



Changes in divorce patterns: Culture and the law

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ABSTRACT

This article focuses on the mutual interplay between changes in divorce rates, divorce laws and cultural acceptance of divorce. The latter differs among individuals and evolves endogenously via cultural transmission mechanisms in which children's preferences are partly shaped by divorce decisions of their parents. In turn, divorce law is chosen by majority voting. The dynamics of the economy may exhibit multiple long-run equilibria. Economic shocks can destabilize the low-divorce equilibrium: through cultural evolutions, divorce rates increase and divorce law may be modified. In compliance with stylized facts, the results show that legal changes occurred after that divorce rates had started to rise.

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1. Introduction

Since the middle of the twentieth century, family arrangements have radically changed throughout the whole industrialized world. During this period, most OECD countries have experienced a transition from a situation in which legal barriers against divorces were strong and divorce rates low to a situation characterized by more liberal divorce laws and a greater share of marriages ending in divorce. An increasing body of literature analyzes the impact of these radical legal changes, the so-called “Divorce Revolution”, on the evolution of divorce rates; some studies are concluding to a positive long-run impact (Binner & Dnes, 2001; Brinig & Buckley, 1998; González & Viitanen, 2009 or González-Val & Marcén, 2012), whereas other studies show that this positive impact is only temporary (Gruber, 2004 or Wolfers, 2006). Beyond these controversial positions, an empirical regularity appears to emerge: in almost every case, divorce rates started to rise before legal changes occurred. Accordingly, evolutions of divorce law may be regarded as a consequence of the rise in divorce rates rather than a cause. Allen (1998), Sardon (1996) or Coelho and Garoupa (2006) emphasize this point for the French, the Canadian and the Portuguese cases, respectively. The present article aims at shedding new light on these facts. Our main argument is related to another well-established fact that characterizes the “Divorce Revolution” period: the progressive rise in the tolerance for divorce as reported by Glenn (1991), Inglehart and Baker (2000), Thornton and Young-DeMarco (2001) or Kalmijn (2010). In relation with this last set

of studies, we suggest that divorce rates and divorce laws may be jointly affected by a third variable: the cultural acceptance of divorce within a society. Moreover, we consider that this cultural factor is itself endogenous because its evolution depends on the legislative and social environment. Thus, our model emphasizes a three-way interaction between changes in divorce laws, divorce rates and social attitudes toward divorce. This framework allows us to analyze the relative role of economic, cultural and legal changes in the transition pattern from one of a low divorce rate to a high one.

Our article is related to the theoretical divorce law/divorce rate literature. This literature mainly focuses on the causality between changes in divorce laws and the evolution of divorce rates (see Clark, 1999; Fella, Manzini, & Mariotti, 2004 or Wickelgren, 2009 for recent contributions; see also Mechoulam, 2005 for a survey). Our main contribution to this field is the endogenization of the legal framework. The fact that cultural evolutions may explain changes in divorce laws is evoked in several studies (see, for instance, Brinig & Buckley, 1998 and Furtado, Marcen, & Sevilla-Sanz, forthcoming). However, to our knowledge, the present article constitutes a first attempt to explicitly model this relationship. This model allows us to replicate the well-established stylized fact according to which legal changes occur only after divorce rates had started to rise.

Let us now come to the core of the paper. We develop a model of divorce decisions in which divorce law is chosen by majority voting and attitudes toward divorce evolve thanks to cultural transmissions. Within the population, there are two types of preferences distributed regardless of gender. Individuals of type *b* have a guilt feeling, which incurs a utility loss, when divorced. Individuals belonging to the other group, namely individuals of type *a*, do not bear this subjective disutility. During early adulthood, individuals decide on a divorce legislation among two alternatives: *mutual consent* and

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unilateral divorce. The legislation that obtains the majority of votes is implemented. Once they have voted, each young adult is randomly matched with another young adult of the opposite sex, and those two adults form a married couple that has two children. The match quality for each couple is revealed *ex post*, and those couples with matches that are too poor divorce. Parents' preferences are then transmitted through a cultural socialization process in which both parental preferences and parental divorce decisions matter.

At a given date, the distribution of preferences allows us to characterize the static equilibrium of the economy, *i.e.*, the divorce legislation and the level of divorce rates. Individuals of type *a* have a higher propensity to divorce than do individuals of type *b*. Moreover, the shift from *mutual consent* to *unilateral* divorce law corresponds to a transfer of decision power from the spouse with a lower propensity to divorce to the spouse with a higher propensity. Consequently, type-*a* individuals always vote for the unilateral divorce law while type-*b* agents choose the mutual consent legislation. It follows that, if type-*a* (resp. type-*b*) individuals constitute the majority, the *unilateral* (resp. *consensual*) divorce law is implemented. Ultimately, the divorce rate depends on both the distribution of preferences and the implemented divorce legislation. This static equilibrium changes over time as the distribution of preferences evolves.

Changes in the cultural composition of the population are driven by a cultural transmission process in line with anthropological models pioneered by Cavalli-Sforza and Feldman (1981) and Boyd and Richerson (1985), recently updated by Bisin and Verdier (2001). These authors underscore that children's preferences are partly determined by preferences of their parents. Beyond this cultural effect, we assume that offspring's attitudes toward divorce are also shaped by parental divorce decisions through a type of imitation process. This joint impact of parents' own attitudes and parents' marital status is indicated by a large body of sociological studies (see, for instance, Axinn & Thornton, 1996; Kapinus, 2004). In line with this literature, we obtain the result that an increase in divorce rates is likely to lead to better acceptance of divorce. In turn, these cultural changes trigger new increases in the propensity to divorce.

The three-way causality between cultural acceptance toward divorce, divorce laws and divorce rates may lead to the emergence of multiple equilibria. In particular, a *consensual* equilibrium, characterized by a majority of *b*-individuals, a *consensual* legal regime and low divorce rates may co-exist with an *unilateral* equilibrium in which *a*-individuals are the majority, the divorce law is *unilateral* and divorce rates are higher. Then, from a dynamic point of view, we are able to replicate the pattern of the "Divorce Revolution" as the transition from a *consensual* to a *unilateral* situation; transition period is characterized by a rise in divorce rates that comes with a spread of more liberal views on divorce and endogenous legal transformations. In this framework, the shift from *mutual consent* to *unilateral* divorce has an accelerating impact on the increase in divorce rates but is not the driving force behind the latter evolution. Hence, in compliance with stylized facts, legal changes occurred after divorce rates had started to rise.

In our framework, divorce decisions and preference transmissions are jointly influenced by both economic and social factors. Thus, while giving a key role to cultural changes, our approach is far from invalidating the role of economic determinants. In particular, the destabilization of the *consensual* equilibrium and the convergence toward the *unilateral* equilibrium may be triggered by economic shocks. For instance, and in accordance with the study of Greenwood and Guner (2009), an increase in labor productivity or a fall in the price of household appliances may generate the transition toward a high divorce rate situation. Indeed, these evolutions, by reducing the specialization gains from being married, tighten the utility gap between married and divorced people. Thus, divorce rates increase, which, in turn, triggers a wider acceptance of

divorce. The paper is organized as follows. First, we provide empirical background for our main assumptions and findings (Section 2). Then, we present the model (Section 3) and study the dynamics (Section 4). Finally, we conclude (Section 5).

2. Empirical background

2.1. On the role of culture in the transmission of divorce patterns

This section presents some stylized facts concerning the relationship between divorce rates and preferences toward divorce in 16 European countries.¹ Fig. 1(a) illustrates a positive correlation across European countries between the tolerance toward divorce in 1999 and divorce rates 30 years before.² This correlation provides us with an insight on the influence of divorce decisions of the previous generation on current attitudes toward divorce.

Fig. 1(b) shows that this correlation is also positive between our measure of tolerance toward divorce and divorce rates at the same point of time. Under the assumption that cultural attitudes are slow to change, this result may be interpreted as a positive impact of liberal views on divorce on the divorce incidences. Moreover, the only two countries that had no unilateral divorce regimes in 1999 (namely, Ireland and Italy) are located at the bottom left in the two figures. Then, as predicted by the theory, these two countries appear to be trapped in a situation where divorce rates are low and attitudes toward divorce relatively intolerant.

Obviously, the correlations depicted in Fig. 1 cannot be interpreted as causal relationships. Nevertheless, a recent paper by Furtado et al. (forthcoming) confirms the role played by culture in the transmission of divorce patterns. The authors study divorce decisions of immigrants from Europe who arrived in the US at young age. The authors find that the immigrants' divorce probabilities are positively affected by their home country divorce rates. This methodology allows to control for the economic and institutional context and to interpret the result as clear evidence in favor of the role of culture.

The existing literature in sociology or/and psychology also concludes that growing up in a divorced family can instill less unfavorable attitudes toward divorce in offspring (Amato, 1988; Axinn & Thornton, 1996; Cunningham & Thornton, 2006; Greenberg & Nay, 1982; Kapinus, 2004; Trent & South, 1989). This result may, at least partly, be explained by the intergenerational transmission of attitudes toward divorce as documented by Axinn and Thornton (1996) or Kapinus (2004). Nevertheless, these papers also show that children of divorced parents significantly adopt more favorable views toward divorce even after controlling for the intergenerational transmission of attitudes.

According to this set of evidence, we model the joint effect of parental attitudes and parental divorce decisions on their children's views on divorce.

2.2. On the timing of divorce law changes

This section presents some stylized facts regarding the timing of change in divorce law and rise in divorce rates in European countries. We use data from González & Viitanen, 2009 and focus

¹ These countries are Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom. These countries have been chosen because of data availability in the European Value Study (1999).

² Our measure of tolerance toward divorce is derived from the 3rd wave of the European Value Study (EVS). We use the following question: "Do you think divorce can always be justified, never be justified, or something in between?", for which respondents are asking to answer by giving a score between 1 (never justified) and 10 (always justified). Then, we compute for each country the mean of this score.

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