

# Marriage in the 21<sup>st</sup> Century

The Death of “Till Death Do Us Part”

By JAMES P. CUNNINGHAM

## **Fast Facts:**

- Some form of formal marital dissolution has always been part of human experience.
- Women with choice about when and if to become pregnant and, by extension, an affordable choice when and if to stay in a marriage, effectively doubles the size of the married population reconsidering their vows.
- If one-half of all marriages will divorce, then statistically if not culturally, divorce is normal.



For the first time in human history, divorce has replaced death as the most common endpoint of marriage. This unprecedented shift in patterns of human coupling and uncoupling requires a new paradigm, that is, a more humane approach for social policy, family law, and marital therapy. The subtitle of this article is borrowed, with grateful permission, from a carefully researched study by prominent family psychologist William M. Pinsof, Ph.D. Both intriguing and at times controversial, his essay is worthy of a wider audience.<sup>1</sup>

## A Brief History of Marriage

### The Pre-modern Experience

Historian Beatrice Gottlieb researched marriage in the Western World from 1400 to 1800. From the end of the black plague to the beginning of industrialization, she found marriages seldom lasted longer than 20 years. During this period:

*Almost all broke up, not because of legal action but because of death... The fragility of marriage was deeply embedded in the consciousness... hardly anyone grew up with a full set of parents or grandparents. From the point of view of the married couple, this meant that however fond they were of each other, they were likely to feel it necessary to make provisions for a future without the other. Marriage "contracts" were primarily provisions for widowhood. For couples who were not particularly fond of each other, it was not unrealistic to dream of deliverance by death.<sup>2</sup>*

Marriages were viewed as permanent, but relatively unstable and short lived. "In the past when a couple got married they could not help but have ambivalent expectations about the durability of their relationship," reports Pinsof. "While they were tightly locked into it and could not easily get out of it by legal means, they knew very well that the time was probably not far off they would part."

### The Modern Marital Experience

Some form of formal marital dissolution has always been part of human experience. From the mid 19th Century, the dawn of industrialization, the probability of a marriage ending in divorce (or annulment) hovered below 10 percent. 1974 marked the year that the most common endpoint of marriage became divorce. By 1985, the divorce rate had steadily increased to over 55 percent. Over the past 20 years, it has remained level at about 50 percent.

Dr. Pinsof uncovered an interesting fact: the mean length of marriage changed very little over this period of time. It remained surprisingly constant, hovering at about 20 years. In other words, after almost 600 years, 500 of which the predominant terminator was death, and in modern times divorce, a substantial body of empirical data inferred hard wiring of one generation.

## The Death to Divorce Transition

While modern human life is dramatically different from its past, this does not, ipso facto, explain away this seeming anomaly of the family. Dr. Pinsof's carefully documented study attempts to identify the reasons behind what he calls "the death to divorce transition."

### Increased Life Span

A fundamental and unprecedented transformation is that we live longer and better. From 1900 to 2000, the average human life span increased more than 25 years. In other words, persons surviving to adulthood can now expect to have "two adult life cycles" when compared to our forbears. As well, the mortality decline in this century is greater than that which has occurred during the preceding 250 years.

Shouldn't an increased life span result in longer marriages? Logic suggests yes. But as the abundant statistics clearly demonstrate, this was not the case. As people lived longer, the duration of their marriages did not substantially increase. Instead, dissolution rates skyrocketed.

And not only are we living twice as long as our grandparents, but we are living better qualitatively. A healthy and vigorous life is a reality for many people in their late 80s. People's values, goals, and beliefs change as they age. Are any of us the same at 40 as we were at 20? Or will be at 55 and 80?

Since most people now marry between the ages of 25 and 35, in all probability they will have changed, and "grown" substantially by the time they reach 50. The arc of circumstance in life, careers, grown children, death events, often merge, or even initiate an individual's capacity for personal growth and adult development.

An alternative explanation is that people's sense of their relational future at 35 and 40 is very different now than it was before the 20th Century. The prospect of another 40 or 50 years with decent health and possibilities for individual growth in an unhappy relationship is very different than the prospect of another 10 or so years under the same conditions.

### Role of Women

As well as living longer and healthier, Dr. Pinsof identifies the changing "biopsychosocial" roles of women as having an enormous impact on this transition. The reduced fertility rate, through the diffusion of modern contraceptive technology, has resulted in much smaller families in the past half century. Several cited studies demonstrate that the likelihood of divorce is lower among larger families and greater among smaller ones.

Another concurrent factor is the rise in women's income. Financial independence, especially together with contraceptive freedom, has greatly increased choice. Women have freedom of opportunity heretofore largely unavailable for this half of the marital partnership. Women with choice about when and if to become pregnant and, by extension, an affordable choice when and if to stay in a marriage, effectively doubles the

size of the married population reconsidering their vows.

### Social Values and the Law

Undoubtedly, one of the most debated factors in the effort to explain the increase in divorce in the last 30 years is the reformation of divorce laws, the rise of "no-fault." Pinsof cites over 10 independent studies exploring the impact of no-fault divorce laws. All conclude easing statutory requirements did not "cause" people who were otherwise inclined, to divorce. Empirical evidence suggests that blaming divorce on no-fault statutes places the cart before the horse. It most probably reflects, he concludes, a movement to minimize the social and legal stigma associated with divorce and reduce the psychosocial trauma historically associated with it.

### Inclination to Stay Married/ Capacity to Divorce

If one-half of all marriages will divorce, then statistically if not culturally, divorce is "normal."<sup>3</sup> This perspective does not view divorce as a failure of the inclination to remain married but its own event, and one with its own potentially positive outcome. Pinsof states:

*Any marital therapist who has treated a wide variety of couples over a number of years, knows that the divorce decision, however initially difficult, is in a number of circumstances*

*1974 marked the year that the most common endpoint of marriage became divorce. By 1985, the divorce rate had steadily increased to over 55 percent. Over the past 20 years, it has remained level at about 50 percent.*

*a positive act. In such circumstances, staying married may reflect an inability to pursue what may be in the best interests of oneself, one's partner, and even one's children.*

The capacity to divorce derives from one or both individuals in a couple concluding that its benefits outweigh that of staying married. In essence, Pinsof argues that peo-

ple are rational decision-makers and a disinclination to stay married is a rational act perceived by the individuals making the decisions as a beneficial step for their continuing lives. In this day and age, divorce is not a failure, but to the extent to which an individual is disposed or inclined to consider it, a realistic and oftentimes positive option.

### Wanted: New Paradigms

Having come to a tentative explanation of the death to divorce transition, Pinsof reasons that we must rethink our world to incorporate the new marital realities.

### The Courts

Family law practitioners will agree with Dr. Pinsof's conclusion that "rethinking domestic relations law is likely to be a lengthy, contentious process." A new system of thought and law must transcend the dichotomous "marriage versus everything else" model by legally recognizing and appropriately protecting non-marital cohabiting, non-marital child bearing and child rearing, as well as marriage.

Statute and case law regarding the family and social policy generally are struggling to catch up with the new realities of human pair bonding and re-pair bonding. Examples abound. Attempts are being made to determine and enforce the rights and obligations of non-marital partners, unmarried parents to their children, rights of grandparents to

their grandchildren, and the rights of gays and lesbians to marry—and divorce.

The courts, and to a lesser extent, legislatures, are coming to increasingly understand the value of co-parental relationships and protecting healthy child development as an alternative to adversarial proceedings. The major challenge to the distigmatization and



While such data is only beginning to emerge, it will most likely confirm the hypothesis that, in most situations, a good divorce is better for all concerned than a bad marriage.

### Mental Health Services

Therapy for marriages and couples has only recently emerged as a distinct form of mental health intervention, which by and large has coincided with the death to divorce transition. Are mental health practitioners integrating the implications of the death to divorce transition and the emerging pair bonding paradigm into their theories and interventions?

While family and marital therapists help couples stay together and dissolve their marriages every day, Dr. Pinsof concludes that most forms of therapy are designed to “strengthen” the marriage. Given that many of their patients will probably divorce anyway, is it fair to say that therapy has failed? In medicine for example, it would be irresponsible and unethical not to train obstetricians to do non-vaginal deliveries, or not to train oncologists to treat patients who don’t respond to chemotherapy.

Mental health professionals should help couples divorce as well as try to stay together. They need to develop more explicit theories and practices to help couples exit from their existing pair bond structure, with minimal damage to both parties (and their children).

Dr. Pinsof believes the mental health profession, in all probability, will become the primary social educator for marriage’s new paradigm. Increasingly, they will need to think of themselves as offering a set of services to couples and potential couples. Services will range from improving their patients’ marriage, to educating what alternative pair bond structures are most appropriate at this junction in their lives, to repairing damaged relationships or facilitate their constructive dissolution.

### Conclusion

Divorce has replaced death as the primary terminator of marriage. It has statistically become an overwhelmingly, albeit still an extremely difficult, “normal” life event. A

cultural normalization of marital dissolution is the creation of non-traumatic legal processes that do not become party to the acrimony and alienation that many families unnecessarily and unfortunately bring to the divorce process.

### Social Sciences

Social science as well needs to confront the implications of the death to divorce transition. Conceptualizing divorce as a “bad outcome” whose probability needs to be reduced misses the point. Uncoupling is here to stay. About half of all people who marry will probably experience it at some point in their lives.

Research needs to move beyond a judgmental attitude towards divorce, and view it as a normal outcome that may be desirable or undesirable. For example, “Stop comparing children of divorce to children of marriages,” Pinsof recommends, to determine if divorce is emotionally and physically bad for children. That is the wrong comparison.

Children of divorce, if they are to be compared to anyone, should be compared to children in families with unhappy or deeply troubled marriages. People who divorce do not do so because they are happy with each other. A substantial number of couples who divorce have miserable marriages with high rates of depression and conflict. Pinsof states, “It is the rare social scientist who would assert that deeply troubled families are better for child rearing than a two-home couple that can co-parent collaboratively and effectively.”

number of factors have caused this death to divorce transition. The lengthening, and the qualitative improvement of the human life span, and enhanced opportunity for personal growth are two reasons. Reproductive technology has brought choice, resulting in smaller families. Social and economic improvement in women’s lives, finally approaching that of their husbands, has doubled the couple’s specter of choice.

“Divorce” is no longer the bankruptcy, or bad result of marriage choice. Indeed it is altogether too common to view it as anything other than culturally “normal.” The emergence of new relationships, family values, and laws have contributed to a fundamental transformation in pair bonding.

Dr. Pinsof’s hope is to further stimulate law, social science, and mental health practices, to integrate what can be learned about human pair bonding from the events of the 20th Century into a new paradigm, a new and beneficial way of betterment for the family in the 21st Century. ◆



*James P. Cunningham is a partner with the law firm of Williams, Williams, Ruby & Plunkett, P.C. in Birmingham, Michigan. For 23 years his practice has been limited to the family. He is a fellow in the American Academy of*

*Matrimonial Lawyers, Michigan Chapter.*

### Footnotes

1. This author thanks William M. Pinsof, Ph.D., President of the Family Institute at Northwestern University and Director of Northwestern Center for Applied Psychological and Family Studies. His articles, *The Death of “Till Death Do Us Part”: The Transformation of Pair Bonding in the 20th Century* can be found at *Family Process*, Volume 41, No. 2, 2002.
2. Gottlieb, B. (1993). *The family in the Western World: From the Black Death to the Industrial Revolution*. New York: Oxford University Press. P. 108. Hereafter, for ease of reading, citations to Dr. Pinsof’s thorough recitation of authority are omitted. For those interested, reference is made to his original article.
3. “Normal” is used in the specific context of the statistical sense—meaning “most common.” See Walsh, *Normal Family Processes* (1982, 1993).