Changing Landscapes of Family Life: Rethinking Divorce

Carol Smart

ESRC Research Group on Care, Values and the Future of Welfare, (CAVA), School of Sociology and Social Policy, University of Leeds
E-mail: c.c.smart@leeds.ac.uk

This paper addresses the question of how families are changing in the context of transformed policies on divorce in England and Wales. However, rather than painting a picture of change through the use of statistical data, the argument will be based on qualitative data which focuses on the interiority of family and kin relationships and on the principles and reasonings that individuals give for their actions. This provides more of a ground-up perspective on social change, and prioritises the actions of parents, grandparents and children rather than focusing on the consequences of policies. It is argued that we need to recognise that the changing nature of family life pushes people to negotiate new moral codes or principles, and that this in turn is generating new ways of 'doing' post-divorce family life.

One of the major changes to family life in Britain since the formation of the post-war welfare state has been the (apparently unanticipated) rise in the rate of divorce and separation. While this trend is related in complex ways to other changes and transformations, it is now feasible to propose that the regularity with which people in the UK divorce or separate is itself a core element of the modern landscape of family life. Our expectations of life-long union appear to be changing and our reactions to a divorce in the family are starting to shift towards treating divorce as a normal (although not necessarily a desirable) event. What is interesting, of course, is that this major change to family life has not been a matter of concern in mainstream social policy. Divorce might be identified as part of the tapestry of problems facing low-income families or lone parents, and divorce has been seen as a trigger to delinquency and disadvantage, but policy development on divorce itself has progressed in a universe parallel to mainstream social policy known as private law.[1] This is interesting given that Beveridge had once thought it might be possible to introduce some sort of insurance for women against the risk of marrying profligate men (Wilson, 1977). Had divorce been treated as an insurable risk in 1945, just as unemployment or sickness was, then the Welfare State might have taken a very different course.

   In this paper I shall consider how, in the context of the changing principles of family law, families are adapting such that they now have very different contours to 'the family' envisaged in the post-war era. But rather than documenting changes in family structure or deploying statistical data, I shall draw upon qualitative empirical research to explore how the interiority of families may be changing to accommodate new expectations about how family members should behave in the context of a high divorce rate.

The context for change

There have been (at least) two major changes to private law governing families since the Second World War. The first was the 1969 Divorce Reform Act which demoted (but did not abolish completely) the significance of matrimonial fault as the grounds for divorce. The second was the 1989 Children Act which, in its private law provisions, finally shifted significance away from concerns over the rights of spouses towards a focus on parental responsibilities. In the 1970s and 1980s divorce was basically seen as a matter of matrimonial conflict between husband and wife, and the main issue for the law was how assets should be divided and how much maintenance should be paid to ex-wives (Gibson, 1994). But by the end of the 1990s divorce had been redefined as an issue between parents rather than a matter for husbands and wives. This meant that the law became less focused on rights and obligations arising from the status of marriage, and became more concerned with the impact of divorce (or separation) on parenting and the future welfare of children. So, although marriage as a legal status remained significant, it became unimaginable that, for example, the custody of children would be granted to one parent solely on the grounds of the other's matrimonial offence. Thus private law has moved a long way since the 1969 Divorce Reform Act, but even further since the 1989 Children Act.

I shall argue that these changes frame the emergence of a new kind of 'social code' associated with divorce and separation. It may be that we are witnessing a shift in the normative order or even a movement in the civilisation process (Elias, 2000; van Krieken, 1998; Goudsblom and Mennell, 1998) in which ways of behaving that were perfectly acceptable at one moment, become less acceptable and appropriate at another time as cultural values change. Thus it may be that the way in which people think about 'how to divorce' and 'how to live family life after divorce' are being transformed and that this change is happening at both a cultural level, and also within personal relationships. It is of course risky to describe a social phenomenon as 'new'. It implies that the past is easily knowable and open to measurement against which we can calibrate changes and improvements. Worse, the depiction of something as a new 'moral order' can seem to suggest that we can know how people behaved, thought and reasoned in their personal and intimate lives. It also tends to conjure up an image of homogeneity in which it appears as if 'everyone' once felt or acted in a particular way when in fact it may only have been a privileged section of society. So, certain ways of feeling or behaving may not be new at all to some groups or individuals, which means that newness is always contingent. But, allowing for this caveat, I shall try to map out how social codes on family life *may* be changing and bringing about new ways of organising relationships. I shall map these changes by looking at a range of different dynamics in families facing change. This mapping is, in turn, based on a number of linked empirical research projects that we[2] have been carrying out over recent years.

How the lives of parents change after divorce/separation

As outlined above, prior to 1969 the 'approved' morally sanctioned approach to divorce was based on the idea that one party was to blame for the breakdown and that it was appropriate to inflict punishment on the guilty party either through financial loss or the loss of parental rights. This approach is still part of contemporary culture:

> **Keith Minster:** At the moment, with the time they're [the children] spending with her now, I think it's okay because as far as I'm concerned, as little time they spend with her [the] better. Because she keeps saying, 'I love them, I miss them'. But if she did love them like I do, then I don't think she'd have done what she's done. Especially a woman to do that . . . [If there was sole custody] it would be up to me to say whether they can see their mother and then she's got no say in which school or anything.

But alongside this (once approved) stance there are parents who espoused a very different approach:

> **Meg Johnson:** It's funny now but I never thought that we could remain a family. Your initial thoughts are, 'Divorce – children go with one person and the other partner goes and does their thing', and I never saw it this way. I feel good about the way things are.

These latter remarks capture almost exactly the ethos of the Children Act 1989, namely the move away from seeing children as rewards for good behaviour towards seeing parenting as a responsibility that endures regardless. The newer ethos emphasises the need to reconfigure family life after divorce rather than demonising the guilty spouse. In this ethos the focus also becomes the children's welfare, and the aim of family law is not to preserve marriage by making divorce a punishing experience, but to preserve families by making the transition as smooth as possible.

However, although it may be possible to discern both a change in policy and in parents' own codes, this does not mean that the new way is in fact smooth and trouble free. Rather, it may bring its own (new) problems because contemporary divorce does not actually free parents from one another. Whereas as recently as the 1980s the 'clean break' was seen as the solution to the antagonisms that men and women felt towards each other on divorce, this is no longer available to parents. Thus divorced parents are now required to go on living with their problematic relationships if they are going to share parenting to any degree:

> **Derek Hill:** In many ways you suffer from the same problems that you had that caused the breakdown of the marriage and I – depressingly – suspect that will always be the case.

This means that the very concept of 'divorce' is changing its cultural meaning. Arguably it is coming to mean that couples with children continue to have a relationship, but across a spatial division. It no longer means emotional or financial freedom from a former spouse and this inevitably alters the texture of the lives of both parents and children.

In turn, this creation of post-divorce relationships on a new footing may require new skills and insights:

> **Leon Harper:** Even though you separate or divorce, *you still have a relationship* . . . I think once I decided very early on, and [my ex-wife] the same, that the children – we were looking after the children – and you can't do that without considering the needs of the other person, and . . . it's water under the bridge why you got divorced, and the financial side, *because you have to consider each other's needs really, very much so*. (Emphasis added.)

This father expresses a core element of the suggested emergent 'social code' around divorce. This ingredient is attentiveness (Mason, 1996) to the other person and this quality

is quite the antithesis of the old norms governing divorce in the days of matrimonial offences.

How the lives of children change

As policy on divorce shifts its focus increasingly towards children and away from spouses, and as (some) parents seek to retain or create new relationships with their children after separation, so the contours of children's lives begin to change as well. Rather than one parent suddenly vanishing or gradually fading from their lives, it is now quite possible that they will retain both parents at least for some time (Hunt, 2003). Thus children too are increasingly required to learn how to sustain relationships with both parents after separation. This may be quite different to the nature of the relationships they had prior to divorce, not least because after divorce their parents may start new relationships or even have further children with new partners. In a recent study we found that children spoke of the emotional and psychological journey they had to make when moving back and forth between parents (Smart *et al.*, 2001) and also how they had to find ways to manage their parents' emotions and hostilities which could be triggered by contact (see also Butler *et al.*, 2003).

It is possible to argue that children begin to see themselves as virtually a commodity that their parents have equal rights to, or as persons responsible for maintaining their parents' happiness and equilibrium:

> **James (9):** I think pretty much when they split up they decided that I should spend equal time at both houses or else it wouldn't really be fair. [This way] nobody's got an advantage with me.

Thus it is increasingly likely that children will find that they are living out the new social norms of post-divorce family life. But if their parents do not subscribe fully to this ethos they may be caught between two parallel moral codes. Their parents may be operating the pre-1969 code of blame and vilification, while they are required to live according to the post-1989 code of co-operative shared parenting. From the point of view of children the lived experience of the new ethos of shared parenting after divorce depends a great deal on how attentive their parents are to their changing needs and interests, but also it depends on how well they relate to both parents and often their new partners. Rather than being taken for granted, kinship ties can bring a new set of problems for children as they learn to navigate through new sets of complex relationships, conflicting loyalties and changing alliances. But these arrangements can be made to work:

> **Ian Kellet (13):** I've been doing a week with each one since, well, for as long as I can remember, at least six years. . . . When I'm probably like fifteen or sixteen, and I'll just come to which house I want to come to. . . . Because by then, I'd be independent enough to just let myself in and out . . . They'd be fine with that. . . . It is (laugh), they are like friends . . . I can't really imagine doing it differently.

The changing role of 'step' parents

One of the unforeseen consequences of the new social code may be the way in which the position of 'step' parents is changing. The relationship between step parents and step children is often challenging (Gorrell Barnes *et al.*, 1998) but where a child continues

to live with both parents on an equal or near equal basis, then it seems that a parent's new partner may not be regarded as a step *parent* at all. This means the person formerly known as a step parent becomes more of an adjunct to one parent, or possibly just a family friend of no great significance:

> **Andrijka (10):** [Mum and dad's partners] are a big part of my life. But I don't really think of them as family and people I love, I think of them as, I don't know, friends I suppose.

Thus step parents may be shifting towards an even more tenuous position as far as children are concerned and they too may have to develop new sensitivities and ways of relating:

> **Bob (12):** [Mum's live-in partner] has always been there to help with things like my bike . . . but he's never, ever, like if I was upset, come into my room to say 'Are you OK?' . . . He's just, like, there to help with easy things. (*Q: He doesn't try to be a parent?*) Well, if he did, I'd tell mum that I wasn't happy living with him.

Children might, of course, become very attached to their parents' new partners but it requires tact and also considerable time for relationships to go beyond the 'family friend' level of commitment. In these circumstances children can feel that their families have been extended by divorce because they gain new caring adults and often new step-siblings or half siblings. Thus the divorce-extended family envisaged by Stacey (1990) does seem to be a part of this new landscape of family life.

The corollary of the requirement on children to learn new ways of relating to 'step' parents is the apparent development of a sensitivity on the part of parents as to whether they should repartner at all (Neale and Smart, forthcoming). We found that, for some, the old moral dictum that 'one should stay together for the sake of the children' had been overtaken by an alternative code of conduct, namely that 'one should not remarry/cohabit until the children have left home'. Some parents appear to be keeping their new relationships quite separate from their lives with their children. Of course it is hard to know whether this is something entirely new but there is some evidence that 'living apart together' is now more attractive than it might once have been (Levin, 2004). The stigma of being a lone mother, and/or the feeling that it would be best for the children to remarry,[3] have both waned as women have become more independent of male partners. Re-partnering or re-marrying after divorce can introduce a number of problems, particularly in relation to sharing property, inheritance, pension sharing and so on. Women are no longer automatically 'better off' if they re-marry and they may be cautious about worsening their situation if they should divorce again. But it is not only economic rationality that can make living apart together attractive:

> **Lucy:** Chris comes round on a Monday, Wednesday and Friday, about nine o'clock and then he stays till about half eleven and then he goes home. And then weekends, we go out on a Saturday night, and I used to stay at his house quite often but I got out of the habit. And then we go on holiday together a couple of times a year . . . just the two of us. . . . We get on very well together. . . . I suppose it's a kind of interdependence.

It may also be that a new partner does not want to take on the challenge of becoming a step parent or of forging new, possibly difficult, relationships with another person's children.

Thus living apart for the sake of the children – or perhaps because of the children – may also become a feature of the changing contemporary landscape.

Relationships with grandparents

Relationships with grandparents also appear to be taking on specific forms in the context of these changes (Ferguson, 2004). After divorce grandparents may find themselves doing a lot of caring for grandchildren, especially if a mother has to return to work. Sometimes when there is hostility between parents, grandparents can play a very important role in supporting contact between a father and his children. Children too can find grandparents provide a kind of haven in times of trouble. Divorce creates a space in family life that grandparents seem destined to fill (Smart and Neale, forthcoming; Ferguson, 2004). But relationships between parents and grandparents may not be an easy one, and sometimes grandparents can take sides and in so doing attempt to influence children in ways that parents find problematic. Children too can find their grandparents to be a source of problems:

> **Miriam (10):** When my mum went to work [my Gran] would look after us and . . . she used to slag off my dad; that was really horrible. . . . She'd start yelling and say it was all his fault. I used to scream and put my hands over my ears because I didn't want to hear it.

It is clear that grandparents too can subscribe to the old ethos of divorce and matrimonial guilt. They may, therefore, be partisan and practical support may come combined with a moral code that is antithetical to newly emergent values about post-divorce family life. In the example above it was a maternal grandmother who voiced disapproval of her grandchild's (non-resident) father. But in other instances it could be the paternal grandparents voicing disapproval of the (residential) mother. This produces a different moral dilemma, namely whether to stop contact with grandparents (the ex-in-laws) because of their disruptive behaviour, or whether to tolerate it because of a commitment to the idea that children need all their grandparents. Some mothers in our study went further than tolerating these difficult elements of the post-divorce family:

> **Jill:** I buy Christmas presents for them . . . I know what they like so I get them a little something . . . and then I put 'from Tom and Joe'. And then they see them on Christmas Day and [it is important for the children] – I wouldn't bother otherwise.

Of course, if paternal grandparents really stepped over the line then mothers could cease to be prepared to do this kind of emotional labour.

There are also examples of some grandparents who struggle to overcome their emotional desire to take sides or to interfere because they feel that the 'proper thing to do' (Finch, 1989; Finch and Mason, 1993) is to be impartial:

> **Amelia:** But we always felt that it was not that we didn't want to take sides, [rather] it was important that we didn't take sides.

This suggests that new ways of dealing with divorce and separation are moving out from the parent's generation, in a kind of ripple effect, to influence grandparents as well as children. These close relationships are increasingly required to be 'rethought' rather than taken for granted, and more people are involved in the rethinking. The post-divorce family

may not be prepared to tolerate objectionable behaviour from kin who can be 'cut off'. Essentially, this family has more 'choices' about which relationships to sustain, but it is these very choices that create the reflexivity which is part of the emergent moral code identified above.

Conclusion

Popular discourse and populist moralisers have tended to see divorce as a symbol of a change for the worse in all matters relating to the family and social stability (Dennis and Erdos, 1993; Morgan, 1995; Etzioni, 1993). This emphasis has meant that policy debates have polarised around issues of whether divorce harms children, or whether lone mother families produce delinquent sons and so on. Only recently has research shifted its focus and different research questions are bringing different textures and nuances to the debate. We have begun to observe that as divorce and separation become normalised, people are negotiating ways of managing these transitions according to different sets of principles. I have suggested that divorce does more than oblige people to change their practices of care, of financial exchange, of cohabitation and so on, because it also pushes people to negotiate new moral terrains on which they have to make decisions about how to act, how to relate, how to prioritise, how to safeguard their children, how to balance their own needs against those of others, and ultimately how to reconstruct family living. Perceived in this way we can construct understandings of the changing landscapes of family life which are informed by a much closer appreciation of people's moral reasoning in conditions of flux. The 'choices' people now have may be producing greater reflexivity and more attentiveness to others. The perceived normality of the 1950s nuclear family meant that it was easy to take family/spousal relationships for granted. But the post-divorce (extended) family needs to work at its relationships. In this, I suggest, lies the engine of many further transformations.

Notes

1 There have been bridges built between the two of course, and the establishment of the Child Support Agency is one such example. The Finer Report (1974) also made attempts to equalise the position of all lone mothers whether widowed, divorced or never married but the two tier system of welfare provision for the poor, and private provision for the better off continued.

2 I shall draw on findings from several different projects that I have carried out with colleagues at Leeds. These colleagues include Bren Neale, Amanda Wade, Jennifer Flowerdew, Vanessa May and the CAVA research team. All of the quotations used come from interviews with parents, children and grandparents. All the names have been changed to preserve anonymity. For a more in-depth discussion of methodologies and findings consult the references at the end of the paper.

3 But see Ribbens McCarthy *et al*. (2003) for rather different finding on this issue.

References

Butler, I., Scanlan, L., Robinson, M., Douglas, G., and Murch, M. (2003), *Divorcing Children*, London: Jessica Kinsley.

Dennis, N. and Erdos, G. (1993), *Families Without Fatherhood*, 2nd edn, London: Institute of Economic Affairs.

Elias, N. (2000), *The Civilizing Process*, Oxford: Blackwell.

Etzioni, A. (1993), *The Parenting Deficit*, London: Demos.

Ferguson, N. (2004), *Grandparenting in Divorced Families*, Bristol: Policy Press.

Finch, J. (1989), *Family Obligations and Social Change*, Cambridge: Polity.

Finch, J. and Mason, J. (1993), *Negotiating Family Responsibilities*, London: Routledge.

Finch, J. and Mason, J. (2000), *Passing On: Kinship and Inheritance in England*, London: Routledge.

Finer, M. (1974), *Report of the Committee on One Parent Families*, Vols I and II Cmnd. 5629 London: HMSO.

Gibson, C. (1994), *Dissolving Wedlock*, London: Routledge.

Gorrell Barnes, G., Thompson, P., Daniel, G., and Burchardt, N. (1998), *Growing Up in Stepfamilies*, Oxford: Clarendon Press.

Goudsblom, J. and Mennell, S. (eds) (1998), *The Norbert Elias Reader*, Oxford: Blackwell.

Hunt, J. (2003), 'Child contact with non-resident parents', Family Policy Briefing 3, Department of Social Policy and Social Work, University of Oxford.

Levin, I. (2004), 'Living apart together: a new family form', *Current Sociology*, 52, 2, 223–240.

Lewis, J. (2001), *The End of Marriage?* Cheltenham: Edward Elgar.

Mason, J. (1996), 'Gender, care and sensibility in family and kin relationships', in J. Holland and L. Atkins (eds), *Sex, Sensibility and the Gendered Body*, Basingstoke: Macmillan.

Morgan, P. (1995), *Farewell to the Family?*, London: Institute of Economic Affairs.

Neale, B. and Smart, C. (forthcoming), 'Hard choices: re-partnering after divorce', *Sociology*.

Ribbens McCarthy, J., Edwards, R., and Gillies, V. (2003), *Making Families: Moral Tales of Parenting and Step-parenting*, Durham: sociologypress.

Smart, C., Neale, B., and Wade, A. (2001), *The Changing Experience of Childhood: Families and Divorce*, Cambridge: Polity.

Smart, C. and Neale, B. (forthcoming), 'Changing commitments: a study of close kin after divorce in England', in M. Maclean (ed.), *Family Law and Family Values*, Oxford: Hart Publishing.

Stacey, J. (1990), *Brave New Families*, New York: Basic Books.

van Krieken, R. (1998), *Norbert Elias*, London: Routledge.

Wilson, E. (1977), *Women and the Welfare State*, London: Tavistock.