

Chapter 2

Factors Influencing Ex-spouses' Adjustment to Divorce

2.1 Introduction

Divorce is a turning point in the life of each individual involved. From the legal point of view divorce is the dissolution of the marital union, whereas psychologically it is more than a legal document and a courtroom event. It is considered a timely process rather than a one time event. In many cases months and sometimes years of tension, unhappiness, and family discord precede the actual decision for divorce. Regardless who initiated divorce, there are emotional ramifications for both partners. The purpose of this chapter is to give an overview of the consequences that divorce has for the ex-spouses. More specifically, we will deal with the factors that have an influence on the process of the ex-spouses' adjustment to the new situation.

Separation and divorce go along with fundamental legal and socioeconomic changes. The ex-spouses have to adapt to these changes by activating skills that help them to cope with the problems arising from these changes. Divorce not only has psychological consequences but also has economical and physical consequences for all the family members involved. As we will deal with the situation of the children in the following chapter, this chapter is especially dedicated to give an overview of the psychological consequences of divorce on the ex-spouses. In particular we will analyse the factors that play a role in the process of divorce adjustment, and how they relate to the skills that facilitate or impede the adaptation to divorce.

Generally, psychological reactions to divorce range from uncertainty, anger, grief and depression to anxiety and the feeling that one's life is getting out of control. Therefore, divorce has long been viewed as producing mainly negative outcomes that leave the divorcees in a state of deprivation. However, a marital dissolution can also be associated with feelings of relief or liberation and may benefit some individuals. If ex-spouses consider divorce not only as the end of a contract, but take a positive attitude and see it as the beginning of family transformation and individual change they tend to recover more easily from the strains of divorce.

Many factors have an impact on divorce adjustment, such as personal, relational and cultural factors. Among the personal factors there are certain facts such as age,

post-divorce options and socio-economic status that mark the frame within divorce takes place. Moreover a number of relational aspects influence the process of divorce adjustment such as mental and emotional functioning prior to divorce or the degree of attachment to former spouse. Psychological conditions such as the level of self-esteem, personal coping skills, initiation of divorce, individual beliefs and attitudes also play a role in the process of adjustment. Several relational factors concerning the individual's connectedness to others in the private and public sphere contribute to divorce adjustment. This includes the support received from children, the family of origin, from close friends, and a possible new relationship. Additionally, cultural factors have influence on divorce adjustment, specifically in relation to the degree of acceptance or stigmatization of divorce within a culture and the measures taken in a national legal system to deal with marriage dissolution (e.g. child custody, division of assets, etc.).

2.2 Theoretical Perspective

The focus of interest is on the question of how the ex-spouses actually manage to adjust to divorce. Adjustment in this context is understood as a process during which a person responds to a difficult life situation and tries to modify, correct and adapt to the circumstances in order to regain control.¹ Two questions are particularly relevant in this context, such as the first: which changes does divorce bring about?, and the second: which resources does the divorced have available in order to cope with these changes effectively?

Form the methodological point of view we will use psychological theories for the explanation of the ex-spouses' functioning after divorce.² Psychological investigations focus on three aspects, such as human experience, body processes and overt behaviour.³ It is supposed that psycho-dynamism⁴ comes into effect in the

¹Adjustment disorder is the incapacitating reaction to a stressful event that lasts usually around six months. Typical reactions include psychological disturbance and personal crisis which produce symptoms such as changes in mood, depression, anxiety, eating disorder or sleeplessness.

²Psychology is situated on the intersection between human, natural and social sciences as it employs quantitative as well as qualitative research methods. As an empirical science it describes and explains human experience and behaviour, their development in the course of life and all its relevant internal and external causes and conditions. In our explanations we will draw on the results of studies employing qualitative and quantitative research methods.

³As human experience is an inner and invisible process, access to it can only be gained via the theory of mind. In order to describe the relational processes between individuals, we will also employ the theory of mind, which provides hypotheses about the needs, emotions, intentions, expectations and opinions of the other. Body processes can be measured by clinical investigations and behaviourism provides explanations for overt behaviour. For the analysis of the consequences of divorce additional explanations from the fields of individual and developmental psychology will be used.

⁴The idea of a psycho-dynamism is based on the theory of personality and psychoanalysis that investigates the interplay between conscious and subconscious psychological processes.

human psyche when people interact in relationships. This dynamism is based on individual life experience. Everybody has developed a repertoire of interaction patterns that are utilized when they are in contact with others. As a result, when in conflict situations, people recall and utilize problem solving strategies.

We are particularly interested in the human psychological abilities that facilitate the process by which the ex-spouses adapt to the consequences of divorce and regain their personal well-being.⁵ In the investigation of these factors, two aspects have to be taken into account: the temporal component and the research perspective being employed. The first aspect relates to a tendency within the last decades to analyse divorce according to a deficit perspective, by which divorce is seen as an event producing mainly negative results leaving the divorced in a state of deprivation. However, recent studies have added a different perspective implying that divorce may also benefit individuals by enhancing self-confidence, self-efficacy, and by producing feelings of relief and liberation when leaving an unhappy marriage. This second perspective entails that divorce adjustment is a process that improves life over time. Many studies have long neglected this time factor thus disregarding the variability of the adjustment process and the temporal recovery.

In our investigation we will apply the Theory of Family Stress and Buffer Factors which was presented by Hill⁶ in 1949 and was later further developed by McCubbin and Patterson (1983).⁷ Hill developed his model on the basis of experience gained as a psychologist when working with traumatised families during the worldwide economic downturn of the Great Depression in the 1930s. In his work he analysed the factors that had an influence on family stability and he compared broken families to those who remained intact during this time of economic hardship. Concerning research methods he and his colleagues pleaded for a multidisciplinary approach to the study of families that would take a variety of factors into account. At least five aspects were considered relevant in the study of family processes, such as interaction, structural-functional elements, situational components, institutional aspects and developmental features. These different perspectives led to the creation of three major conceptual frameworks for the study of the family environment, such as symbolic interaction, systems theory and exchange theory. Nowadays investigations of the family concentrate on family strength and resources rather than on deficits and pathologic developments.

Psychoanalysis speaks of 'psychological energy' including human urges, desires, motives and emotions, which are considered as the driving force for human behaviour (Freud 1975: 112–114).

⁵Well-being or happiness is the degree to which an individual evaluates the overall quality of life in a positive way. Self-reported well-being measures are thought to be a reflection of at least four factors: objective circumstances, aspirations or expectations, comparisons with others and a person's base-line happiness or disposition.

⁶See: Hill (1949).

⁷See: McCubbin and Patterson (1983): 5–25.

According to this theory the ex-spouses' adjustment to divorce depends on three decisive elements: (1) the accumulation of stressors,⁸ (2) the individual's resources for coping with stress and (3) the definition of the incident producing stress. It is assumed that acute stressors, such as divorce and the events surrounding it, can lead to family crisis, especially when the stressors are accumulated. Mederer and Hill describe this process of accumulation in the following way:

"Hill (...) introduced the notion of "pile up" of stressors to account for the fact that most families can accommodate to one or two stressor events, but are forced into reorganisation if the stress engendered by the stressors exceeds a certain threshold. (...) Hill (1949) defines "crisis" as any sharp or decisive change for which old patterns are inadequate." (Mederer and Hill 1983: 46)

This crisis usually leads to physical, emotional and relational problems. According to the view that several factors interact in the development of stress the activation of an appropriate response the authors called their model "ABCX-theory of family stress", the letters denoting the various factors that influence family stability.⁹

We will briefly explain what is understood by the factors. Factor A stands for the stress producing event (such as job loss, divorce, etc.). On the contrary, the two factors B and C act to buffer the family from these acute stressors reducing the direct correlation between multiple stressors and family crisis. In other words the detrimental effect of divorce may be lessened or buffered by these *protective factors* which help families to persist despite continual and serious stressors. The scheme depicts the ABCX theory of family stress (Fig. 2.1).

Mederer and Hill thought that the two protective factors, internal family resources (i.e. attachment style) and social relationships (B factor) and the family perception and parental self-efficacy (C factor), correlate with the acute stressor of divorce (A factor) and forecast family crisis (X factor). The researchers assumed

⁸Stress in general is considered an automatic response to an internal or external stimulus. M. and H. McCubbin distinguish between four levels of stress-intensity, such as *stress*, *eustress*, *distress* and *hyperstress*. Stress and eustress may have a positive effect in that a person activates internal resources to adapt to a change of circumstances or to meet challenges. However, if the tensions produced by these conditions cannot be overcome and the demand exceeds the internal and external resources the authors speak of distress or hyperstress. Common responses to stress include physical tension, irritability, difficulty to concentrate or even anxiety and depression. Family distress denotes the family's feeling of unpleasantness due to hyperstress. See: McCubbin and McCubbin (1989): 11.

⁹S. White and K. Mika recapitulate what is understood by adjustment, reaction to stress and management of resources in the theory of family stress: "In the ABCX model, what is referred to as crisis is, "the amount of incapacitatedness or disorganization in the family where resources are inadequate" (...). Adjustment in this literature refers not only to what characteristics and resources family members bring to situations, but also to what families do in response to a stressful event. An important distinction is made between a family's vulnerability to stress, which is defined as its ability to withstand the initial impact of the stressor, and a family's regenerative power, that is, its ability to recover once there has been some internal stress and disruption (...). In addition, there is a distinction made between reactions to stress, management of existing resources, and more active coping behaviors, such as seeking out new social supports." (White and Mika 1983: 186f.).

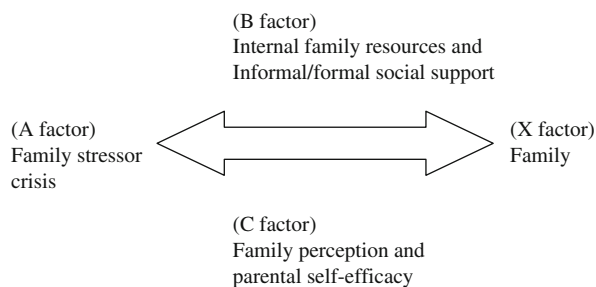


Fig. 2.1 Theory of family stress and buffer factors

that social isolation intensified the impact of divorce on the family functioning. The C factor, which refers to the perception of the stressful event, concerns the spouses' system of values and attitudes toward divorce and whether they perceive the divorce as either a failure or an opportunity. Accordingly the emotions that accompany divorce may range from hope to despair. M. and H. McCubbin give the following description of the C-factor:

"The family's subjective definition of the stressor, accompanying hardships and their effect on the family comprises the C factor in the Typology Model. Although there are objective cultural definitions of the seriousness of life events and transitions representing the collective judgment of the community, this factor represents how the family defines the seriousness of the experienced stressor. (. . .) The family's appraisal of the situation can range from interpreting a stressor as uncontrollable and contributing to the family's disintegration to viewing the situation as a challenge to be met with growth producing outcomes. (McCubbin and McCubbin 1989: 10)

The theory addresses all relevant factors that play a role in the process of divorce adjustment. A revision of the research literature shows that the theory of family stress and buffer factors is referred to in many studies. Accordingly, most studies in this field mention three groups of factors that influence adjustment to divorce issues, such as personal characteristics, relational patterns and cultural factors. These three groups of factors are depicted in the diagram (Fig. 2.2).

Individual characteristics that are assumed to affect adjustment to divorce include the person's age and psychological qualities (beliefs and attitudes), socio-economic status (education, employment, income). The question of who initiated divorce is also relevant in this context because it allows conclusions to be drawn about the pre-divorce functioning of the marriage.

Several relational factors concerning the individual's connectedness to others, both in the private and public sphere, contribute to divorce adjustment. This includes the support received from children, the family of origin, a possible new relationship and close friends.

Additionally, cultural factors have effects on the process of divorce adjustment, such as the degree of acceptance or stigmatization that divorce is associated with in a culture. Other cultural factors include the measures taken in a national legal

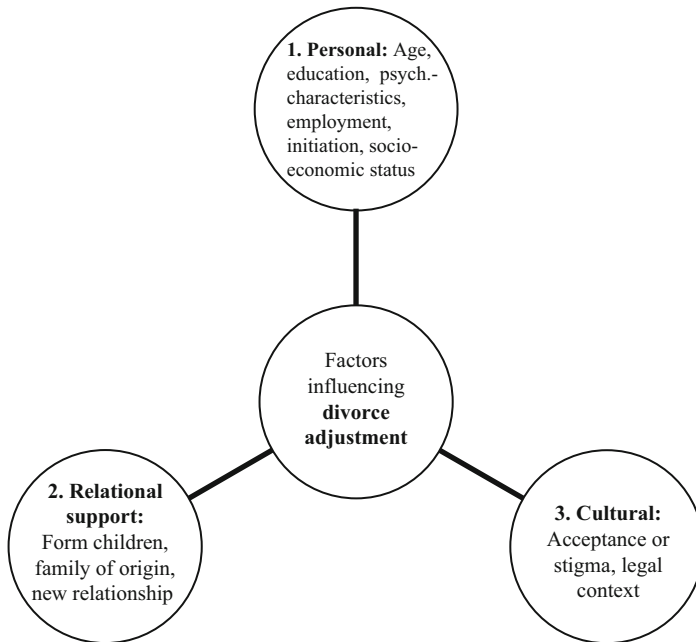


Fig. 2.2 Factors influencing divorce adjustment

system to deal with marriage dissolution (e.g. child custody, division of assets, etc.) and the repartnering options available. The three groups of factors shall now be described in more detail.

2.3 Personal Factors

Among the personal factors that influence an ex-spouse's adjustment to divorce are a person's age and psychological characteristics (e.g. intelligence, individual beliefs and attitudes), his or her socio-economic status (e.g. education, employment) and the post-divorce options. Moreover a number of psychological conditions influence the process of divorce adjustment, such as mental and emotional functioning prior to divorce, the degree of attachment to former spouse, the level of self-esteem as well as coping skills.¹⁰

¹⁰Coping skills are cognitive and behavioural processes that are used to respond to stressors. These processes include thinking of alternative strategies, collecting information, cooperating with others or viewing a problem from various perspectives. Coping techniques are selected and constantly tested on reality.

H. and M. McCubbin give the following definition of coping skills: "Coping refers to the family's strategies, patterns and behaviours designed to maintain and/or strengthen the

Referring to the divorced person's age and adjustment studies show different and sometimes even contradictory results. This is probably due to the fact that the framework conditions of the various age groups investigated are quite different. Some studies revealed that it is more difficult for older people to adjust because they have restricted post-divorce options in terms of employment and remarriage.¹¹ Other studies found better adjustment among older divorced persons because they have fewer parenting problems in concerns of raising children. One study found that young people were more pessimistic than older people when their marriages ended probably because they tend to have high expectations combined with relatively little life experience.¹²

Psychological dispositions such as intelligence, individual attitudes and beliefs¹³ play a relevant role in the adjustment to divorce. It is known that our perception is influenced by attitudes, beliefs and individual definitions. Thus, an ex-spouse's subjective interpretation of his or her situation seems to have more influence to adjustment than the factual situation. The actual economic situation is therefore viewed in relative terms. Wang and Amato (2000) found out that a decline in living standard may nevertheless be viewed optimistically because the ex-spouse has more control of the whole situation. They conclude the following:

"For example, a decline in standard of living might be experienced positively if it also means that people feel that they have more control over their remaining income. (...) This conclusion is consistent with Shapiro (...), for example, who found that people's adjustment to divorce was related more strongly to their subjective perceptions of economic hardship than it was to their objective economic situations." (Wang and Amato 2000: 665)

Personal resources that are needed to cope with stressful life events seem to be related to an individual's level of education. It is assumed that people with longer education and formation times tend to have higher cognitive abilities,¹⁴ a stronger sense of control and self-discipline and a better social network of supporting people than poorly educated individuals.¹⁵ In accordance with Hill's crisis model, these

organization and stability of the family unit, maintain the emotional stability and well-being of family members and, obtain and/or utilize family and community resources to manage the situation and initiate efforts to resolve the family hardship created by the stressors/transition." (McCubbin and McCubbin 1989: 10).

¹¹See: Kitson and Morgan (1990): 913–924.

¹²See: Kitson et al. (1989): 5–32.

¹³Attitudes are formed by experience and denote personal preferences towards something (a person's behaviour or an event) and likes or dislikes towards somebody (person). Attitudes are based on emotions, cognition and are expressed by a certain conduct. Belief has a wider scope than attitude and means a person's acceptance of something as being true, and being convicted of the actuality and validity of something. If we speak of belief there is always a subject involved, the believer, and an object of belief, such as a proposition.

¹⁴By cognitive skills we understand the ability of the human mind to process information by learning, understanding and reasoning. Cognitive skills include activities such as differencing, planning, problem-solving, making decisions, abstractions, generalizations and specifications and meta-reasoning.

¹⁵See: Kitson and Morgan (1990): 913–924, McCubbin and McCubbin (1989): 3–43.

personal resources are relevant because they help to deal with the stressors that usually pile up in the process of divorce. The better the divorced is able to cope with arising problems and take appropriate measures in reaction to these problems, the less the problems will accumulate and thereby worsen the situation. M. and H. McCubbin give a summary of the most relevant personal resources that range from intelligence, skills acquired by experience, character, to health and self-confidence:

“Some of the important personal resources that may be used by the family in adaptation include (a) innate intelligence, which can enhance awareness and comprehension of demands and facilitate the family's mastery of these; (b) knowledge and skills acquired from education, training, and experience so one can gain employment and perform the tasks necessary for daily living; (c) personality traits (e.g. sense of humor, extroversion), which may facilitate efficacious coping behaviours; (d) physical and emotional health, so that intact faculties and personal energy may be available for meeting family demands; (e) a sense of mastery, which is the belief that one has some control over the circumstances of one's life; and (f) self-esteem, that is a positive judgment about one's self-worth.” (McCubbin and McCubbin 1989: 19)

As personal attitudes and beliefs have a key role in the interpretation and attribution of life events they shall be analysed in more detail. A person's beliefs and attitudes are mainly shaped during the socialization process and undergo critical reflection during young adulthood. They have an organizing function for our behaviour and govern an individual's interaction with the world. Beliefs and attitudes affect the mind in three different ways: first, they manipulate our perception of events by controlling the process of receiving information from outside; second, they have some bearing on the evaluation of information concerning conduct; and third, they help to adjust the mental processes to the actual situation. As such they are both, stable and flexible as we need to adapt our behaviour constantly to reality. The stabilizing quality lies in the fact that once they are established they remain relatively steady over a lifetime as a fundamental change would destabilize the whole personality. On the other hand, changes and modifications are inevitable. The diagram shows a circular process that represents the functioning of beliefs and attitudes (Fig. 2.3).

In particular, beliefs and attitudes may be so strict, rigorous or of authoritarian quality, that they impede personal development and inhibit individual growth. In such cases an individual needs to revise them and make essential changes and necessary adaptations. Positive attitudes can act as a buffer which helps one to cope with the difficult consequences of divorce. This view is supported by the study of Wang and Amato who investigated predictors of divorce adjustment by focusing on people's attitudes and emotions concerning divorce. They found out that an ex-spouse can handle a significant amount of trouble if he or she accepts this change and sees it as an opportunity for a second chance. They describe this phenomenon as follows:

“Indeed, people may be willing to put up with a considerable degree of economic, social, and psychological strain to extricate themselves from an unsatisfying marriage. (...) Furthermore, it may be necessary to understand what these potential stressors mean to the individual. For example, a decline in standard of living might be experienced positively

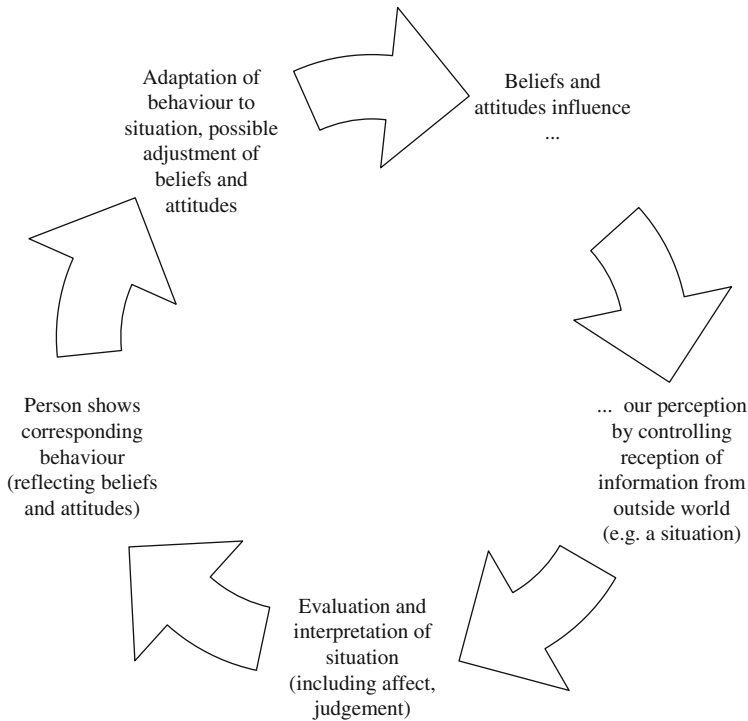


Fig. 2.3 Organisation of human behaviour by attitudes and beliefs

if it also means that people feel that they have more control over their remaining income. Similarly, losing friends might not be distressing if these friends are viewed as allies of the ex-spouse. Moving might be desirable if it involves relocation away from a home that one found aversive. These considerations suggest that rather than looking at objective events and assuming they are stressful, it may be necessary to obtain peoples' subjective judgments about the extent to which these events are experienced as problematic." (Wang and Amato 2000: 665)

Another relevant aspect referring attitudes and beliefs is the role of attribution¹⁶ that ex-spouses give for the failure of their marriage. In particular, we are interested in what ex-spouses think about their divorce and how they explain the reason for the divorce. This is supposed to have a general impact on the ex-spouse's well-being and is likely to have an effect on the process of adjustment. In their qualitative study on the attribution of responsibility, Newman and Langer explored the attributions that divorced women, aged 24–57 years, gave for the failure of their marriages. They investigated the type of attribution that well-adjusted women gave and related it to other personality characteristics (e.g. self-esteem) and overall happiness.

¹⁶Attribution means explaining a phenomenon by ascribing one or more reasons to it.

Two different kinds of attributions were distinguished, such as interactive or person related attributions, the first pointing to the dyadic unit that has been established by both spouses and the second concerning mainly characteristics of one spouse. The authors state that ex-spouses may actively promote or exaggerate their own feelings either by recrimination or by self-reproach, which impedes adjustment. They reasoned that ex-spouses would be more prone to make attributions to themselves or the other rather than to their relationship on the whole. This is because it seems easier to blame one person rather than to explain a complex interaction process such as the relationship where many aspects play a role and it is impossible to take an objective perspective. However, using an interactive attribution by putting the blame on the malfunction of the relationship prevents the ex-spouse from self-reproaches and change of conduct. The authors describe the advantages and disadvantages of person attribution:

“The use of interactive attributions may restore to the divorced individual a greater feeling of control over future interpersonal endeavors through the recognition that undesirable behaviours are changeable. On the other hand, person attributions may foster the irrational belief that oneself or one’s ex-spouse caused the marriage to fail because he or she was, in some sense, a “personal failure”. Thus person attributions may lead to feelings of self-recrimination, resentment, the unreasonable assumption that people and circumstances cannot be changed, and a hopeless search for “the more perfect person”. (Newman and Langer 1981: 225)

Their results confirmed the presupposed correlation between attribution type and self-esteem. Thus, women who made interactive attributions for their divorce instead of using personal attribution had a higher opinion of themselves, were more active and socially skilled, and described themselves as happier with positive feelings for the future.

If we focus on the economic consequences of divorce, one or both ex-spouses may experience a decline in living standard, at least some time after divorce from which they might ultimately recover. Generally, financial matters are crucial in this case, therefore the ex-spouse’s factual income must be distinguished from his or her available income.¹⁷ A high factual income may be associated with high obligations and might therefore mean a lower available income. As a consequence an ex-spouse with a reduced available income may refrain from making promises in a possible new relationship in order to avoid further obligations.¹⁸

Many studies have found a correlation between higher education, employment, better socioeconomic status and successful post divorce adjustment.¹⁹ Dividing one household into two while not increasing resources has, undoubtedly, a weakening

¹⁷The available income denotes the income that remains after the deduction of all costs and obligations from the factual income.

¹⁸This can mean that he or she prefers superficial contacts compared to stable relationships or that the commitment in the relationship is restricted to cohabitation rather than marriage.

¹⁹See studies of Amato and Booth (1991): 895–914, Demo and Acock (1996): 457–488, Gove and Shin (1989): 122–144, Menaghan and Lieberman (1986): 319–328; Plummer and Koch-Hattem (1986): 523–529.

effect on the living standard of both ex-spouses.²⁰ However, ex-spouses who are employed and have a high income experience less economic hardship in the post divorce phase than those who have a moderate or low level of income.

Several studies found a gender-specific component revealing different economic consequences for men and women.²¹ The results showed that in many countries women usually face a decline in their economic situation following divorce, whereas men experience fewer economic changes, less deterioration of their living standard and sometimes even improvement of their economic status. The couples' post divorce adjustment is influenced by the economic hardship that follows over the years, produced depending on the severity and duration of such decline.

In Spain the post-divorce situation is determined by the following socio-economic characteristics: the application of Articles 90, 92 and 96.1 of the Spanish Civil Code cause that the children have the right to remain in the family accommodation and the parent who primarily exercises child custody remains with them.²² The non-custodial parent has to find new accommodation and is often confronted with considerable financial commitments. Given the high prices of real estate in Spain it is often difficult or even impossible to cover the costs for two residences. In his comment on the application of Article 96 of the Spanish Civil Code, González del Pozo describes the difficult situation of non-custodial parents from his experience as a judge of the family court:²³

“(. . .) el progenitor obligado a abandonar el domicilio conyugal viene obligado a procurarse un nuevo inmueble en que alojarse, y a asumir una carga económica adicional antes inexistente, al tiempo que debe continuar abonando la mitad de la hipoteca del inmueble que constituyó del domicilio conyugal, todo lo cual le coloca en una situación de extraordinaria precariedad económica.” (González de Pozo 2009: 16)

The statistical portrait of the income of men and women of the European Commission²⁴ provides details about earnings and the risk of poverty with reference to single parents. Generally, the hourly wage is higher for men throughout all 25 European countries, with the gap increasing with age. The following details are published by the European Commission:

“Across the EU as a whole, average gross hourly earnings of women (those between 16 and 64 years old and working 15 h or more a week) were, on average, 15% below those of men in 2005. Women earn less than men in all Member States and in 2005 there were only eight countries out of the 27 and only three – Belgium, Malta and Slovenia – where it was smaller than 9% (. . .). In six countries – Germany, Estonia, Cyprus, Slovakia, Finland and the UK – the gap was 20% or more.” (European Commission 2008: 93)

²⁰See: Duncan and Hoffman (1985): 427 ff.

²¹See: Rogers (2004), Wilcox and Nock (2006), Alwin et al. (1992).

²²See: González de Pozo (2009): 16.

²³Several associations of divorced fathers and mothers complain on their homepages about the precarious economic situation that usually affects the non-custodial parents. Some Autonomous Communities have reacted to this situation and provide affordable accommodation for rent to divorced people.

²⁴European Commission, (2008).

A detailed analysis of the wage gap with reference to women's age shows that the older women are the greater the difference is between the income of men and women. Thus, women younger than 30 years of age earn 8% less than their male age group while men in their thirties earn 20% more than women. According to the structure of earnings survey the European Commission gives the following data:

"... women below 30 earned less than men in the same age group through-out the EU, their hourly wages on average being 92% of those of men (...) were only three EU Member States – Greece, France and Hungary — in which women's earnings were more than 95% of those of men and five in which they were below 85%. (...) For those aged 30–39, women on average earned only some 80% of what men earned in the EU. In this case, there were only eight Member States in which their earnings were more than 85% of those of men and none in which they were more than 90%. In Estonia, women's earnings averaged under 75% of those of men and in the Czech Republic and Slovakia, less than 70%" (European Commission 2008: 94)

In 2005 the risk of living in poverty for the working people within European Member States was slightly higher for women than for men.²⁵ Referring to the relation between risk of poverty and being a single parent, the European Commission found that women living with a dependent child are especially at risk for descending into poverty. Except for five Member States²⁶, in the remaining 20 European states, more women lived in low income households, although the difference was relatively small (only 1% point). This is shown in the EC statistics (Fig. 2.4).

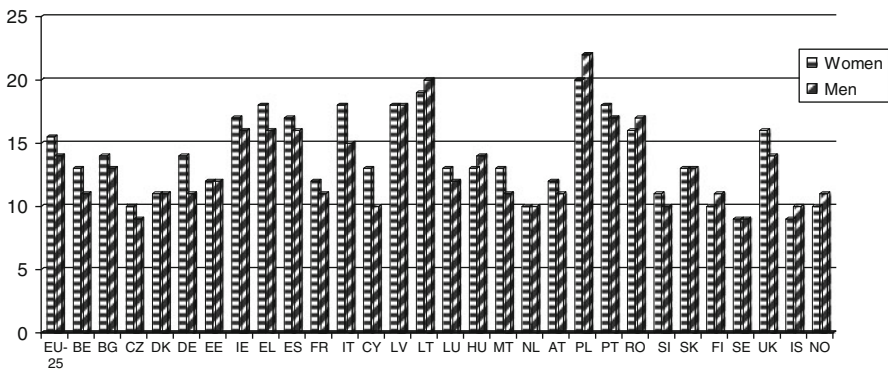


Fig. 2.4 Proportion of lone parents at risk of poverty, 2005

²⁵According to the European Union people are considered at risk of poverty, "when they live on an income below 60% of the median household income of their own country." In a press release on the eradication of poverty and the promotion of social inclusion the European Union stated that currently 78 million people in the European Union or 16% of the population and 19% of the children are at risk of poverty. See: European Statistic Yearbook (2008): 91.

²⁶See: Andreß et al. (2006): 533–560.

Whereas the average percentage of single parents' at risk for poverty in the Member States is 15% for women and 14% for men, the rate for Spain is slightly higher at 17% for women and 16% for men. Among the Member States with a high living standard (i.e. Denmark, France, the Netherlands and Sweden), the risk of poverty for single parents lies below the European average. It may be concluded that these countries have established a system of family support in which the family members in the post divorce phase help the divorced person to cope, at least with economic difficulties.

Undoubtedly, the economic effects of divorce depend to some extent on the socio-economic circumstances and the family policy that a particular state provides. The study of Andreß et al. looks at the relationship between the economic consequences of divorce and the different forms of family policies in European Member States. The authors used Belgium, Germany, Great Britain, Italy and Sweden as representatives of four prototypical models of family support: these are (1) the market model, (2) the extended family model, (3) the male breadwinner model and (4) the dual earner model. The typology goes back to two concepts of welfare states employing either an extensive or a rudimentary family policy. The authors consider models (3) and (4) as part of the continental European and North European states with an extensive family policy where governments provide two different types of family support:

“...either through financial compensation for children and other dependent household members in the form of cash transfers or tax relief or by support for sufficient care facilities and gainful employment for all adult family members.” (Andreß et al. 2006: 536)

On the contrary, of countries with a rudimentary family policy, dominant mainly in the Anglophone and Southern European countries, the few existing benefits have only the aim of preventing poverty by using safeguard measures via the market or by the family. Whereas the market model encourages citizens to find private solutions based on the market rather than utilizing state interventions, in the extended family model, support is supposed to come from the family network rather than from the market. They assume that these four types of family support create specific dependencies within the family, which in the case of separation or divorce, there may be negative consequences for the economically weaker partner. The researchers focus on the question of how much economic autonomy is granted to the weaker family members within each of the four models. The table shows the characteristic features of the four models of family policy and their corresponding states in terms of economic autonomy for women (Fig. 2.5).

A comparison of the four models shows that a high female employment rate is positively correlated with a high amount of family cash benefit and public child care available for young children until the age of three years. Both measures facilitate women's re-entrance into the labour market after maternity leave. Women's economic autonomy appears to be lowest in the extended family model in which low part-time employment is the most frequent job option. A higher income level, privately organised child care and less state intervention is typical for the market

Economic autonomy	Sweden (4)	Belgium (3/4)	Germany (3)	Great Britain (1)	Italy (2)
<i>Cash transfer</i>					
Family cash benefits	++	0	–	0	--
Child benefits	0	++	–	–	--
Social assistance	0	+	–	0	--
<i>Public childcare</i>					
0- to 3-year olds	++	+	--	--	--
3- to 6-year olds	0	+	0	--	+
<i>Women's employment</i>					
Employment rate	++	–	0	+	--
Low part-time employment	+	0	0	--	++
Economic autonomy: 3, high; 2, middle; 1, low Rank compared to five-country mean: --, very low; –, low; 0, average; +, high; ++, very high					

Fig. 2.5 Women's economic autonomy in five states²⁷

model. The authors assumed that that economic autonomy for the weaker members is highest in Sweden and lowest in Italy with Belgium, Germany, and Great Britain ranging in between. The results show that the post-divorce household income is affected for both genders, however more negatively for women than for men. This can be seen in the diagram that shows the adjusted household incomes of 2004 separately for men and women in each country from 5 years before to 5 years after separation (Fig. 2.6a, b).

On the whole, the study reveals high gender inequalities in economic status after divorce in all five countries. In accordance with European statistics, women turn out to be the losers while the men seem to be better off. In three of five countries (Belgium, Italy and Great Britain) men experience either no income changes or they have an increase in income. However, in Germany men lose 2% of their former income and half of the divorced men in Sweden lose 7%. Their results also show that the women's income decline is highest in Italy and lowest in Sweden, and that British and German women recover rather quickly from the negative economic effects of separation. The dual earner model turns out to have the highest gender equality and both men and women are confronted with long-lasting financial consequences following divorce.

Despite of the fact that the welfare state protection has increased within the last two decades, the Spanish family policy may still be subsumed under the extended family model because it expects the family to internalize welfare responsibilities. In their detailed description of the Spanish family policy model Baizán, Michielin

²⁷1 = market model, 2 = extended family model, 3 = male breadwinner model, 4 = dual earner model. Andreß et al. (2006): 533–560.

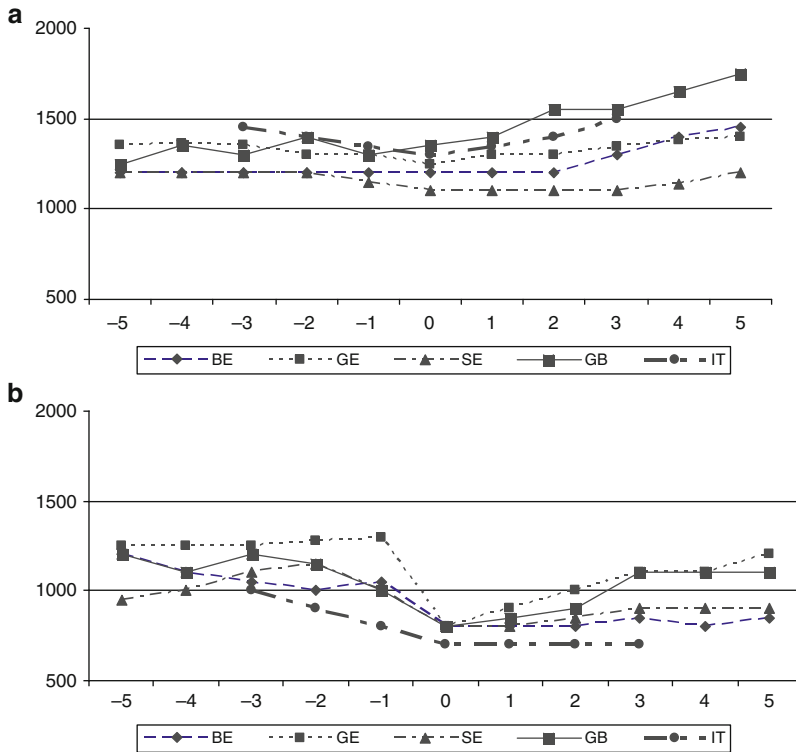


Fig. 2.6 (a) Adjusted household incomes for men before and after divorce in 2004. (b) Adjusted household incomes for women before and after divorce in 2004²⁸

and Billari report that the Spanish family policy had been criticised by the OECD because of its low profile in state intervention. According to the authors, the Spanish family policy may be described by the following features: a low development of active labour market policies and insufficient communication between employers and job seekers. This puts the emphasis on the family as supporting entity for unemployed family members and for finding a job by using private family networks. The housing policy has strengthened the private housing sector and weakened the rental housing market. This puts a heavy economic burden on first household formation as well as on the new start after divorce. The tax system promotes joint taxation among couples, a disincentive for working women, and grants tax reduction for non-working people living in the household. There are few student grants available and private formation is often difficult to afford. A low amount of child benefit and 16 weeks of maternity leave tend to favour the male

²⁸ Andreß et al. 2006: 533–560.

breadwinner model.²⁹ In fact, despite of a considerable increase in women's labour market participation within the last decades the female employment rate is still lower than the European average rate. Working women occupy often part-time jobs and the male breadwinner model is still predominant in Spanish society. Public child care is available free of cost for children from the age of three years. Schools are mostly comprehensive schools and often provide catering for pupils, which facilitates the reconciliation of work and private life for families.³⁰

The economic side of marital dissolution entails a regulation of the obligations and the property acquired during marriage (Articles 90.E, 91, 95 of the Spanish Civil Code), the attribution of the family accommodation (Article 96), child support (Article 93) and compensatory payments, such as spousal support (Article 90.F, Article 97 CC).³¹ The outcome of the spouses' stipulations in the regulating agreement (Article 90) determines to a large extent the economic shape of the post-divorce family. The negotiations concerning property division are often dominated and influenced by emotions. Both spouses are afraid of giving up too much and intend to maximize their gains. Due to these circumstances it often takes a considerable amount of time to settle economic questions.

In a study on gender and the short-run economic consequences of marital disruption, Smock points out that although men do not economically fare well after divorce, women suffer from more serious economic consequences. The author sees a special disadvantage for women who have lived in a marriage with the characteristics of the traditional male breadwinner model. This is because the post-divorce consequences that ex-spouses experience depend mainly on their economic status before the separation:

"Men and women with similar levels of work attachment before separation or divorce tend to have similar post disruption personal incomes, largely because prior work experience predicts employment and earnings after marital disruption. But the reality is, of course, that few women with young children can achieve this level of labour force attachment. Childless women have significantly more years of work experience compared to women with children, and childless women worked as many weeks as men in the year before marital disruption." (Smock 1994: 258)

In their article on occupation, family and household trajectories among young Spaniards the authors Baizán, Michielin and Billari conclude that the Spanish welfare state is designed for stable families with male breadwinners in which the vulnerable are mainly the elderly. However, in reality it is especially the younger generations who are confronted with all the problems and risks associated with industrialization and globalization, such as requirement for high flexibility, competition and high level of formation. Therefore the increasing risk of unemployment

²⁹See: Baizán et al. (2002): 197f.

³⁰For a description of the situation of the Spanish family in the European context, see: Ruiz Corbella (2005): 41–62.

³¹The effects of separation and divorce in Spanish Family Law are discussed in more detail in Chapter 4.

affects mainly younger people and women who want to enter the job market. This does not only delay the transition to adulthood and household formation but also complicates the situation for men and women after divorce.³²

Spanish family law contains several statutory provisions aimed at preventing a precarious post-divorce situation for the economically disadvantaged spouse.³³ As such, Article 97 of the Civil Code takes into account the specific conditions of the marriage. The following criteria are relevant for the attribution of spousal support: agreements made between the spouses, age and state of health of economically weaker spouse, professional qualifications, pre-divorce family organisation and duration of marriage, collaboration in ex-spouse's business and special necessities.³⁴ Likewise the Spanish Law on Gender Equality contains special provisions in Article 31 on urban policy, territorial organisation and housing which maintain that the government will provide access to accommodation for women who are in precarious situations or at risk of social exclusion. They apply especially to women who are victims of gender violence or custodial mothers of minor children. This is expressed in Article 31, paragraph 2:

“Artículo 31. Políticas urbanas, de ordenación territorial y vivienda. (...) 2. El Gobierno, en el ámbito de sus competencias, fomentará el acceso a la vivienda de las mujeres en situación de necesidad o en riesgo de exclusión, y de las que hayan sido víctimas de la violencia de género, en especial cuando, en ambos casos, tengan hijos menores exclusivamente a su cargo.” (Ley Orgánica para la igualdad efectiva de mujeres y hombres, 2007: 12,618).

Another relevant factor that has some bearing on spouses' adjustment to divorce is the question who initiated divorce. The research literature is based on the observation of the spouses normally confirming that one spouse “left the other”.³⁵

³²See: Baizán et al. (2002): 218.

³³See in particular the Law on Gender Equality, which states that the government will provide access to accommodation for women in precarious situations or at risk of social exclusion. This applies especially to women who are victims of domestic violence or custodial mothers of minor children (Ley Orgánica 3/2007 para la igualdad efectiva de mujeres y hombres, 2007: 12618).

³⁴See: “Article 97

El cónyuge al que la separación o divorcio produzca desequilibrio económico en relación con la posición del otro, que implique un empeoramiento en su situación anterior en el matrimonio, tiene derecho a una pensión que se fijará en la resolución judicial, teniendo en cuenta, entre otras, las siguientes circunstancias: 1º Los acuerdos a que hubieren llegado los cónyuges. 2º. La edad y estado de salud. 3º. La cualificación profesional y las probabilidades de acceso a un empleo. 4º. La dedicación pasada y futura a la familia. 5º. La colaboración con su trabajo en las actividades mercantiles, industriales o profesionales del otro cónyuge. 6º. La duración del matrimonio y de la convivencia conyugal. 7º. La pérdida eventual de un derecho de pensión. 8º. El caudal y medios económicos y las necesidades de uno y otro cónyuge. En la resolución judicial se fijarán las bases para actualizar la pensión y las garantías para su efectividad.” (Spanish Civil Code, Article 97).

³⁵The expression “leave” has four connotations according to the type of relationship. The separating spouses may be subdivided into one of the following four categories depending on their active or passive role: (1) the abandoner and the abandoned denoting the aspect of one partner leaving back the other, (2) the escaped and the escapee, where the conflicts have become unsolvable, (3) the released and the releaser, implying that one exerted control over the other,

In fact, in the majority of cases there is one spouse who initiates the break-up while the other prefers the marriage to continue. Only in a minority of cases the break-up is initiated simultaneously by both spouses. However, not every unilateral divorce necessarily results in non-consensual divorce because most spouses finally reach a consensus on their regulating agreement. In fact, statistic data of the year 2007 show that from the 125,721 couples who got divorced in Spain, a total number of 79,945 divorces were consensual and only 45,776 were non-consensual.³⁶

Each spouse's decision to stay or leave is influenced by comparing the utility of the existing marriage to that of a hypothesized alternative. Divorce figures show that a majority of divorces are filed by women in European countries as well as in the United States.³⁷ There may be several reasons for this. One reason is that husbands tend to avoid separation because the social status of "husband" entails some social recognition.³⁸ Another explanation is that women are more sensitive to problems and suffer more from an unsatisfactory relationship.

In their investigation on spouses' attitude toward divorce, Crane, Soderquist and Gardner found that women and men use a different mental approach when entering the divorce process and use dissimilar communication patterns. According to their study women tend to be more sensitive to marital quarrels and are more likely to make specific plans for divorcing without communicating said plans with their spouses. Women also are more consistent in carrying out their plans for divorcing. The authors point to the difference between men and women when thinking and communicating about divorce and underline the importance of these results for pre-divorce counselling:

"Women also think more about divorce and talk to others about divorce and are willing to make these thoughts and desires known to their spouse. Therefore this study indicates that women appear to take a more active role in preparing and planning for divorce or separation. (...) One conclusion related to the results of this study is that wives' statements of distress or divorce intention will occur more frequently than statements from their husbands. Also, given that wives' distress levels are more predictive of divorce than are their husbands' distress levels, clinicians and husbands should pay careful attention to any such statements. Because many women know the costs of divorce in such terms as loss of social and economic status, increased responsibility for children, and custody disputes, their willingness to consider divorce should not be taken lightly." (Crane et al. 1995: 103f)

Another reason why more women file for divorce is that they often have fewer material resources to utilize. As fewer resources translate into restricted bargaining power women have less means that would allow them to effectively change their

and (4) the set-up and the setter-upper, indicating that one partner played a trick on the other or used some sort of trap to provoke the end of the relationship.

³⁶See: Appendix Divorce Sentences in Autonomous Communities (2007).

³⁷See: Brinig and Allen (2000): 126–169.

³⁸See: Nock (2001): 756–777.

marriage to a more enjoyable state.³⁹ Their power to convince and induce their husbands to change is therefore greatly restricted, which then leads to an accumulation of problems and a radical solution for change.⁴⁰ This seems logical, as the one who suffers more during the marriage is more likely to initiate the divorce. In their study on motives for divorce, Hetherington and Tyron draw our attention to the amazing difference in perceiving, experiencing and evaluating the quality of marriage between the spouses. They point to two aspects that preoccupy women when they consider divorce, such as the fear to loose child custody and a decline in economic status once they are divorced:

“Divorced women reported having been dissatisfied longer in their marriages and having considered separation for a longer period than did men. In contrast, about one quarter of the husbands said they were surprised when their wives wanted to divorce and were not sure about the reasons for the sudden degeneration in their marriages. Women usually reported that the main thing that locked them into an unsatisfying marriage was too little independent income to support themselves when they left, and some, in anticipation of the breakup, had prepared by going back to school or to work. Unhappily married men were more likely to fear the loss of their children.” (Hetherington and Tryon 1989: 58).

Many people have a high level of distress long before the divorce or during the decision making phase.⁴¹ Thus the initiator has usually finished the mourning process when he or she discloses the wish to divorce and has fewer adjustment problems. Furthermore, the initiator tends to have a feeling of control over the situation whereas the divorcee experiences more distress after the divorce. Basically, both spouses experience distress but the timing and recovery is different. Wang and Amato found that a new relationship had a positive effect on the process of divorce adjustment:

“Spouses who initiate divorce have completed all or most of their mourning for the marriage by the time the physical separation and legal divorce occurs. In contrast, spouses who resist the divorce must do most of their mourning after the marriage ends. Furthermore, forming a new intimate relationship – especially if it is satisfying one – may be the fastest way for people to soothe the psychic pain associated with a failed marriage.” (Wang and Amato 2000: 667)

Researchers found that the experience of control over the divorce process had a positive effect on divorce adjustment.⁴² This is confirmed by longitudinal studies

³⁹Bargaining power is an economic term that is applied to relationships and denotes all the advantages that a person can offer in a negotiation. It is a person's capacity to pursue his or her interests by way of negotiation, persuasion, status or influence, power or a combination of these elements.

⁴⁰This is also due to the tendency that social norms do not encourage women to exert power of their husbands and making compromises is less accepted for husbands. Although there is a tendency towards more gender equality it is still more accepted for women to take over traditional male roles than men taking over typical female roles (e.g. household duties, child care, etc.). See also: Sweeney (2002): 410–440.

⁴¹See: Kitson (1992).

⁴²See the studies of Gray and Silver (1990): 1180–1191; Wallerstein (1986): 65–77.

specifying that unhappily married people tend to adjust comparatively well once the marriage has ended.⁴³ Furthermore, the authors found two predominant factors facilitating divorce adjustment, such as social resources and the spouses' evaluation and definition of the divorce. They state the following:

"More important, social resources (such as forming a new relationship) and people's definitions reflected in being the initiator of divorce) consistently predict better divorce adjustment. (...) Our measures assume that adjustment involves believing that the divorce was a good idea, perceiving positive outcomes of divorce, no longer being preoccupied with the former spouse and marriage, and psychologically "moving on" with one's life. Given this way of measuring adjustment, it is not surprising that the best adjusted individuals are those who initiated the divorce and are in a new relationship." (Wang and Amato 2000: 666f)

This statement shows that the partners who take an active role and are in a new relationship seem to adapt well to the new situation. However, it was also mentioned that entering into a new relationship always bears the risk of committing the same errors as in the former relationship. Therefore a critical reflection of the own conduct is recommended.

2.4 Relational Support

We will now turn to the relational factors that affect post divorce adjustment, such as the psychological functioning before divorce, including the attachment style and intensity of attachment to the former spouse. Another factor refers to the amount of social support received from both the family and from friends. The quality of the parent-child relationship is a relevant indicator for the well-being of the divorced person. This is influenced by the ex-partner's readiness and ability to separate the role of the parent and from that of the ex-spouse. However, family support may also come from kin such as the family of origin and relatives. The more relationships are negatively affected by the marital breakdown, the more discord and social isolation the divorced person has to face. A simultaneous decline of several sources of social networking has a destabilizing effect on the whole personality. Nevertheless, social support may also come from external sources such as close friends or, sometimes, from colleagues.

A special indicator for divorce adjustment is an ex-spouse's level of psychological functioning before the separation.⁴⁴ Not surprisingly, individuals who were emotionally stable before divorce and who have developed helpful coping strategies have valuable pre-requisites for adjusting well to the post divorce situation. Personal resources such as high self-esteem, self-discipline and social skills have a positive effect.

⁴³See the studies of Aseltine and Kessler (1993): 237–251; Wheaton (1990): 209–223.

⁴⁴See: Tschann et al. (1989): 1033–1046.

A distinctive criterion for post divorce adjustment is the style and degree of attachment to the former spouse.⁴⁵ Theoretical approaches in attachment theory distinguish between secure and insecure, disorganized or avoidant attachment styles. A secure attachment is associated with productive communications skills, practical coping strategies, the ability to incorporate conflicting feelings and control negative emotions, and the willingness to solve conflicts beneficially for the individuals involved.⁴⁶ Thus research has shown that a secure attachment style helps to deal with divorce and is the basis for shared parenting, whereas an insecure attachment style has a detrimental effect on the family members involved.⁴⁷ A cooperative relationship between the ex-spouses has a positive effect on their own adjustment and that of their child(ren). On the contrary, ex-spouses find it difficult to keep in contact on the basis of mutual respect, feeling unable to avoid emotions of anger, hate, resentment, love, etc.⁴⁸

If we assume that the end of a dyadic relationship creates a situation of mental and emotional deprivation, we should know something about the psychological implications that are associated with a long-term relationship.⁴⁹ The divorced person may react with feelings of anger against his/her former partner. These reactions are normal or even healthy to a certain extent. However, if the anger turns into hatred and an impulse to insult and mentally destroy the other, it has taken a pathological turn. Such extreme emotional reactions are caused by the ex-spouse feeling offended in the following five respects: (1) self-esteem,⁵⁰ (2) sense of justice, (3) breach of trust and confidence, (4) the termination of the sexual relationship and (5) a change in the relationship to the children. A person's self-esteem is affected when he or she is left by a partner. Being rejected by the other creates a feeling of inferiority, which marks the beginning of a fatal spiral of inferiority and consequently compensating it by creating an emotional state of superiority from which it is difficult to escape. The diagram shows the psychodynamics of this spiral (Fig. 2.7).

The diagram depicts the consecutive course of feelings that may be provoked by the separation. The fact that the divorcee (A) has lost interest in the divorced (B) and abandons him/her has an effect on the B's self-esteem and causes feelings of humiliation and shame (stage 1). This induces B to perceive himself or herself in an inferior position. As a consequence, B intends to minimize this feeling of inferiority by contemplating revenge and emotionally attacking A in his/her vulnerable points

⁴⁵ Attachment style denotes the type of emotional bonds that persons form in close relationships. In parenting it is the degree to which parents respond to their children. Attachment style is based on deep rooted convictions and experience and is assumed to reflect the view of the self and others.

⁴⁶ See: Shaver and Mikulincer (2002): 133–161.

⁴⁷ See: Cohn et al. (1992): 417–431.

⁴⁸ See: Main and Solomon (1990): 121–160; Bartholomew (1990): 147–178.

⁴⁹ By dyadic or intimate relationship we mean a close interpersonal relationship in which the participants know and trust one another and share physical and emotional intimacy.

⁵⁰ Self-esteem denotes how much an individual values his or her overall worth as a person.

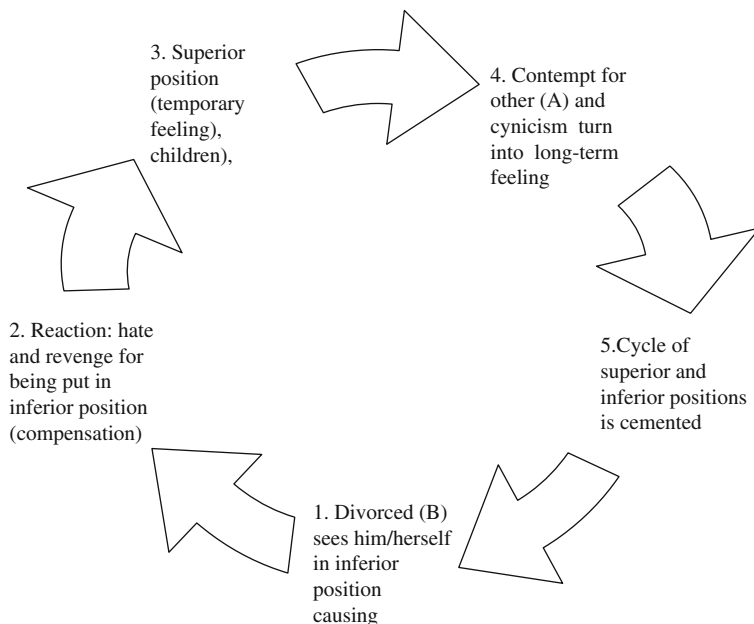


Fig. 2.7 Spiral of inferiority and superiority

(stage 2). This, in turn, puts A in a difficult position who therefore attempts to compensate or outweigh his/her weak position. For B the mere experience of being able to cause problems to A puts him or her in a superior position of control (stage 3). This dynamism occurs sometimes in divorce negotiations especially if feelings of revenge are involved.⁵¹ However, as the feeling of superiority seems only a short-term experience, it is turned into a long-term attitude through continuous contempt and cynicism (stage 4). Unfortunately, the existence of these long-term attitudes cements the original experience of inferiority (5). As described above, the feeling of inferiority provokes a striving for revenge and vengeance. The lower a person's self-esteem is the higher the feeling of revenge tends to be.⁵²

⁵¹As a result one spouse may, for instance, tend to make high demands for the regulating agreements and/or may use the best interests of the child in order to pursue his or her goals.

⁵²Adler (1870–1937) was an Austrian psychiatrist and founder of individual psychology. He underlined the importance of social equality and democratic family structures in order to prevent psychopathologic personality development. In his psychological investigations of the human character he considered the feeling of inferiority as the basic motivation of an urge for power. In fact, he regarded the feeling of inferiority as a key incentive for personality development and the attempt to overcome it by way of compensation. He saw a parallel between psyche and body in how they react to the frailty of one element in the whole system. The psyche tends to react in the same way as bodily organs, namely that the weakness of one organ would be compensated by a special effort of the others. Accordingly, the psyche tends to react with intense struggle to make up for feelings of weakness, helplessness and vulnerability (Rüedi 2007: 76).

Another relevant factor for post divorce adjustment is the style of attachment to the former spouse. In her qualitative study on certain typical patterns of close relationship, Hetherington was interested in the typology of patterns and how these changed after divorce. In marriages she identified five configurations of couple relationships, such as (1) the pursuer–distancer,⁵³ (2) the disengaged,⁵⁴ (3) the operatic,⁵⁵ (4) the cohesive individuated,⁵⁶ and (5) the traditional marriages,⁵⁷ all of which are associated with certain characteristics. The results of the study show that the pursuer–distancer marriage has the highest risk of instability because the spouses do not seem to have developed joint problem solving strategies. The second highest risk of marital instability is associated with disengaged couples because once the emotional attraction has faded and the children become more independent there is little that holds the spouses together. Operatic marriages have the third highest divorce rate because of the inherent problems associated with this type of relationship as the spouses tend to become involved in cycle of recurring breaks and reconciliations. The cohesive individuated attachment style has one of the lowest divorce rates because their relationship has few immanent risks. The traditional marriage works well if both spouses share the same beliefs and attitudes and there is little change.

Although the number of religious wedding ceremonies has been decreasing in Spain the traditional marriage is still the predominant pattern of relationship. Undoubtedly, a marriage goes through good and bad times depending on the problems that occur and the stress encountered. However, Hetherington underlines the salience of an elaborate attachment style and lists a number of qualities that are pre-requisites for fulfilling relationships. She says:

⁵³According to the author this type of marriage is characterized by a high amount of nagging, hostile criticism, and contempt on the part of wives and is responded by withdrawal and denial of husbands.

⁵⁴In this type of marriage husbands and wives tend to lead separate or parallel lives, having few interest, activities and friends in common. Due to their few interactions and infrequent communication they rarely have arguments, avoid intimacy (even their sexual relations are occasional and unsatisfying) and companionship.

⁵⁵In an operatic relationship the spouses are not interested in a harmonious family climate but rather constantly seek sensation and diversion. They are fascinated by intense feelings but run the risk of ignoring the limit of what is considered accepted by the respective other. As ‘operatics’ consider balanced marriages as boring the relationship usually ends when one spouse finds that the excitement has faded.

⁵⁶Typical qualities in the cohesive individuated marriage are warmth, respect, equity, mutual support, autonomy, and relatively low instability. This type of marriage seems to include a high level of tolerance and social skills from both sides, because there is no overall tendency to resolve differences by hostile strategies. The relationship has a balance of the partners pursuing their own interests but also enjoying their relationship together.

⁵⁷Traditional marriages follow the male breadwinner model. If the woman is employed she provides just a supplemental income. Couples usually enjoy their relationship and support each other mutually, provided that the spouses share a traditional view of gender roles. The crucial point lies in change, especially when a spouse’s values or attitudes change over time (e.g. when women want to gain more independence, etc.).

"Generally, marriages that have built up positive emotional bank accounts through respect, mutual support, and affirmation of each other's worth are more likely to survive. Our work and that of other researchers studying marriage and divorce (...) finds that couples who have good problem-solving skills; are able to listen; respond to the other persons' feelings and opinions; express themselves and disagree without contempt, hostility, belligerence, or withdrawal; and are able to de-escalate conflicts when they get too intense are better able to deal with the bumps along the path to marital survival. Individuals who are more socially responsible, are more mature, are better educated, have an internal locus of control, and are religious are less likely to be involved in divorce than those who are immature and antisocial." (Hetherington 2003: 322)

There is general agreement among many authors that the most important influential form of support comes in the form of new relationships. Research consistently shows that new relationships, cohabitation and remarriage, are associated with better post divorce adjustment for both men and women.⁵⁸ If mechanisms of the broken relationship are not reflected upon, there is always the danger of mistakes being repeated in a new relationship. Therefore, Hetherington investigated the different ways divorced people coped with the new situation by analysing their post divorce adaptive patterns over time. As a result she found six patterns of adjustment and ascribed them specific psychological characteristics: (1) enhancers, (2) good-enoughs, (3) seekers, (4) swingers, (5) competent loners, and (6) defeated.

The first group called enhancers was predominantly well-adjusted women who had grown more competent over time and succeeded at work, as parent, socially and in their remarriages. She explained their success by drawing on an internal and an external reason. This group scored slightly higher in terms of self-esteem, achievement, social responsibility and self-efficacy, and showed less depression and antisocial behaviour. The external reason was provoked by stressors of divorce such as being a single parent that forced this group to seek further education in order to improve their situation. The author describes the positive effect of their effort:

"As enhancers improved occupationally, they began to travel in new social circles and meet men of higher socioeconomic status. The second time around, enhancers usually moved up, and their second marriages were usually more successful than their first." (Hetherington 2003: 324)

The relevant factor is that enhancers are described as open for change and prepared to acquire new social skills in the public sphere that enable them to improve their economic situation. The acquisition of skills for the private sphere seems more complicated because they are implicit and need to be deduced from overt behaviour.⁵⁹

The second group called "goodenoughs" represented the average person coping with divorce who had some success, as well as some problems and set-backs.

⁵⁸See: Hetherington et al. (1997): 163–172.

⁵⁹This is a multifaceted aspect because social skills depend in part on the socio-economic and educational level of a group in society and they form an implicit code. A precondition for the entrance to such groups is the knowledge of this code. If an enhancer wants to get access to a higher social level he or she has to acquire this implicit knowledge.

Although there were more women than men in the first year after divorce, this difference moderated over time. They try to improve their lives economically and socially, but as they are not as ambitious as the enhancers they usually remain in their social status and tend to choose a new partner similar to former spouse. Consequently, their circumstances after ten years from divorce resembled their old marriage. There is a risk of the goodenoughs to repeat committing the same errors. However, the author describes their positive qualities:

“However, goodenoughs were frequently competent mothers; their children did nearly as well as children with enhancer mothers. Women in the group also dealt fairly effectively with the normal tensions and challenges of postdivorce life.” (Hetherington 2003: 324)

The third group called seekers contains all divorced women and men who aim at finding a new partner as soon as possible mainly in the first year after divorce. Statistical results show that finding a new partner was more important for men’s well-being than for women. Male seekers are described as having low autonomy and self-esteem, need a partner who cares for them, and they have difficulties staying alone. Due to these predispositions, seekers are not very selective in choosing a new partner and tend to end up with the same problems that they had in their former marriage. The author characterizes male seekers as follows:

“Men usually were not interested in real emotional sharing or personal change. They wanted a woman who would be supportive and undemanding, someone who would look after them and would not expect much in return.” (Hetherington 2003: 325)

The group called “swingers” is primarily male but for a short period represented both men and women. Swingers dress in a youthful fashion, appear in single bars and have more superficial relationships. They score higher in antisocial behaviour and lower in social responsibility. Once they have liberated themselves from their relatively stable marriage they tend to lead a rather untamed life at least for some time. However, swingers are described as unhappy because of two reasons, firstly they miss their family (e.g. feel depressed) and secondly they feel guilty (e.g. sometimes also experienced as anxiety) for the marital breakdown. Nevertheless, the author depicts them as, “. . . fairly conventional people, and once they are again in an intimate relationship, they tend to revert to their old selves.”⁶⁰

The fifth group named “competent loners” is a group of mainly well-adjusted and socially skilled women who do well in their jobs and lead active social lives, committing their free time to various interests and hobbies. However, their relationships do not usually last long because they are not really interested in sharing life with a partner. They are described as being independent and autonomous and do not need a partner to feel complete. However, they may make an exception and commit to a relationship if they meet an exceptional person.

Representatives of the last group of divorced called “defeated” are characterized as having low self-esteem, low social responsibility, and score high in depression and antisocial behaviours. They do not have the resources to solve their problems,

⁶⁰See: Hetherington (2003): 325.

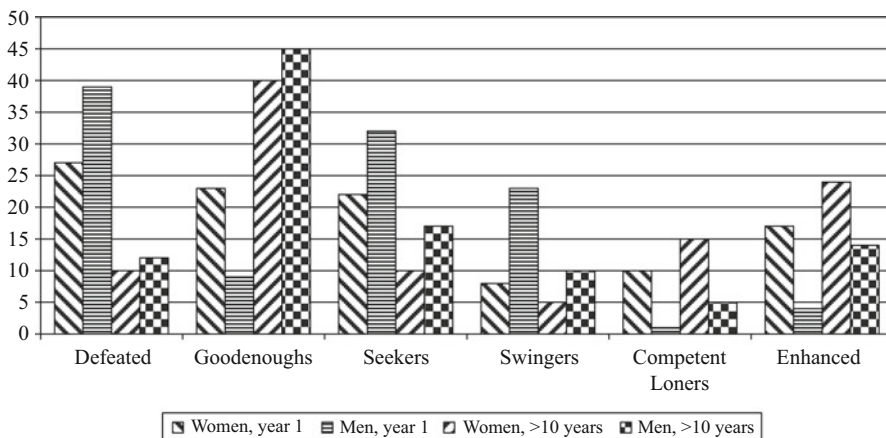


Fig. 2.8 Percentage of women and men in six post-divorce adaptive patterns over time⁶¹

thus making it difficult for them to build up more satisfying relationships and actively reconstruct their life. The author gives an overview of the percentage of men and women opting for the patterns and compared their adaptive behaviour between 1 year and up to 10 years after divorce. The diagram shows the percentage of men and women in each of the six groups (Fig. 2.8).

If we compare the results for men and women 1 year after divorce we notice that the majority of men and women are found in the group of the defeated which clearly reflects their state of suffering caused by the many changes and stressors they have been confronted with. The biggest difference between male and female adaptive patterns 1 year after divorce was found in the following three groups: whereas 17% of women had enhanced their situation only 4% of the men had done so. This would support the view that more women than men initiate divorce and the initiator tends to feel happier after separation.

The second striking difference can be noticed in the group of competent loners, with 10% women and only 1% men belonging to this group. This implies that divorced women have learned to cope with their lives and do not want to give up their independence whereas a minority of men considers this pattern as preferred option. Perhaps it also means that if women have custody of their children they have restricted options for dating or remarrying in terms of role overload.⁶² It makes a difference for a new relationship whether or not the partner has to care for children. On the contrary, the parent who takes care of the children on a weekend basis has more resources (e.g. time, flexibility, etc.) to seek and build up a new relationship. The most outstanding difference is found in the group of the swingers, with nearly a

⁶¹See: Hetherington (2003): 324.

⁶²Role overload means that a person has either not enough time to fulfil the number of role functions or is uncertain about duties associated with a particular role.

quarter being men and just 7% being women. As this behaviour is associated with the variable of social responsibility it entails that women tend to be more socially responsible than men in the year following divorce. The author explains this behaviour as transitionally deviant by making reference to an earlier study and says about male swingers:

“Swingers tended to become goodenoughs when they married, and their antisocial behavior decreased and social responsibility increased. The incidence of extramarital affairs among remarried former swingers was no higher than among that found in other second marriages. This may simply be a reflection of age. At the time of remarriage, many of our parents were in their late 30s or 40s. It also may be that the early relentless swinging was a temporary aberration produced by the breakdown of the self that also often occurs after divorce.” (Hetherington 2003: 325)

After a period of up to 10 years more than half of women (64%) were either in the group of the goodenoughs or the enhanced. As a comparison, more than a half of the men (62%) were either in the group of the goodenoughs or the seekers. A minority of women remained swingers and the same amount of men remained in the group of the competent loners.

In this context it is interesting to know how many divorced people actually take a second chance and decide to remarry. The Spanish National Institute of Statistics reveals remarkable results for the 2008. The table on marriages and the spouses' pre-matrimonial civil status shows that from the 194,022 marriages including all age groups in 2008 it was the second marriage for more men than women.⁶³ However, a detailed analysis of the different age groups shows a reverse trend for spouses born between 1969 and 1986. In fact, within the age groups of the 22–40 year-olds more women than men had been divorced before they remarried.

The specific conditions of the post-divorce scenario have an effect on the ex-spouse's well-being. The custody regulation stipulates the amount of time that children spend with their parents. Children may be a special source of support. The amount of time that parents and children spend together is an important issue because it determines how long a child is exposed to the influence of the parent. In a study on post-divorce parenting Amato and Gilbreth found that the quality of contact is more important than the amount of contact in terms of positive post-divorce outcomes for children.⁶⁴ Thus, it is supposed that parenting that includes warmth and participation, strengthening of psychological autonomy and supervising the setting of limits has a relevant effect on the quality of the relationship. The

⁶³See: INE, Spanish National Institute of Statistics, Tabla: Matrimonios de diferente sexo por años cumplidos y años de los cónyuges, sexo y estado civil anterior de los matrimonios (<http://www.ine.es/jaxi/tabla.do>). The statistics reveal the following details: Among the total number of 194,022 marriages in 2008 the spouses' pre-matrimonial civil status was 170,101 single men and 172,839 single women, 1,785 male widowers compared to 1,035 female widowers and 22,076 divorced men compared to 20,148 divorced women.

⁶⁴See: Amato and Gilbreth (1999): 557–573.

supportive effect of children is particularly true for women because in the majority of cases it is them who retain custody.

On the other hand children may also be a source of post-divorce stress. Divorcees often find it difficult to separate their roles as ex-spouses from those of being parents. Therefore psychologists advise parents to reach a non-emotional level or a "business-like relationship" for dealing with educational and organizational matters. This is in fact difficult because parents tend to feel ambivalent toward their children. On the one hand children and the affection they give are a source of emotional support, on the other hand they constantly remind the ex-spouses on the failure of their marriage.⁶⁵

In their qualitative study Cohen and Finzi-Dottan examined the possible contribution of four factors to parental satisfaction with their parent-child relationship one year after divorce. These factors include attachment style, parenting style, perception of own parents' parenting and ex-spouses' assessment of the quality of the parent's parenting.⁶⁶ Their results showed that for men and women different factors predict satisfaction with their parent-child relationship. Women tend to gain their satisfaction from how they felt and behaved when they interacted with their children. The more mothers give their children a predominant place in their lives, the less they consider them as a burden, and the more satisfied they tend to be. On the contrary, male satisfaction turned out to be influenced by higher education and by the image they had of their own mothers and their ex-wives. Higher education is correlated with fathers' higher level of satisfaction with parent-child relationship. Furthermore, if fathers experienced their own mothers as less overprotective and felt that their ex-wives appreciated their fathering, they tended to be more satisfied. This result is interesting because it suggests that for fathers a reduced form of contact is helpful for their father-child relationship. The authors give the following explanation for this fact:

"The finding that greater satisfaction was reported by fathers who believed that their ex-wives thought well of their parenting may be explained in two ways. One is that the ex-wives' appraisal accurately reflects the quality of the fathers' parenting, and the fathers' satisfaction stems largely from their sense of competence and the good relationships they form with their children. The other is anchored in the power and influence mothers have as custodial parents after divorce. Mothers who disapprove of their ex-husband's parenting may put up barriers to access and/or convey their unfavorable opinion to their children, affecting their children's attitudes and creating strains in their relationship with him. Either behavior would lead to frustration and reduced satisfaction on the father's part." (Cohen and Finzi-Dottan 2005: 93)

⁶⁵See the study of Tschann et al. (1990): 1–22.

⁶⁶Despite the end of the marriage it seems to be of importance for the individual parent's satisfaction that the other recognizes and appreciates the own education work. See: Belsky et al. (1996): 921–924; Leite and McKenry (2002): 601–623.

This view is supported by some psychologists who apply a systemic view of relationships and say that a divorce does not end a relationship but rather transforms it. According to this view it is important that ex-spouses recognize that they continue to have an influence on each other after divorce. This systemic approach views family relations as a system of interdependent relationships. Thus, the notion of interdependence is also relevant for post-divorce family relations because there will always be some sort of mutual involvement between ex-spouses via the children.⁶⁷ Thus ex-spouses can also serve as a form of help, emotional support or as assistance.

Custodial parents with joint custody often experience the parent role as overload due to the amount of day-to-day task of raising the children. For the non-custodial parent however, usually the father, the reduced contact and influence is associated with higher levels of depression and poorer post-divorce adjustment. In a study conducted by DeGarmo, Patras and Eap, the authors addressed the question of where fathers turn to for social support and how this support can mitigate effects of stress accompanying the changes caused by divorce.⁶⁸ The authors wanted to know if social support would buffer the three main stressors associated with divorce such as (1) conflict with the former spouse, (2) daily life and family stressors, and (3) role overload. They used a Stress Buffer Model hypothesizing that social support would buffer the negative impact of common stressors for divorced fathers. The diagram shows the elements of the Stress-Buffer Hypothesis (Fig. 2.9).

Similar to Hill's theory of family stress and buffer factors it is assumed in this model that social support tends to moderate the effects of stressors. People who

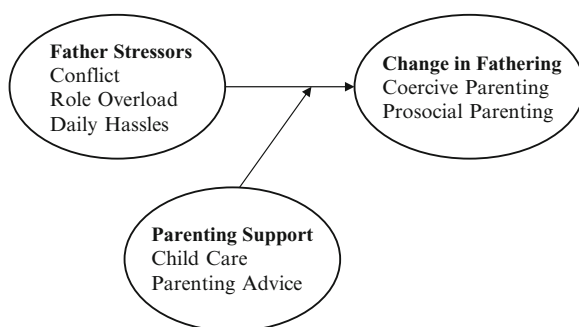


Fig. 2.9 Stress-buffer hypothesis

⁶⁷See: Ahrons (1981): 415–427.

⁶⁸See: DeGarmo et al. (2008): 35–48.

receive a lot of support tend to resist stressors more easily compared to people who receive less or little support. Three stressors are considered to affect the parent's well-being, the first one being the conflict with the former spouse. Research results show that divorcing parents usually experience a high conflict period lasting up to three years. After that, most parents have established a more stable relationship that enables them to cooperate in their parenting.⁶⁹ The second stressor concerns the problems of shifts of parenting routines and change of residence. The third and probably most intensive stressor is role overload and changes in the social roles in general. A divorced parent has to give up the role of spouse and at the same time has to set new rules for his role as a parent. Whereas women are usually more prepared for the role of caretaker than men, it means a big change for fathers to be a full or part time caretaker. The authors assume that this stressor would be reflected in the quality of a father's parenting:

"In general, divorced men are not prepared to assume greater responsibility for parenting even on a part-time basis (...). For divorced fathers, identities, roles, and functions as a parent become significantly altered and potentially ambiguous, resulting in markedly high stress (...). Research shows that divorced fathers report substantially higher levels of parental role strain compared to married fathers (...), and fathers' role strain is associated with poor psychological health (...). We hypothesized that role overload reported by fathers would be associated with poor quality parenting." (DeGarmo et al. 2008: 36)

Their results showed that fathers tend to disengage from parenting over time due to a personal cost-benefit analysis of the investment and the expected outcome and ongoing conflict with the former spouse. Furthermore, it was found that custodial fathers relied more on new partners as a source of social support. A clear correlation between stressors and parenting quality (coercive versus prosocial)⁷⁰ was noticed. Thus, role overload and conflict with former spouse induced fathers to a more coercive parenting style. As a consequence the authors of the study concluded that men seem to have a restricted role pattern where non-traditional tasks are considered as a threat to masculinity. They recommend that gender stereotypes can only be prevented by starting parenting education early at school.⁷¹

We have described the personal and relational factors that have some bearing on ex-spouses' adjustment to the post divorce situation. In the following section an overview of the cultural factors influencing ex-spouses' post divorce lives will be given.

⁶⁹See: Braver et al. (2005): 81–96.

⁷⁰Coercive parenting involves the use of power or authority to make a child do something against his or her will. On the contrary prosocial parenting denotes helping, sharing and caring behaviour.

⁷¹See: Chapter 1 for a reflection on gender roles and the Spanish Law on Gender Equality, Ley Orgánica 3/2007, de 22 de marzo, para la igualdad efectiva de mujeres y hombres, BOE, 71, 23.3.2007: 12611–12645.

2.5 Cultural Factors

Without doubt the cultural context affects adjustment to divorce. In particular this concerns two aspects, such as (1) the amount of stigma⁷² associated with divorce, and (2) the amount to which the legislator responds to societal changes in the field of family law. Our society has become more tolerant towards different forms of life other than marriage such as cohabitation, singleness, voluntary childlessness, homosexual marriages or serial monogamy. Divorce is no longer a reason for being morally condemned or excluded from public life as it was centuries ago. The notion of private autonomy has become a leading principle and has replaced fault-based divorce laws in most legal systems.⁷³ The state has no longer the role of a moralizing punitive institution in the divorce process. It has become possible to divorce unilaterally because it does not make sense to force a spouse to continue marriage against his or her will. It has become easier to follow the individual private autonomy by getting divorced.

However, historically marriage had long been seen as institution in which both spouses were supposed to sacrifice their private interests for the well-being and the future chances of their children.⁷⁴ This notion of sacrificing personal interests for the sake of children's well-being is expressed in Weber's considerations on the justification of subjective rights. He argued that the reason for public disapproval and stigmatization of the freedom to divorce is mainly that the future chances of children are put at risk:

“Für die bürgerliche öffentliche Meinung sind meist die wirkliche und vermeintliche Gefährdung der Erziehungsschancen der Kinder massgebend für die Ablehnung der Scheidungsfreiheit, daneben speziell bei den Männern autoritäre Instinkte und, soweit die ökonomische Befreiung der Frau in Frage steht, auch einfache Geschlechtseitelkeit oder Sorge um die in Anspruch genommene Position der Familie.” (Weber 1976, 414)

From the methodological point of view, beliefs and attitudes are difficult to measure. By asking direct questions about personal beliefs researchers do not always gain a clear picture of its roots, structure, their state of integration, or embeddedness in the mind. However, researchers examined attitudes in relation to specific aspects. For instance, Martin and Parashar investigated women's changing attitudes toward divorce in a long-term study in the United States. They questioned 4,999 women aged 25–39 years and related their attitudes to their educational attainment over 28 years (1974–2002).⁷⁵ The authors hypothesized that highly educated women would have the most permissive attitudes toward divorce because they might be interested in keeping the option of divorce in mind

⁷²Stigmatization denotes the shame, disgrace or disapproval attached to something regarded as socially unacceptable. In societies where divorce is despised, divorcees will find it more difficult to adjust to the post-divorce phase, because social disapproval creates an additional stressor.

⁷³See: Hofer et al. (2005).

⁷⁴See: Carrasco Perera (2006): 116.

⁷⁵Martin and Parashar (2006): 29–40.

if reconciliation is impossible. Furthermore, they mentioned earlier studies showing that highly educated women were very selective in the search for a marriage partner.⁷⁶ Recent studies show that women with higher incomes tend to have more stable marriages and improve their gains to stay married.⁷⁷ In fact, their results showed a clear correlation between high education and prestige on the one hand and more restrictive attitudes toward divorce on the other. The authors state the following:

"Consistent with Blankenhorn's (2002) conjecture, we find that highly educated women are adopting restrictive attitudes toward divorce in American society. We also agree that changing attitudes toward divorce might also be reducing divorce rates for those groups of women who are adopting more restrictive attitudes toward divorce. Furthermore, this top educational stratum can have a disproportionate ability to promote family change by shaping laws or influencing the social acceptability of divorce, compared to those in the middle educational levels who are more ambivalent about the availability of divorce, or disadvantaged groups at the lowest education levels who clearly want divorce to remain accessible." (Martin and Parashar 2006: 38)

Traditional or conservative attitudes toward divorce do not only delimit perception but also affect the judgements made and tend to influence our behaviour.⁷⁸ A difference in values, beliefs and attitudes toward divorce may be noted between urban and rural areas. People who live in towns or cities are exposed to higher levels of anonymity and social distance and mainstream culture undergoes more rapid changes. The majority of the Spanish population lives in areas with a population density of more than 20,000 inhabitants. As divorce occurs more often in urban areas it is less stigmatized. On the contrary, people who live in rural areas experience a low social distance and tend to disapprove of divorce.⁷⁹

As the issue of gender violence is a complex phenomenon and a profound analysis would go beyond the scope of this study it shall only be addressed briefly in this context. Gender violence can occur in the public sphere (e.g. public spaces, job) or in the private sphere, such as in the family environment and domestic surrounding.⁸⁰ A comparative study based on national surveys from several European Member States has shown that the phenomenon of gender violence is just as

⁷⁶See: Oppenheimer (1994): 293–342.

⁷⁷See the studies of Rogers and DeBoer (1999): 458–472, Sayer and Bianchi (2000): 906–943, Schoen et al. (2002): 643–662.

⁷⁸If a person's attitude toward divorce includes principles, such as "Marriage is for life, even if the couple is unhappy", or "My wife/husband is the love of my life" or judgements such as "Couples are getting divorced too easily nowadays", he or she will suffer more in the case of divorce than a person with more liberal views.

⁷⁹Especially in rural areas there is a risk that divorce produces hostility not only among the divorced but also among the ex-spouses' families, relatives and friends.

⁸⁰Domestic violence includes forms of denigration and offence, verbal or physical threat, forced limitation of a person's movement, sexual violence (rape), non-sexual physical assault and murder of spouse. See: Data on the number wives (or women) killed by their husbands (or partners) within a period from 1998 to 2001. (Alberdi and Matas 2002: 117)

common in northern as in southern European countries and goes across all class and cultural boundaries.⁸¹ According to this study it is generally assumed that one in five women is exposed to physical violence by a partner. Statistics show that more women than men are affected by gender violence.⁸² In 1999 the Association of Women Lawyers (THEMIS) in Spain carried out a study of legal procedures for domestic violence in the Autonomous Community of Madrid. As public awareness concerning gender violence was raised over the last decade more women tend to report incidents of domestic violence to the police. The investigation revealed that in the overall majority of complaints (90%) women reported an incident against a male perpetrator.⁸³

Domestic violence occurs in many different forms. It ranges from patriarchal convictions,⁸⁴ forms of economic violence and psychological terror to physical violence. As the organisation of a close relationship is a private matter there is a psychological barrier in the affected women to report gender violence to the police. In fact, many women tended to withdraw their reports some time after the incidents.⁸⁵ In order to prevent, sanction and eradicate gender violence the Spanish government introduced the Law for the Integral Protective Measures against Gender Violence in 2004, Ley Orgánica 1/2004, de 28 de diciembre, de Medidas de Protección Integral contra la Violencia de Género. The law has the following objectives:

“Artículo 1. Objeto de la Ley.

1. La presente Ley tiene por objeto actuar contra la violencia que, como manifestación de la discriminación, la situación de desigualdad y las relaciones de poder de los hombres sobre las mujeres, se ejerce sobre éstas por parte de quienes sean o hayan sido sus cónyuges o de quienes estén o hayan estado ligados a ellas por relaciones similares de afectividad, aun sin convivencia.
2. Por esta Ley se establecen medidas de protección integral cuya finalidad es prevenir, sancionar y erradicar esta violencia y prestar asistencia a sus víctimas.
3. La violencia de género a que se refiere la presente Ley comprende todo acto de violencia física y psicológica, incluidas las agresiones a la libertad sexual, las amenazas, las coacciones o la privación arbitraria de libertad.” (Ley Orgánica de Medidas de Protección Integral contra la Violencia de Género)

⁸¹See: Collins (1999): 8.

⁸²According to a study on women's reports of domestic violence against their partners the rate had increased from a total number of 16,657 (in 1991) to altogether 24,158 (in 2001) (Alberdi and Matas (2002): 120). A report of the Spanish General Council of the Judicial Power on domestic homicide stated that in 2009 55 women were murdered by their partners or ex-partners in contrast to 10 male victims. See: Consejo General del Poder Judicial 2009.

⁸³According to the study in nearly 70% of cases violence occurred among married couples, in nearly 20% among ex-spouses and in the rest of cases among parents and children. (Themis 1999)

⁸⁴Patriarchy may be defined as a social system in which male individuals have authority over women and children.

⁸⁵In Spain in more than half of reported cases (63.5%) the victims of domestic violence withdrew their charges. (Themis 1999: 89)

The same as in many other countries domestic violence is in Spain considered a serious offence that is sanctioned by penalties. Offences in this context are classified as physical, psychological and sexual crimes and are legally sanctioned according to the Spanish Criminal Law.⁸⁶ The main consequences of domestic violence in the victims are symptoms of post-traumatic stress and depression.

The family as a system constitutes a frame within which a range of values, beliefs and attitudes are transferred to the next generation. Whereas a patriarchal conviction is based on male authority over women, traditional values refer to the preservation of established or conventional customs against contemporary, innovative or progressive views. As refers post-divorce recovery, Booth and Amato found out that people with conservative attitudes towards divorce were more depressed and unhappier after marital dissolution than couples with more tolerant attitudes. Likewise, Wang and Amato point out that people with negative attitudes are more likely to blame themselves and view their separation as personal error and moral shortcoming:

“People who hold negative attitudes toward divorce in general, compared with those who hold positive attitudes, are likely to view their own divorces as moral failures (Amato and Booth 1991). (...) Individuals who want the marriage to end are likely to view divorce differently from individuals who want the marriage to continue. Indeed, following marital dissolution, unhappily married individuals may experience an improvement in well-being, whereas happily married individuals may experience declines in well-being (...).” (Wang and Amato 2000: 656)

In general there does not seem to be any explicit stigmatization of divorce in modern societies nowadays. However, such fundamental processes of cultural development – reflected as changes in the legal system – need to be performed on the individual level by every citizen in order to have an effect. In other words, every individual has to translate these changes into his or her own system of beliefs and attitudes.

2.6 Conclusion

For a long time divorce has been viewed as producing only deficits and negative effects. This has changed and nowadays it is mainly seen as a family transition which develops over time and that may also benefit individuals. In this chapter we

⁸⁶The following physical crimes and offences are sanctioned by the Spanish Criminal Law (CP): Homicidio y asesinato (Codigo Penal, Artículos 138, 139, 140), Delito de lesión física (CP, Article 147.1), Delito de violencia habitual (CP, Article 153), Delito de detención ilegal (CP, Article 163), Falta de lesiones (CP, Article 617.1), Falta de maltrato de obra (CP, Article 617.2). The following psychological offences are sanctioned by the Criminal Law: Delito de violencia habitual (CP, Article 153), Delito de amenazas (CP, Article 169), Delito de injurias (CP, Article 208), Delito de trato degradante (CP, Article 173), Delito de coacciones (CP, Article 172), Falta de amenazas (CP, Article 620), Falta de injurias (CP, Article 620), Falta de vejación injusta (CP, Article 620), Falta de coacciones (CP, Article 620). The following sexual crimes are sanctioned by the Criminal Law: Agresión sexual (CP, Articles. 178, 179, 180.4), Abuso sexual (CP, Articles. 181, 182). See: Alberdi and Matas (2002): 171.

analysed the factors that have an effect on the process of adjustment to divorce, which is the way in which the ex-spouses respond to the family transition. Three groups of factors play a role in this process, such as individual dispositions, relational support from family and friends and cultural factors. The theory of family stress and buffer factors was used to explain the complex mechanisms involved in this process.

Among the personal factors we found that the age and the socio-economic status of the divorced have an impact on his or her adjustment. Young people tend to suffer more after their divorce because of shattered dreams and little life experience than people in their late thirties or forties. Ex-spouses with longer education and higher cognitive abilities have an advantage and adjust to divorce more easily. The economically weaker ex-spouse experiences financial disadvantages after divorce in most European countries. The contrary is true for Spanish divorcees because in the majority of divorce cases the family residence is attributed to the children and their custodial mothers.

Women seem to be less satisfied with the quality of their pre-divorce relationship which is reflected in the fact that most divorces are filed by women. Generally, the one who initiates divorce has a temporal advantage because he or she has planned the event earlier and has already thought about the consequences. Additionally, the initiator has already confronted himself or herself with the emotions that go along with the decision. This creates a feeling of being more in control of the situation. As a consequence, it is often women who improve their post-divorce situation in the long run in terms of relationship qualities and personal development in the private and the public spheres. Among the age group of Spanish 22–40 year-old spouses who presently live in a marriage there are more women who had been married before than men.

Concerning the relational support gained from children after the divorce, mothers and fathers have quite different experiences. Divorced fathers tend to lose a considerable amount of influence on their children, even if joint custody is awarded. On the contrary, women receive more social support from their children and from external relations than men. Culturally and traditionally, the role of a divorced mother seems to be more clearly defined than that of the divorced father.

The extent to which divorce is stigmatized in our present society there is a difference between urban and rural areas. A higher social distance together with more diversification and change in urban areas has contributed to a decrease of stigmatization and discrimination of divorcees. In order to prevent, sanction and eradicate gender violence the Spanish government has introduced the Law for the Integral Protective Measures against Gender Violence in 2004.

It may be concluded that divorce as a solution to acute relationship crisis and point of no return seems to be an acceptable solution for most affected couples. The majority of divorced people manage to cope with the crisis and to adapt to the new situation in the long run. If the former spouses consider their divorce as an opportunity for a new start, they reduce any detrimental effects on their children.

<http://www.springer.com/978-3-642-13895-9>

Psychosocial and Legal Perspectives of Marital
Breakdown

With Special Emphasis on Spain

Gaffal, M.

2010, X, 257 p., Hardcover

ISBN: 978-3-642-13895-9