

Should divorce be easier or harder?

The evidence, though weak, favors legal, easy, unilateral divorce

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ELEVATOR PITCH

Many countries have enacted legislation over the past few decades making divorce easier. Some countries have legalized divorce where it had previously been banned, and many have eased the conditions required for a divorce, such as allowing unilateral divorce (both spouses do not have to agree on the divorce). Divorce laws can regulate the grounds for divorce, division of property, child custody, and child support or maintenance payments. Reforms can have a range of social effects beyond increasing the divorce rate. They can influence female labor supply, marriage and fertility rates, child well-being, household saving, and even domestic violence and crime.

KEY FINDINGS

Pros

- ⊕ Even though unilateral divorce leads to a larger number of divorces in the short term, it probably leads to better-quality (if fewer) marriages in the long term.
- ⊕ Legalizing divorce leads to increases in labor force participation among married women.
- ⊕ Easier divorce—both legalization and allowing unilateral divorce—leads to higher household saving rates.
- ⊕ Unilateral divorce is associated with lower rates of domestic violence and female suicide.

Cons

- ⊖ Unilateral divorce leads to lower fertility and other marriage-specific investments.
- ⊖ Where the law requires splitting marital assets equally between spouses, allowing unilateral divorce may lead to a reduction in female labor supply.
- ⊖ Both legalizing divorce and allowing for unilateral divorce may lead to worse long-term child outcomes, including educational attainment and adult income.
- ⊖ Unilateral divorce may increase the incidence of criminal behavior among children born slightly before and hence affected by the changes in divorce law.

AUTHOR'S MAIN MESSAGE

Today, divorce is legal in almost all countries, so the relevant policy issues are how much to lower the costs of divorce and whether to require the consent of both spouses. The evidence makes a (weak) case in favor of legal, easy, unilateral divorce, which leads to better marriages, higher household savings, and even lower domestic violence. However, unilateral divorce combined with equal division of property may depress female employment, which policymakers may seek to avoid. And because there is some evidence that unilateral divorce may harm children in the long term, easy divorce should be accompanied by other policies aimed at supporting children in vulnerable families.

