of women’s chastity impossible. In 1928, John Watson, a widely read child psychologist in the United States, predicted that 50 years hence, there would be “no such thing as marriage” (Gelles, 1995, p. 304).

In 1929, Samuel Schmalhausen summed up the sense of crisis succinctly: “The old values are gone. Irrevocably . . . We live in a state of molten confusion. Instability rides modernity like a crazy sportsman. Civilization is caught in a cluster of contradictions that threaten to strangle it” (Schmalhausen, 1929, pp. 418–419).

As it turned out, a more immediate threat to civilization than the collapse of old sexual and marital values was the collapse of the stock market and the advent of the
Great Depression. Divorce receded in the 1930s, although desertion rates climbed. The outbreak of World War II led to a surge in marriage, followed immediately after the war by a new spike in divorce. In 1946, concerned experts estimated that almost 1 in 3 marriages was ending in divorce. But the 1950s ushered in a more stable era. The divorce rate dropped swiftly from its postwar peak until, by 1958, it was half the rate of 1946. Worries about the internal contradictions of the love match and companionate marriage receded, and many sociologists came to believe that divorce was no longer as serious a problem as it had seemed in the 1920s.

In retrospect, it’s astonishing how confident most marriage and family experts of the 1950s were that they had sidestepped the contradictions of the love match and were witnessing a permanent stabilization of family life and marriage. The idea that marriage should provide both partners with sexual gratification, personal intimacy, and self-fulfillment was taken to new heights in the 1950s. Marriage was not only the place where people expected to find the deepest meaning in their lives but also where they would have the most fun. Sociologists noted that a new “fun morality,” very different “from the older ‘goodness morality,’” pervaded society (Wolfenstein, 1955/1973, pp. 84, 90).

But these trends did not cause social commentators the same worries that Adler had expressed in the 1920s. Most 1950s family commentators weren’t even troubled by the fact that divorce rates in the 1950s were higher than they had been in the 1920s, when such rates had been said to threaten the very existence of marriage. The influential sociologists Ernest Burgess and Harvey Locke (1960) wrote matter-of-factly that “the companionship family relies upon divorce as a means of rectifying a mistake in mate selection” (p. 479). But they expressed none of the panic that earlier social scientists had felt when they first realized that divorce was a permanent feature of the love-based marital landscape. Rather, they saw a small amount of divorce as a safety valve for the “companionate” marriage, and they expected divorce rates to stabilize or even decrease in the coming decades as couples began to use the services of marriage educators and counselors.

The marriage preparation and counseling industry was happy to step up to the plate. By the 1950s, pioneering marital counselor Paul Popenoe’s American Institute of Family Relations employed 37 counselors and claimed to have helped 20,000 people become “happily adjusted” in their marriages. “It doesn’t require supermen or superwomen to succeed in marriage,” wrote Popenoe in a 1960 book on saving marriages. “Success can be attained by almost anyone” (Ladd-Taylor, 2001, pp. 312, 318).

One reason that people were so unconcerned about the problem of divorce in the 1950s was that even though divorce rates remained higher than their peak in the 1920s, they were falling through most of the decade. At the same time, the rate of marriage rose and the age at marriage reached new lows, producing a higher proportion of married couples in the population than the West had seen in at least 500 years. Similar trends occurred a few years later in Canada, Britain, West Germany, and France. Most observers believed that a golden age of family stability had been achieved.

What they failed to notice was that this stability was the result of a unique moment of equilibrium in the expansion of economic, political, and personal options. Ironically, this one 20-year period in the history of the love-based “near-equality” marriage when people stopped predicting disaster turned out to be the final lull before the long-predicted storm.
The seeming stability of marriage in the 1950s was due in part to the thrill of exploring the new possibilities of married life after two decades of family disruption and social hardship, and in part to the postwar economic boom and the generous government subsidies for young men just starting families. But the temporary stability of the era was also due to the incomplete development of the “fun morality” and the consumer revolution. There were still many ways of penalizing nonconformity, tamping down aspirations, and containing discontent in the 1950s.

And of course, women still lacked the economic and legal basis to challenge the traditional terms on which they entered and stayed in marriage. Most American states retained their “head and master” laws, giving husbands the final say over questions like whether the family should move. Married women couldn’t take out loans or credit cards in their own name. Everywhere in Europe and North America, it was perfectly legal to pay women less than men for the same work. And nowhere was it illegal for a man to force his wife to have sex. One legal scholar argued that marriage law in the 1950s had more in common with the legal codes of the 1890s than the 1990s (Ekelaar, 2003).

Yet beneath the seeming stabilization of family life during the 1950s, the trend toward acceptance of divorce continued. As peace and prosperity returned, aspirations for personal fulfillment and sexual satisfaction began to be adopted by larger sectors of the population than had ever dared to harbor such hopes before. As psychologist Abraham Maslow predicted in 1954, once people’s basic needs for survival and physical security were met, “higher order needs” such as self-expression and high-quality relationships began to take priority over material needs (Maslow, 1954).

During the unprecedented prosperity of the 1950s, men and women initially tried to meet those “higher order needs” at home, looking for fulfillment and high-quality relationships in their assigned gender roles of breadwinner and homemaker/mother. But when marriage did not meet their heightened expectations, their discontent grew proportionately. The more people hoped to achieve personal fulfillment within marriage, the more critical they became of “empty” or unsatisfying relationships.

Dissatisfaction was as high among many people who subscribed to 1950s ideals of marital intimacy as among those who dissented from them. In a study of women’s magazines of the 1950s, historian Eva Moskowitz argued that the very advice columnists who were trying to help women save their marriages were also teaching wives to articulate their grievances (Moskowitz, 1996). Alongside lessons in femininity and homemaking, the women’s magazines of the 1950s and 1960s nourished a “discourse of discontent” by promoting intimacy and self-fulfillment as the purpose of marriage. It was by reading about what marriage ought to be that many women saw what their own marriages weren’t.

As early as 1957, divorce started rising again in the United States and several other countries. In fact, almost 1 of every 3 American couples who married in the 1950s eventually divorced. This acceleration of divorce rates began well before no-fault divorce was legalized in the 1970s. In fact, such legalization was a response to the fact that people were already making a mockery of the fault-based laws. By the end of the 1950s, grounds for “fault” divorce had become so lax as to be unrecognizable to their architects. A study of Chicago divorces in the 1950s found that virtually every plaintiff testified in almost exactly the same words, describing behavior that included the exact
minimum requirements and even the precise legal phrases needed for a fault-based divorce (Caldwell, 1998).

By the 1960s, argued legal historian Mary Ann Glendon, divorce by mutual consent, masquerading as fault divorce, had already become routine in many countries (Glendon, 1989). And when women’s heightened expectations of personal fulfillment interacted with their growing economic independence, the way was cleared for an even further acceleration of divorce, especially during the traumatic period between 1977 and 1981, when wives’ rapid entry into the labor force challenged the internal arrangement of marital roles that had prevailed for more than 100 years. The growing participation of women in the labor force, along with liberalized social values, may have sparked the wave of divorce in the 1970s and 1980s, but the fuel was provided by the rising expectations for happiness and fulfillment in marriage.

Divorce rates peaked between 1971 and 1981. Since then they have fallen slightly, and the marriages of college-educated couples have become somewhat more stable. But part of that stabilization has come from a decline in the rates of marriage. And from a historical perspective, it is completely unrealistic to expect divorce rates to drop back to the rates of the 1950s, far less to those of earlier decades, or for marriage rates to increase significantly. In the century between the 1880s and the 1980s, divorce rates rose steadily. If we set aside the short-term spikes in divorce right after World War II and at the end of the 1970s, America’s divorce rate today is right where you would predict if you extrapolated from its rate of increase during the last decade of the 19th century and the first 50 years of the 20th.

THE FUTURE OF MARRIAGE AND DIVORCE

We can probably save more marriages than we currently do, and we should welcome the new research being done on this question. But for better or worse, people decide what they will and will not put up with in a relationship today on a totally different basis than they used to. Now that most husbands and wives earn their living separately, rather than from a jointly run farm or business, it is much easier—though not less painful—for couples to go their separate ways and to survive economically if the union dissolves. Women still generally face a drop in their standard of living after a divorce. But never before in history have so many women been capable of supporting themselves and their children without a husband. And never before have unmarried and divorced individuals had the same legal, economic, and political options as married couples.

All this means that it is naïve to think that we can ever again reduce divorce to a minor part of the family terrain by tinkering with law and social policy. The erosion of universal, lifelong marriage accelerated all across North America and Western Europe during the last third of the 20th century, even in the regions least affected by changes in individual values, marriage laws, and legal codes. Belgium, for example, the only European country without no-fault divorce in 2000, had the highest divorce rates in Europe at that date.

The changes do not doom marriage, especially in America. For most Americans, marriage remains the highest expression of commitment they can imagine. In fact, Americans are more likely than Europeans or Japanese to tell pollsters that they value marriage highly, and they still marry at higher rates than almost any other industrial country.

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Nor have people lost respect for the marriage vows. Even as divorce and nonmarriage have increased, our standards for what constitutes a “good” marriage have risen steadily. The percentage of people who believe it is acceptable to cheat, lie, or keep secrets in a marriage has fallen over the past 40 years. Many couples work hard to enrich their relationship and deepen their intimacy, with a dedication that would astonish most couples of the past.

Marriage as a relationship between two individuals is taken more seriously and comes with higher emotional expectations than ever before. But marriage as an institution exerts less power over people’s lives than it once did. It is no longer the main mechanism for regulating sexual behavior, conferring differential economic and political rights, ordering the relations between the sexes, or organizing interpersonal rights and obligations, including reproduction and dependent care.

The erosion of marriage’s role in coordinating social life has been described as the “deinstitutionalization” of marriage (Cherlin, 2004). Historian Nancy Cott observed that the process is akin to what happened in Europe and America when legislators disestablished their state religion (Cott, 2000).

With disestablishment, the state no longer conferred a whole set of special rights and privileges on one particular denomination while denying those rights to others. When this happened, religion itself did not disappear. But many different churches and new religious groups proliferated. Similarly, once the state stopped insisting that everyone needed a government-sanctioned marriage license to enjoy the privileges and duties of parenthood or other long-term commitments, other forms of intimate relationships and child-rearing arrangements came out from underground. And just as people’s motive for joining a church changed when there was no longer one official religion, so people now decide whether or not to marry on a new basis.

We may personally like or dislike these changes, or wish we could keep some and discard others, but there is a certain inevitability about most of them. For better or worse, marriage has been displaced from its pivotal position in personal and social life. No matter how much we value marriage, we cannot afford to ignore the fact that so many children are being raised and so many obligations are being incurred in alternative settings.

Researchers and clinicians can devise ways to help couples choose their mates better, overcome problems in their marriage, and reduce their risk of divorce. But short of a legal, economic, and cultural counterrevolution on an unprecedented scale, we will have to accept the fact that in today’s climate of choice, divorce and its nonlegal equivalent—the break-up of cohabiting couples—are here to stay. Our research into the causes, effects, and variability of divorce must start from acceptance of that reality.

REFERENCES


