CHANGING PERCEPTIONS OF DIVORCE

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Contemporary culture has removed the stigma from divorce, but has failed to replace it with a bias in favor of marriage. Public policy and the media should be reoriented to strengthen marriage; programs should be created to train young people for marriage and to convey realistic expectations of what makes marriage work. The Jewish community must participate in the broader societal debate on marriage and family, communicating its preference for the two-parent form and upholding the family as the antidote to unbridled individualism.

Recently, I chanced upon a colleague and inquired how a mutual acquaintance of ours had been faring in the aftermath of his divorce. "Not too well," replied my colleague. "He really has old-fashioned ideas about divorce." Sometime later, another colleague announced to her co-workers that she had just filed for divorce. The dominant response — "Congratulations! It's about time."

These two encounters reflect changing American attitudes toward divorce. Without question, the incidence of divorce has risen greatly over the past generation. Between 1960 and 1982, the number of divorces per 1,000 people increased from 2.2 to 5.0. In absolute terms, the annual number of divorces tripled during those years, rising from 400,000 in 1960 to 1.2 million in 1982. In contrast to earlier social norms that assumed marital success and regarded divorce as exceptional, couples marrying today confront the prospect of putative marital failure. The negative expectations regarding marriage and the sheer numerical incidence of divorce help nurture a cultural climate in which marriage as an institution seems increasingly under attack, its survival in doubt.

Yet, Americans continue to marry and value family life. Virtually, 95% of Americans marry at some stage during their lives. Perhaps more tellingly, some 80% of divorced men and 70% of divorced women remarry within 5 years of their divorce, indicating that even those who have known the trauma of marital breakup aspire to rebuild their marriages and family lives.

These twin currents — the increase in divorce incidence and the continuing stability of marital norms — require reasoned policy deliberation and debate. Some argue that public policy can do little to strengthen marriage or alleviate the psychological trauma of divorce. In this view, perhaps best articulated by Lenore Weitzman (1985), public policy should seek to address the negative economic consequences of divorce, thereby enabling custodial parents and children to regain a viable economic footing. Others, particularly Sylvia Hewlett (1991) argue that redressing the economic consequences of divorce is insufficient. Rather, society must attempt to reduce divorce rates and, after divorce has occurred, enhance ties between noncustodial parents and children.

Unquestionably the economic consequences of divorce are severe, particularly for women who have been dependent on their husbands' earning power and find themselves in single-parent households. No-fault divorce, which has eliminated much of the acrimony and hypocrisy surrounding the divorce proceedings by removing the necessity to establish the "sin" of the offending party, has also led to the reduction or elimination of alimony payments as there is no longer a spouse "at fault" who is required to make fiscal amends. Consequently, women generally experience a pronounced decline in living standards

within a year of divorce. Male counterparts, in contrast, may find divorce to be economically uplifting.

Policy initiatives can help redress this imbalance, most particularly for children of divorce living in poverty. For example, divorce settlements generally result in a distribution of assets. Assets acquired during marriage (e.g., property, capital, etc.) can be distributed equitably. However, these represent only tangible assets. Often, a spouse acquires career assets, such as professional training and education, during a marriage while the other spouse has been supporting the family economically. Consideration of such intangible assets as part of the divorce settlement would both reflect the reality of assets accrued during the marriage and increase the capital available to spouses who lack job training and skills.

Other policy options focus on child support awards, particularly the vigorous enforcement of payments through wage withholding and basing the size of awards upon sharing of incomes, rather than determining a minimal living standard for the custodial spouse. To be sure, these programs presuppose an earned income for noncustodial spouses. Equally significant are transitional measures to enable custodial parents to join or rejoin the work force through continuing education and job training programs. Similarly, health benefits often lapse immediately after the divorce, as a working but noncustodial parent need maintain only personal health benefits, rather than family provisions. Permitting custodial parents the option to continue paying for coverage under the former spouse's health plan would provide transitional insurance pending reentry into the work force.

These measures merit further policy consideration. The trauma of divorce is real, and the victims are often defenseless. Yet, proponents of these measures err if they maintain that nothing can be done about divorce except helping manage its economic consequences. If Americans continue to value marriage as the ideal setting of family life, and evidence indicates that they do, further strengthening of the marital institution is necessary. Ways must be found to help couples grow together and accommodate to one another, thereby lessening the incidence of divorce. Divorce ought not be understood as one alternative to marriage, but rather as a course of last resort after efforts to save the marriage truly have failed. To be sure, divorce itself ought not to be stigmatized. Often, it is a personally tragic but necessary solution to an unhappy marriage that shows no sign of improving. Yet, society generally should take steps to improve the cultural climate surrounding marriage and to cement marital ties.

First, we require programs that train young people for marriage and that nurture realistic expectations of what makes marriages work. Romantic love and sexual attraction alone may not suffice to sustain a marriage through the inevitable highs and lows most couples experience. Premarital counseling, family life programs, and high school and college courses on the family all provide excellent opportunities to sensitize individuals to the great demands of marriage, to the need for mutual respect and accommodation, and for the commitment to one another and to the relationship that is so necessary for successful marriages.

Moreover, we require greater discussion about the image of marriage conveyed in the popular culture and media. A 1983 American Jewish Committee report on situation comedies on prime-time television pointed to the underlying problem of portraying all marital difficulties as solvable within 22 minutes or less of program time (Kovsky, 1983). Real conflicts over extended time can be resolved only if the respective family members are committed to one another and are willing to work together to iron out difficulties. Consultations with media personnel are necessary to encourage development of realistic portraits of marriages and broader dissemination of successful role models for contemporary families.

Clearly, most marriages do run the risk of divorce. Virtually mythical are the "happy marriages" that can never fall apart. Policy measures, however, ought not to be limited to coping with divorce. The private and public sector alike ought to consider the development of programs to strengthen marriage by inculcating greater training for marriage and promoting realistic expectations of what marriages entail. Francine Klagsbrun (1985), in her book *Married People*, urges a bias in favor of marriage, rather than stigmatizing divorce. If we consider marriage and family as desirable ends in themselves and as vital to the health of society generally, that bias should be strongly encouraged.

THE JEWISH COMMUNITY

Within the Jewish community patterns of marriage, divorce, and remarriage are also undergoing significant change. Jews continue to marry at overwhelming rates — 90% of American Jews marry at some point in their lives. Marital norms continue to prevail, for most Jews identify marriage as a core component of their aspirations for self and personal fulfillment. This is perhaps best expressed in the phenomenon of remarriage. Despite the experience of marital discord and breakup, approximately three-quarters of Jewish men and women do remarry within 5 years of the divorce — signaling both the desire to be married and the recognition that the two-parent home remains the most effective context for the raising of children (Friedman, 1993; Heilman, 1984).

Another recent demographic change in the Jewish community has been a delay in the age of marriage. In 1960, approximately 45% of adult Jews had married by age 25. That percentage dropped to 25% in 1970 and according to the 1990 National Jewish Population Survey (NJPS), less than 3% by 1990 (Fishman, 1993; Goldstein, 1992).

Some have argued that delayed marriage in turn leads to greater marital stability and lower divorce rates. Others see the potential danger of delayed fertility and therefore of decreased fertility.

Another impact stems from the relationship between later marriages and communal affiliation. People often defer joining Jewish communal institutions until there are children in the home. Prolonged periods of singlehood and childlessness may create patterns of nonaffiliation that can become much harder to break the greater the number of years that pass by.

As for divorce itself, clearly Jewish divorce rates have been rising. Historically, American Jews enjoyed a Jewish divorce deficit relative to the general population. Steven M. Cohen in 1982 reported that Jews divorced only half as frequently as do Protestants and were "somewhat below" Catholics, despite the proscriptions against divorce that exist in Catholicism and that are nonexistent in Judaism. To be sure, Cohen (1982) noted that the gap in divorce frequency between Jew and Gentile was much smaller in terms of younger couples, indicating that Jewish divorce rates were beginning to approximate overall patterns of American society generally.

By the 1990s that prediction seems to be on the verge of becoming a reality. According to the NJPS, approximately 18 to 19% of adult American Jews previously married have experienced at least one divorce (Goldstein, 1992). The percentage for Americans generally ranges from 15 to 20% despite the widely publicized and generally misunderstood statistic of a 50% divorce rate for all Americans. The "divorce revolution" may not have permeated the entire Jewish community, but clearly more Jews than ever before are experiencing the reality of divorce, as is true of Americans generally.

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Given the increase in divorce incidence, how is the phenomenon being viewed by the Jewish community? Jewish tradition itself both opposes divorce and accepts it as a re-

ality at the same time. Thus, the prophet Malachi records that the very "altar weeps" at the dissolution of a marriage, suggesting that divorce is a profound personal tragedy to be avoided if at all possible through reconciliation of the couple involved. Yet, even if Jewish tradition envisions marriage as a universal norm, it recognizes that at times divorce is a necessary solution to a failed marriage. Thus, divorce is permitted on the grounds of a couple's incompatibility — to say nothing of "at fault" grounds for divorce, such as adultery or abuse (Biale, 1984, 1988; Gertel, 1983).

A particularly troublesome issue in Jewish tradition is related to the woman's lack of control of the divorce situation, in particular her inability to "send" a bill of divorce to her ex-spouse. This inability has resulted in personal tragedies, such as the *agunah*, a woman whose husband had disappeared or who was mentally incompetent to divorce his wife on his own. Certainly, the rabbis recognized the vulnerability of women under Jewish divorce law and tried to make provisions for greater protection of women's rights. To this day, however, the phenomenon of men exacting vengeance (or bribery) from ex-spouses by withholding the Jewish bill of divorce (a *get*) continues to occur, even if sporadically (Biale, 1984, 1992; Greenberg, 1981).

The problem of women's rights in divorce stems from limitations within Jewish law. Far more universal in its implications are the questions of Jewish social attitudes and perceptions of divorce as a cultural phenomenon. Higher expectations of marriage, declining commitments to "making it work," and the general social acceptability of divorce in the cultural climate have all increased the possibility of a divorce occurring.

First, we must address the often unrealistic expectations of marriages today. The wedding ceremony in many ways is a metaphor for couples' expectations of marriage; namely, that "it must be perfect." Observers rightly decry the heavy emphasis placed upon the wedding — at most one day in the course of a lifetime — when what really matters is the interior dynamics of married life over a prolonged period. Yet, the treatment of the wedding has become an expression for the treatment of marriage — that anything less than perfection is simply unacceptable.

The real message, of course, is that a marriage requires a lot of work. Both partners must be committed to preserving it — to work on difficulties until they are resolved, rather than surrendering in the face of complications. Realistic portraits of marriages as including shared commitments and shared struggles often fly in the face of a culture that emphasizes unbridled individualism and personal self-fulfillment above all other concerns. The Jewish message of family as teaching social responsibility through relations to other family members is precisely the appropriate image of family life. However, it is a difficult message to sustain in the contemporary culture of narcissism (Linzer, 1984).

Within that broader culture there are, in fact, very few factors that operate to strengthen marital stability, rather than encourage marital dissolution. The "50%" statistic itself encourages the expectation that marriages will fail. Very few understand what the statistic actually means and why it is so misleading. The 50% figure emanates from a 1981 report citing the number of divorces as equal to half the number of marriages for that year. In fact, since then the number of marriages has actually risen per year while the number of divorces has declined (Medved, 1992).

Aside from the fallacy of statistics, popular media portrayals of marriage advance unrealistic and negative perceptions of marriage as an institution. Such films as "War of the Roses" or "Thelma and Louise" signal that marriage is a trap from which to extricate oneself. Such television programs as "Married ...with Children" mercilessly pillory the nuclear family. To be sure these are by no means the only portraits of family

contained in popular culture. The recent film, "A Stranger Among Us," in fact suggests a portrait of Hasidic family life so attractive that a Gentile policewoman finds it compelling and wishes it were hers! The overall media message, however, is best epitomized by "L. A. Law" — the highly rated network series in which divorce is so pervasive among the characters that it appears as a natural aspect of the life cycle that virtually all of us will experience at one time or another. "L. A. Law's" emphasis upon young upscale lawyers enjoying the good life underscores society's reverence for the pleasure principle and mutes the message of personal sacrifice, delayed gratification, and mutual commitment that are so necessary to make marriages work. In contrast, the message of divorce seems to be to give individuals a chance to start over.

Finally, one cannot discuss divorce outside of the context of the feminist movement and its relationship to increased divorce incidence. On a pragmatic level, no-fault divorce, although generally progressive, has also made it far easier to initiate divorce proceedings. At bottom, however, the issues are more cultural than legal. Blu Greenberg (1981, pp. 12, 166) for example, in an otherwise powerful defense of Jewish feminism, concedes that feminism "has elements that are destructive from a Jewish perspective," particularly the attack upon the family and notes "that an exceedingly high proportion of women with feminist leanings have been or are now being divorced." Similarly, Sylvia Barack Fishman (1993, p.32) agrees that "some contemporary divorces may indeed be linked to the greater ambition of women today." Both these authors are interested in strengthening marriage by proving the compatibility of feminism and family. Equal commitment by both partners to the marriage is the key to making marriage work. Significantly, their voices emanate from the world of Modern Orthodoxy in America, which, in some ways, has modeled images of successful families through shared Jewish experiences across generational lines. In effect, Judaism serves the Modern Orthodox well by providing a framework and structure that bind families together through common commitments, values, and memories shared around the "Jewish table." As a result, it is not surprising that Orthodox Jews have the lowest divorce rates (one-quarter the rate of unaffiliated Jews) and that when they do divorce, it is usually for the least negotiable of reasons, e.g., infidelity or abuse (Brodbar-Nemzer, 1984; Friedman, 1985).

In short, contemporary culture has removed the stigma from divorce. Generally speaking, that has been progressive. However, we ought to have replaced the divorce stigma with a cultural bias in favor of marriage. In turn, that would mean promoting realistic images of marriages, with all of their ups and downs. One should not view marriage as static, but rather as subject to change and development. A cultural bias in favor of marriage means emphasizing commitment to marriage as the key to long-term marital stability. And it means facing honestly and realistically the implications of divorce in terms of economic downturn, psychological impact, and lasting effects upon children. Seen in this light, marriage emerges as imperfect and vulnerable, but clearly preferable to all other family forms.

Finally, the implications of divorce upon children are quite serious and must be confronted candidly. Despite shifts of opinion with respect to divorce, research studies continue to demonstrate that two-parent homes are preferable from the vantage points of children's interest and welfare. Children growing up in single-parent homes are far more likely to experience social, behavioral, and educational problems at school and in their adult lives. These realities are painful to be sure, but they must be communicated openly, for they do underscore the continuing importance of the two-parent home and the marital norm (Whitehead, 1993; Wilson, 1993).

COMMUNAL POLICY

What then ought the community do? Clearly, we cannot remain impervious to divorce. It is a human tragedy with profound consequences. Nor can we pretend that it is a private matter about which the community can do little, if anything. On the contrary, the implications of divorce are so considerable and the capacity of Jewish heritage and community sufficiently weighty that we ought to do whatever possible to strengthen marriage, protect victims of divorce from unnecessary hardship, and harness the resources of Jewish tradition and heritage to renew Jewish identity in married, divorced, and remarried homes.

This agenda means, first, Jewish participation in the broader cultural debate concerning marriage and family in America. The Jewish community ought to communicate its preference for the two-parent heterosexual family form. To be sure, we ought to reach out to and support those who, for whatever reason, do not fit that model. Yet, not all behavior that we protect is behavior that we prefer. Ways must be found to underscore Jewish family values even in the context of generally supporting nontraditional families.

In particular, the Jewish tradition of family is an especially meaningful message in this broader cultural climate. Judaism posits a triad of individual-family-community. The family serves to mediate between individual fulfillment and communal responsibility. It teaches social responsibility through relationships to others. Family, following the Book of Genesis, is the building block for society. Constructing family, in effect, is a prerequisite for the building of nationhood described in Exodus (Bayme, 1990; Steinmetz, 1991). The distinctive message of Judaism — the family as the antidote to unbridled individualism that teaches us to transcend personal gratification — connotes a powerful statement in current debates about the value of family in society generally.

Moreover, we should not underestimate the role that the community can play in strengthening marriage and thereby decreasing the chances of divorce. The first few years within a marriage are the most vulnerable years. Jewish tradition can enhance family ties by providing shared experiences and common bonds. Abraham Joshua Heschel correctly described the Shabbat as "sacred time," a 24-hour retreat from our mundane concerns and an opportunity to share ties with one another. Enabling young Jewish couples to enrich their family lives by injecting Jewish components would enhance simultaneously both family bonds and Jewish continuity.

Finally, after a divorce has occurred, Jewish tradition can still provide a sense of continuity and history, an anchor of stability in an otherwise turbulent world. Divorce, in fact, rather than closing the door to Jewish affiliation, often opens the way to renewed Jewish involvement (Cottle, 1981; Friedman, 1985; Goldman, 1991).

This is not surprising. It is often true that those who have known the trauma of family breakup are the most in need of the sense of community and tradition that Jewish institutions can provide. At a minimum, we should be especially sensitive to removing barriers to communal affiliation for single-parent homes, such as economic cost and cultural fears of divorce. Maximally, we should view tradition and community as resources that in fact will enrich the single-parent home.

This agenda, to be sure, is by no means modest. Family bridges the particularistic concerns Jews have for their own community with the universalist concerns regarding the place of family in American culture. It requires Jews to be active on a wide variety of fronts — cultural, religious, legislative, and communal. Yet here is precisely an opportunity to underscore distinctive Jewish messages that will enhance not only the lives of Jews and the Jewish community but will also strengthen society generally by balancing American values of individualism

and individual opportunity with Judaic values of personal sacrifice, shared commitment, and delayed gratification. Few finer examples of the meaning of *tikkun olam* could be provided.

REFERENCES

Biale, David. (1988). Classical teachings and historic experience. In *Spotlight in the family: Public policy and private responsibility* (pp. 28). New York: American Jewish Committee

Biale, David. (1992). *Eros and the Jews*. New York: Basic Books.

Biale, Rachel. (1984). *Women and Jewish law*. New York: Schocken Books.

Brodbar-Nemzer, J. (1984, Winter). Divorce and the Jewish community: The impact of Jewish commitment. *Journal of Jewish Communal Service, 61*(2), 152-153.

Bayme, Steven. (1990). The Jewish family in American culture. In David Blankenhorn, Steven Bayme, & Jean Bethke Elshtain (Eds.), *Rebuilding the nest* (pp. 149-150). Milwaukee: Family Service of America.

Cohen, Steven M. (1982). The American Jewish family today. In *American Jewish Yearbook*.

Cottle, Thomas. (1979). *Divorce and the Jewish child*. New York: American Jewish Committee.

Fishman, Sylvia Barack. (1993). *A breath of life: Feminism in the American Jewish community*. New York: Free Press.

Friedman, Nathalie. (1985). *The divorced parent and the Jewish community*. New York: American Jewish Committee.

Friedman, Nathalie. (1993). *Remarriage and stepparenting in the Jewish community*. New York: American Jewish Committee.

Gertel, Elliot. (1983). *Jewish views on divorce*. New York: American Jewish Committee.

Goldman, Ari. (1991). *The search for God at Harvard*. New York: Times Books.

Greenberg, Blu. (1981). *On women and Judaism*. Philadelphia: Jewish Publication Society.

Goldstein, Sidney. (1992). Profiles in American Jewry: Insights from the 1990 National Jewish Population Survey. In *American Jewish Yearbook*.

Heilman, Samuel. (1984). *The Jewish family today: An overview*. New York: Memorial Foundation for Jewish Culture.

Hewlett, Sylvia Ann. (1991). *When the bough breaks*. New York: Basic Books.

Klagsbrun, Francine. (1985). *Married people: Staying together in the age of divorce*. New York: Bantam Books.

Kovsky, Harry. (1983). *Family: The missing ingredient in TV family fare*. New York: American Jewish Committee.

Linzer, Norman. (1984). *The Jewish family*. New York: Human Sciences Press.

Medved, Michael. (1992). *Hollywood vs. America*. New York: Harper Collins.

Steinmetz, Devora. (1991). *From father to son: Kinship, conflict, and continuity in Genesis*. Louisville: Westminster/John Knox Press.

Weitzman, Lenore. (1985). *The divorce revolution*. New York: Free Press.

Whitehead, Barbara Dafoe. (1993, April). Dan Quayle was right. *Atlantic Monthly*, pp. 24-31.