

# Overcoming the devastating effects of divorce on women

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Divorce refers to the conclusion of termination of a marriage/matrimonial union. It entails cancellation of legal responsibilities and duties pertaining to a marriage through dissolution of matrimonial bonds. A variety of divorce laws exist globally, but the universal factor is its prerequisite sanction by a court of law or any other existing authority through a legal process.

Pertinent to the process may be issues such as child support and/or custody, property distribution, debt division, and alimony issues. In social systems that recognize monogamy, divorce gives either of involved parties the leeway to marry another person. However, in societies where polygamy is practiced but not in tandem with polyandry, the process permits woman's marriage to another man. Akin to different life changing situations, undergoing this process is both painful and stressful. Not only are schedules, living arrangements, household chores, and finances affected, but the strain is evident at physical and emotional/psychological levels of the family unit (Phillips, 2004). Statistics of divorce varies globally as it is influenced by factors like the way of life, cultural, social norms observed, religious affiliations present in the social arena, and liberal ideals and beliefs upheld among others.

In the United States of America, the statistics is leveled on the average mark of 30% of all marriages. 50% occur during the initial/first marriage as compared to 60% in the second and other subsequent marriages. In the United Kingdom, on the other hand, the figures indicate a dissolution of marriage (after 15 years) as having risen from 22% (one in every four) to 33% (one in every three) by the year 2000 (McLanahan, 2003). Of unique consideration is the escalation of divorce cases during the 20th century as <https://assignbuster.com/overcoming-the-devastating-effects-of-divorce-on-women/>

exemplified by nations such as the USA, Australia, Canada, New Zealand, the United Kingdom, and Germany. All of them are leading representatives of Western modernity/ideology and liberal ideals. Though variations exist between different regions and/or jurisdictions, there are two central approaches to the issue of divorce.

These being either no-fault-based, or fault-based. Furthermore, the behavioral conduct of either party may be taken into consideration by a court during dissolution process, regardless of whether the claims of fault (of either partner) are present or not (Heyman, 2001). Divorce, as a procedure is divided into the following categories: at-fault divorce, no-fault divorce, uncontested divorce, summary divorce, collaborative divorce, and mediated divorce. At-fault divorce entails presence of proof by a party of the union of an act of incompatibility to the marriage by the other member. Termed as 'grounds (faults)' for divorce, it was the only way of marriage termination.

At present, there is a need for proof in many jurisdictions for the enactment of divorce proceedings. However, these proceedings are contestable and can result in painful and protracted trials. The utility of 'comparative rectitude' is usually used to determine on which party's side more fault is present.

Grounds for divorce include abandonment, adultery, cruelty, and desertion. As a result, revisions to the above were later made, which led to the introduction of no-fault divorce. No-fault divorce category was formed based on liberal ideals that required no proof or allegation of fault by either party.

Here, the barest of contention was sufficed. This included a general allegation of "irreparable break-down or incompatible differences" present

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within the marriage union (Heyman, 2001). Established especially in the Western world, basic assertions of problems in the union is sufficient for the presiding judicial officer. One party's ' yes' to the divorce is sufficient to grant a divorce. Behavioral display of either party is analyzed, especially when it comes to the issue of child custody cases and may be used during the final decision making process (Brown, 2002). Uncontested divorces are common, especially in the USA, where over 90% of divorces are categorized as belonging to this category (Berlin, 2004).

It entails two parties coming to an agreement in the presence/or not of lawyers or mediators on issues pertaining to their children, support, and on the property present. Where matters are less complicated and both parties are accommodating, the settlement is negotiated directly between them. However, if matters are complex, legal judicial procedures are required. In San Diego, for example, the portion of such cases rose to around 75%, while in Florida to an average of 80% by 2003 (Berlin, 2004). In addition, prose cases are on the rise. Here litigants (married couple) represent themselves before judicial officers.

Summary divorce is unique and only applies in specific cases. Here, spouses must meet certain requirements of eligibility through prior agreements on key issues. Factors key in such cases include a short marriage period, little or no property involved, absence of children, and individual or matrimonial assets falling under a certain threshold (in the USA - 35, 000 dollars and below). Assets, such as vehicles and buildings, do not fall in this category

(Berlin, 2004). Collaborative divorce presents an avenue through which divorcing parties can come to consensus on divorce issues.

Attorneys assist parties involved to reach agreeable negotiable resolutions, and the presence of an impartial financial expert and/or a divorce coach is necessary. Here, the two parties make their individual decisions often aimed at meeting their own interests or needs. Collaborative divorce is often termed as more cost-effective than other types of procedures and more outreaching to both parties filing for divorce. During such procedures, lawyers of either party are prohibited from representing them in any disputed legal procedures. Neither can any professional team utilized in this process be brought to a court of law.

In this process the divorcing parties are in control of the period necessary to reach amicable decisions/ settlements (Karney, 2002). There is also a mediated divorce, which is a substitute to traditional divorce processes. During a divorce arbitration procedure, the mediator present helps through enhanced communication and information or provision of suggestions. At the concluding session, this results to a tailored agreement presentable to a court of law by both divorcing parties. Attorneys are not a prerequisite since mediators, transformative or facilitative, are enough to support such proceedings.

In the event of attorneys being present, their sole duty is to provide information and not advice either of the two divorcing parties. This type of procedure is touted as being less costly at both emotional/psychological and financial levels and adherence rates to such agreements are often higher

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than that of litigation/court proceedings. Traditional/religious divorce is also present and enforced, especially in Islamic, Hindu and other religions. Here, where polygamy is allowed, the presence of more than one wife may trigger differences rooted in either of the issues that include sexual dissatisfaction, childlessness, and/or economic constraints. Occurrence of disparity in matters of conjugal stability according to wife order/sequence in the marriage is of significant importance. Women especially, escape economic restraint through such procedures.

According to a study available in the American Law and Economic Review, in the United States women are currently in the lead in filing for divorce (Brinig & Allen, 2000). It is estimated that women file two-thirds of cases. With the introduction of no-fault divorce, the estimates rose to over 70%. Women initiated divorce procedures, especially among couples with college education, in approximately 90% of cases. Studies indicate that white female-Asian male and white female-black male unions have higher chances of divorce than white-white marriages. Conversely, in cases of white males and non-white female marriages and those between Hispanic and non-Hispanic individuals, the chances of divorce decreased remarkably leveling at par or lower than white-white marriages (Corcoran, 1997).

On the aspects of divorce resolutions, according to a Grant Thornton survey (UK, 2004); women stood a better chance of better settlement vis-a-vis their male counterparts to the ratio of 60% to 40%. Thirty percent of cases witnessed a 50-50 division of assets with men attaining better results in only 10-15% of the cases (Strong, 2011). Other jurisdictions are present where

men tend to get better results than women do. Causal factors in divorce cases often include infidelity/adultery, midlife crisis, instances of domestic violence, work-holism, and negative addictions such as gambling, drug abuse/use, and gambling. These are often represented in statistical views with husbands being guilty in 75% of cases due to their infidelity, while wives averaging to 25%. Extended family strains focused primarily on wives' families in which averages reached 78% as compared to 22% on husbands' families (Strong, 2011).

Physical and psychological abuse leveled on the ratio 60% to 40% pertaining to wives as compared to husbands. Concerning the aspect of work-holism, 70% of the cause was attributed to husbands as compared to 30% to wives (Strong, 2011). Divorce is caused by other factors, such as not having a home. A house represents commitment, and the process of procuring one brings about a stabilizing effect. Inter-generational transmission of divorce is another strong factor of risk whereby if one's parents had undergone through similar procedures, the chances of their offspring's marriages ending in divorce are doubled.

Character attributes and problematic behaviors contributed majorly to unhappy marriages, usually ending up in divorce (Heyman, 2001).

Experiencing divorce as a child affects person's attitudes. One may perceive it as acceptable, and thus encourage tendencies of initiating such proceedings when experiencing problems of lower threshold. Conversely, witnessing one's parents coming up with solutions to their disagreements builds a stronger case for happy marriages. Where

communication/interpersonal skills are lacking or are weak, the children often assimilate such attitudes, which later influence the offspring's future marriages.

Such children grow up and enter marital unions without necessary skills required in a fruitful relationship. Another unique risk factor often culminating in divorce relates to couple's cohabiting prior to their marriage. More problems are likely to be experienced in such unions, as the parties involved tend to be less observant of traditions, less religious, and hold ideals that are more liberal. Thus, divorce is easily acceptable in such unions. Parties involved in such unions give little thought to the idea of marriage during their cohabiting phase. However, there appears an impetus towards marriage because of pressure from family and others, the potential result of conceiving children and the connection/feelings present between them.

More often than not, such couples end up with incompatible partners with existing problems being offset by marriage proposal (Karney, 2002). Among various symptoms that are representative of problems and may lead to divorce is lack of interpersonal skills. This usually results in a union in which one party tries to dominate the union. The lack of or unwillingness to seek compromise usually results to a divorce. Due to social norms and/or previous perceptions, males are viewed as being the 'head' of family unit and are thus the dominant party. Lack of communication within the union often results in irreconcilable attitudes leading to a divorce.

Children, especially those from high conflict homes, almost certainly experience these conflicts in their own marriages. Strangely though, they

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perform better once out of such marriages almost as well as those children from intact family homes. Stress or depression is considered with their well-being during the marital union being of great impact on the marriage. Getting along with a partner as well as the relationship with their different family members also greatly affect the likelihood of a divorce. Risk-takers, having considerably approving attitudes of divorce often end up divorcing when in marital unions.

Being isolated/detached, their work/ careers entailing frequent movement, lacking positive involvement in religious affairs, and little contacts with relatives all increase the risk of a divorce (Pasley, 2003). Presence or absence of children during the divorce phase also matters a lot. Those who are already on their own, who do not directly experience the process, are less likely to be affected. This is because they are less likely to be out of contact with either parents or their broader relations. Their maturity means that children are exposed to less negative impacts (psychologically), and thus are more understanding of the prevailing situations that result in divorce.

Marital interaction between the partners leads to a greater strength and durability of marriage, with more interaction meaning greater dispute resolution and stronger chances of conflict management. The quality of psychological reactions to their parents' divorce varies among children. This depends on factors such as duration and intensity of conflict between the parents, their parents' ability to focus on their children's needs during the divorce procedure and the quality of relationship with either parent before

and during the separation. Observed is the presence of greater academic and social readjustment problems in boys compared to girls. Despite the fact that the intensity of suffering that they experience, especially during and after the divorce, is equal, it is reflected in different ways. Boys tend to display externally more symptomatic problems than girls do because girls are constantly and visibly frustrated, hurt, and angered.

Schooling becomes a problem as they are constantly in trouble, and fighting escalates to a greater level with either their parents or peers (Berlin, 2004). Girls, on the other hand, tend to internalize their worries and stress, which results in either or both stomachaches and headaches. Depression sets in and visible changes are observable in their sleeping and eating patterns. A decrease experienced in parents' income has a direct effect on children's proper nutrition, clothing, special needs, healthcare provision, schooling choices, and their involvement in extramural activities. To enable a better-balanced prospective relationship and a realistic outlook, child's continuous attachment to both parents is essential. Lack of such attributes inhibits child's psychological and interpersonal growth.

The loss of a parent caused by death, when supplemented by the introduction of stepparents more often than not leads to stress, pain, and anguish experienced by children. 'Mum' or 'Dad' can never be replaced, and the likelihood of conflict increase between children and the new parent is high. The stepparent is often viewed as being inhibitive to the natural family union to which children were accustomed to (Corcoran, 1997). The rationalization that marital union, by either party, was an unlikable

experience initiates the idea of divorce as an escape mechanism. Triggered by lack of acceptance, initiating responsibility, blame game, and desire to be even among others, often worsens the situation leading to an irrevocable conclusion of the marriage through divorce.

In such instances, the perceived partner, who initiates the process is often on a revenge mission to get even with the other party, whom the blame is heaped on. Coping with a divorce and its associated causal and resultant factors entails a wide-range of solution-providing mechanisms. Though acceptable and respected, divorce is often regarded as the last possible action. This is pegged on religious, socio-cultural, and economic ideals and factors that are important when turning towards divorce as the last possible solution. Accordingly, different religions hold different perception on the idea of ' marriage and divorce'. Regarding Christian perspective, the Bible in both the Old and New Testaments attest to the fact that divorce is not condoned.

Since divorce is not ordained divinely, it is a ' Man-made' ideal that is not acceptable in the Christian religion. Thus, divorce represents the rejection by man of God's original arrangement of a marital union's indissolubility(Kottler, 2000). Biblically, Jesus Christ himself attests to the above (Matt 19: 8), where he explains that it is a change from the ordained path from the beginning. He further added that it is the ' hardness' of Man's heart that necessitates the grant of divorce by Moses. Through Moses God only acknowledged existence of divorce and regulated its occurrence/frequency to prevent a situation from worsening.

A revelation of God's pragmatic approach to 'human error/failure' informed His decision of not laying down a definite law prohibiting divorce in the Pentateuch part of the Bible. In the Old Testament, divorce is common because of the ease with which one can carry it out. All that is needed are witnesses and a verbal confirmation of the same. The 'Ten Commandments' especially 7th and 10th bear proof to the sanctity that God preserved the institution of Marriage (Exodus 20: 14; 17). However, to regulate this, Moses (in Deut 24: 1-4) created a law that discouraged divorce carried out in a hasty manner. The law entailed three fundamentals including the reasons for divorce initiation, the procedure itself, and resultant effects of the process.

Reasons for divorce had to be concrete to make the divorce process legitimate. Divorce was not permitted for allegations of adultery (Deut 20: 22-24, Lev 20: 10) nor sexual uncleanness before marriage (Deut 22: 28). Allowing divorce during Moses' time was thus because of Israelites 'hardness of heart' leading to their rejection of God's unique plan for matrimonial union (Matt 19: 8, Mark 10: 5-9 and Gen 2: 24). Un-instituted by Moses, divorce was enacted only after sufficient proof was produced. A 'bill of divorce' was necessary to help protect and shield the woman after the divorce and remarriage to another man (Bacchiocchi, 2000).

To enable both better-balanced prospective relationships and a realistic outlook, child's continuous attachment to both parents is essential. Through shared positive relations the offspring brings the same to their future marriages through imitation of the cordial interpersonal relationship they experienced and were witness to. Their security at their childhood homes

increases children's chances to adapt well to different time-sharing schedules. This experience of a sense of fulfillment and safety is often replicated in their future marital unions. Where the process is but done, the mother secures child custody, and the father, who continues to be both psychologically and physically attached to his children, is often financially responsible. Father contributes financially to their children's extracurricular activities such as music lessons, sports, and class trips among others.

To be able to achieve the above, there is a need for child's mother to accept, promote, and respect the positive bonding outcome between the father and his children. Her attitude towards this relationship is crucial to avoid the total withdrawal of father from the marriage and his parenting role (Strong, 2011). In the event of a complete divorce or death of a parent, the child/children need to be prepared both physically and mentally for this change in their lives. The woman in the marriage will be happier and fulfilled in the event of her children's acceptance of their new father figure. This in turn will lead to a healthier and more relaxed environment for the mother.

By focusing on the future, the women in such relationships and going through a divorce is required to acknowledge their variant emotional traits and those of their companions. They also have to display a sense of empathetic willingness to work in partnership and balance each parties' emotional wellbeing. Mediators play key roles in such proceedings as divorce cases. Litigation is expensive and may cost either party from \$5, 000 to \$35, 000. In addition, there is usually a presence of blame and fault crediting coupled with other potentially damaging actions.

When communicating becomes a problem, mediators focus on their clients as representative information providers and guides. Their focus is on the creation of parties' best promising future through the amicable resolution of expressive issues for children's and couple's best interest as well as psychological comfort (Heyman, 2001). By understanding and accepting responsibility for their broken marriage, a couple (now separated), begins to reshape their previous way of life. Mediators, through empowerment of their respective clients, engage their clients in constructive and active role-playing during these torturous proceedings. Thus, the divorcing couple is able to develop understandable and clear guidelines for the future through informed decision-making and positive reminiscence of their varied behaviors with a new sense of self-appreciation, respect, and integrity.

Children's wellbeing is paramount for future comfort and fulfillment of women touching on a continuous period. A child's account of a happy and fulfilled childhood that was characterized by the presence of love, care, understanding, and positive interpersonal relationships is likely to reciprocate the same form of attitude in later years when he/she is in a matrimonial union. The opposite is also possible, this being imprinted into child's psychology and later being practiced (willingly or unwillingly) in adulthood (Berlin, 2004). Characteristic of this painful process of divorce are the effects it leaves on women. Not only are they tired both physically and emotionally, they experience a feeling of insecurity and helplessness.

Questions emerge about the probable causes of rejection, which inevitably affects the overall self-esteem of women. A sense of guilt often engulfs their

personality fundamentally shaping the near and further future of women. Depression is often a resultant consequence of such experience. In case divorce is the only possible outcome, mediators have over the years developed guidelines that 'ease' the tedious process. Typically known as emotional stages, these steps help couples understand that their union cannot be broken-down overnight. Their counselors or mediators explain that a break-up of a marital union is not a result of one or a few incidences (of disagreement or misunderstanding).

Rather, they should be informed that a break-up is not the fault of one partner, but has resulted because of misunderstandings and troubles over an extended period (Corcoran, 1997). Their presence at dissimilar phases in the emotional process, while physically/legally being in the same phase further worsens the problem and thus should be addressed. In addition, a correlation in the familial roles that the two parties engage in should be included.

Faultfinding should be discouraged and a sense of cooperation instilled into a couple that is going through such process. Vengeance seeking should totally and firmly be dissuaded, as this is detrimental to both parents' and their children's wellbeing.

Furthermore, the idea that the union was altogether unpleasant and that ending it was the best solution should be discouraged. Such perspectives postpone or hinder the emotional healing process. The effort of both parties striving to maintain the relationship proves that the union had good aspects within it. Unfortunately, the presence of other factors necessitates the course of action that they have to face. A realization of the above two aids in

the healing process and in a more mature, understanding, and softer stance during the divorce proceedings.

Marriage coaches, mediators, or attorneys can impact the above two facts to both parties together with initiating guidelines that chart the path through the aforementioned emotional phases in the event that divorce proceedings are inevitable (Kottler, 2000). Through the following guide, couples are given avenues of ending their relationship and are provided with assistance in their healing processes. The healing will involve their focus on the future (their and their offspring), acceptance of responsibility for the outcome, taking accountability of individual actions during and after marriage, and carrying on their individual lives with integrity. Due to the differences in pace of each individual going through emotional phases, there is a need for couples to be informed and for them to acknowledge this disparity. A considerate willingness to cooperate ultimately helps to balance emotional well-being of all parties involved in the marital union. Emotional phases prescribed are charted in the following phases, and their understanding, acknowledgement, and endorsement is vital to couple's wellbeing during both the pre- and post-divorce phases.

Mediator's tag the period of presence of disenchantment of one party being between 1-2 years before any form of verbalized discontent is experienced. The 'aggrieved' party often has feelings of discontent because there is a feeling of resentment, breaches of trust, and lack of acknowledgement of existing problems. Greater distance is experienced, which is complimented by a lack of mutuality in the couple. Thoughts of divorce are experienced in



terms of pro's and con's, which usually leads to development of separation strategies. Mixed feelings of love, fear, anger, grief, depression, anxiety, and denial are experienced as a result (Thomas, 2011). The above develops into the second phase, where dissatisfaction is openly expressed.

In this phase, which is 8-12 months before legally undertaking the process, the parties should express their discontent and seek marital counseling sessions. A final attempt in the form of a re-enactment of their honeymoon should be done, and couple's feelings should be verbalized. Following this phase will be the phase when the couple decides to get divorced. Getting divorced, which happens 6-12 months before legal proceedings, enables the couple to embark on breaking emotional attachment. Since the inevitable is seldom reversible due to considerable thought being put in the divorce, the couple, especially the woman, should protect herself from feelings of denial, low self-confidence, anger, depression, and rejection. The feeling of victimization by the other party should be dispelled because this leads to other negative outcomes such as resentment, guilt, family anxiety, impatience, anger, sadness, and an uncertainty towards the future.

Next in the phase sequence is the implementation period (commencement of legal proceedings), where the actual corporeal separation is embarked on. Emotional outbursts are to be expected as emotional separation commences. Couples here are advised to become self-oriented through their recreation/redefinition. Becoming open and public with their decision is also encouraged through setting the pace for the divorce process. During this phase, mediators advise the couple to seek legal counsel and embark on

settlement of legal precedents such as child/spouse support, their family home, and on the welfare of their children. They are encouraged to bring the news to their children slowly and in a cooperative manner, giving them their reasons for undertaking such a move (Kottler, 2000).

Next in a sequence is a need for all parties to have a growing acceptance of the outcome. This entails readjustment measures (both psychological and physical), regaining of their sense of control and power, planning for the future through creation of a fresh identity, and discovering new capabilities and sources of income. This is especially so for the woman in the couple. This phase usually provides the best opportunity for mediation where all parties can plan and look-forward to the future. New beginnings entail the final phase after divorce from the completion of legal proceedings to 4 years later. Depending on the type of proceedings and the prevalent attitudes, both parties can move beyond anger and faultfinding towards a sense of respect, forgiveness, and help in readjustment.

The woman should particularly try to ease the process by upholding of integrity, acceptance, and insight. Financial positioning may be a necessary step for the woman to enable her to cope with fiscal aspects of single or joint parenting. This also relieves her from uncertainty and enables her to embark on a rejuvenating journey into the future (Brown, 2002). In conclusion, though the institution of marriage is sacred and legal. Man is given permission to withdraw from such in the event of irreversible and un-reconciliatory stances upheld by parties involved.

Marriage is ordained for the happiness and fruitful relationship of both man and woman, and in the event that one of the parties is either unsatisfied or unfulfilled, divorce may be granted as the last and final solution. However, because of the problems attached to it and their impact on the parties, especially on women, the interventions mentioned above should be considered.