

SOCIAL AND PSYCHOLOGICAL EFFECTS OF THE AVAILABILITY AND THE GRANTING OF ALIMONY ON THE SPOUSES

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It is not surprising that generally there is much emotion associated with the giving or receiving of alimony. Alimony perpetuates, in most instances, a relationship passionately undesired and in a way that continues and even increases former antagonisms. Although we can safely assume that the average individual will react emotionally to an alimony decree, it is difficult to know in advance what slant this will take, so many elements are involved. It easily becomes a sort of legal poultice that draws to a head the underlying domestic poison that the divorce is expected to drain away.

Naturally, of first importance in determining the reaction spouses will have to the matter of alimony is their existing attitude toward each other. Other things that have to be taken into account are: the individual's viewpoint on alimony in general, his attitude toward legal proceedings of any kind, and his feeling in regard to money. These various factors can not be isolated. One often reenforces another. Thus, a man who harbors a great deal of resentment toward his wife for her part in bringing about their separation, will become convinced that it is most unjust to expect a man to continue to support an able-bodied woman after he has separated from her, and will in the end become antagonistic toward the court which forces him so to do. Such a man may put up a tremendous fight to keep from paying alimony in spite of the fact that his friends try to get him to see that he is losing more in prestige by his contest than he can ever gain if he wins.

Alimony is a concrete thing around which all the feelings concerning the divorce or separation are likely to gather. To the man who has always told his cronies how extravagant his wife is, the amount of alimony she demands is proof that he is right. To the woman who keeps her bridge club up-to-date on instances of her husband's inconsiderate behavior, his attitude toward giving her alimony is the most flagrant example of all. Also, alimony goes on after the divorce suit has been settled. Animositities that might otherwise have burnt out with the passing of time may be

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rekindled each time a check is mailed. The memory of other wrongs may fade, but the husband may find the paying of the alimony a constant source of annoyance, while the wife may be irritated each time the check arrives because it is no larger.

Another thing that has to be considered is that the payment of alimony is not a thoroughly accepted thing throughout our society, appearing mainly in cases of divorce or separation among those in the higher economic groups, seldom in those among the lower. Therefore, although alimony may be taken for granted in certain circles, it can not be said to be so regarded among the public as a whole. In general, alimony in cases of separation or divorce seems to be the accepted thing among those whose economic status is such that the wife usually has some property of her own at the time of marriage. It is not as accepted in those groups where the wife seldom adds more to the economic aspect of the marriage partnership than her own wage-earning ability.

Thus a man who would expect legal means to be taken to force him to pay off his creditors, to give his employees their wages, and to support the wife with whom he lived, may take a very different attitude toward the payment of alimony, and he may be backed up in his resistance by the opinion of his friends.

This attitude toward alimony is in contrast to that toward a man's duty to support his legitimate minor children, whether he is still living with their mother or not, for whether a man be rich or poor, public opinion almost universally condemns him for not accepting such responsibility to the best of his ability. The following is an example of the difference in the general attitude toward the matter of a man's supporting his wife and of his supporting his children in cases of divorce or legal separation, and this attitude is familiar to any social agency dealing with such situations.

A man deserted his wife and eight children and moved over a state line to a near-by city where he had had steady work for years. His income was adequate but he gave only spasmodic support to his family. His wife, who had poor health and whose children were all of school age, went to court and was granted support for the children and alimony. Because the man resided in another state, however, she was unable to get the order of the court enforced, and as a result she had to call upon a relief agency for assistance in maintaining the family. In spite of this, the man's employer refused to tell either the wife or her lawyer what the man was earning, stating that he intended to remain neutral in the situation.

Then one of the children became involved in a minor delinquency and was referred to a children's agency. When the case worker from this agency visited the employer his attitude was entirely different. He had not felt under the slightest obligation to make the man contribute to his wife's support, but if the children were suffering from lack of opportunities that more adequate financial means could supply, then that was a different story. The employer talked with the man and got him to contribute much more adequately, through the children's agency, to the support of his children. The man never has paid any alimony.

This is but one instance of a widespread tendency on the part of many people to protect a man against a support-seeking wife from whom he is separated or divorced.

There are several things which may lead to this attitude, one being the modern conception that an able-bodied woman, if not burdened with the care of young children, should be capable of being self-supporting. Another is the idea, quite commonly held, that a woman should receive alimony only if she were the innocent party in the divorce proceeding, and so, while many men feel that in most instances a man should allow his wife to be the plaintiff in divorce cases, they may feel that it is very unfair for him to have to pay for his chivalry by being made to provide alimony.

Women, too, often look with suspicion at the motives of the members of their sex who accept alimony. As marriage is thought of less and less as an institution with important economic functions and more and more as a partnership between congenial persons of opposite sex, and as women come to compete more and more on equal terms with men in the industrial world, it is but logical that people should question the right of women to receive alimony merely because they are women. The most striking example of this change in attitude is exemplified by those states which have laws making alimony payable to either spouse.

The effect of this non-acceptance of alimony in many quarters is clearer than its cause, however, for the effect obviously would be to increase a man's resentment over having to pay alimony and a woman's guilt about receiving it. Therefore, to understand a person's reaction to the payment of alimony, one has to take into account the attitude toward alimony in the person's social circle. An individual from a higher economic group may accept the principle of alimony as a matter of course, while another man with a different background may reiterate that he will support his children as best he can, but that he will not give his former wife a cent.

A woman who had been separated from her husband for a number of years had eked out a living by adding what she earned as seamstress to what she received from her husband for the support of her two children. However, when the younger of the children reached the age of sixteen (the age at which payments for support of the children ceased) she found it impossible to make ends meet and so she applied for relief. When she was told that it would be necessary for her to sue for alimony before being eligible for assistance, she was insulted. Never, she insisted, would she take money for herself from a man she detested as she detested him. In the case of the children it had been a different matter, a man should support his children, but for her, a grown woman, to ask for support was merely begging, and she was not going to beg him for anything. The man, when he heard about the controversy, soon settled the matter by giving up his job and disappearing.

Whatever a person's attitude toward alimony in general may be, there are elements in the legal procedure involved that tend to arouse emotional responses. It constitutes an exercise of legal authority, and whatever an individual's reaction to authority may be, his reaction is likely to be increased when he experiences pressure from a court. He may become incensed at this intrusion of an outside force into his private life, or he may become surprisingly docile in spite of vehement remarks that he had previously made as to what he would do and what he would not do.

We Americans, with our frontier traditions that we have not yet outgrown, generally react adversely to the idea of being ordered by a court to do anything, even

something that we agree should be done. This reaction is often evidenced in alimony proceedings, being thrown into relief because, as has been pointed out, the idea of paying alimony often is not as generally accepted as other types of payment which the courts enforce.

The reaction to the legal procedure itself will of course vary widely in accordance with the previous experience and the temperament of the individuals involved. On the one hand, we have the corporation official who is used to numerous legal restrictions in his business and accustomed to dealing with lawyers, to whom the order to pay alimony may mean little more than the need to tell his secretary to remind him to make out an additional check on the first of each month. On the other, we have a mill foreman, who also separated from his wife on amiable terms, but who has never been in a lawyer's office except to have his will drawn up, and who has never been in a court room before his divorce suit is heard. To this man, the order to pay alimony may seem such a threat of continuing compulsion that he gives up his job, leaves the state, and is never heard from again. Between these two extremes we find all types of reaction to court orders in divorce cases.

Some even decide that they will go back and live with their spouses rather than obey the demand that they pay alimony. Thus, one man who had been threatening for years to leave his wife, accusing her of being ill-tempered, a constant nagger and extravagant, and who had finally separated from her, went back to live with her the day after he was ordered to pay her alimony. His argument was that if he were going to have to pay alimony in addition to having to pay board elsewhere, that it was more sensible to live at home, and he seemed to think triumphantly that in going back to his wife he had put one over on the court. He was a thrifty soul and for a woman to be able to get his money without having to do anything in return for it was contrary to his sense of justice.

This would not appear to be the basis for a congenial marriage, but doubtless in many of these separation cases, where the husband says he returned to his wife rather than pay her alimony, this statement is merely a face-saving device on his part. Having publicly announced that he was leaving her, he has found that in spite of all her faults he wishes that he were home again. Being ashamed to admit that he wants to return, he becomes rabid on the subject of alimony and so concocts a plausible excuse for going home without having to admit that he wanted to do so all along.

In addition to the feeling that may be aroused against the court as a source of authority, the legal procedure necessary to the securing of alimony tends to intensify whatever feelings the spouses have toward each other. This would naturally be so, since even when a settlement has been agreed upon informally between the two of them they generally approach each other as at least mild opponents, each with his or her own lawyer, when it becomes necessary to go through a court procedure in order to make the agreement legal. When, on the other hand, ill feeling exists between the two, it will not only increase while they clash over the terms of the settlement, but it

may be stirred up again by the efforts of one or the other to change the terms from time to time.

For the spouses to have to go through the motions of being combatants, which is so often necessary in divorce trials, may stir up belligerent impulses that heretofore had been absent. An individual who, on separating from his spouse, has come to an equitable decision as to the division of property, may, on finding himself a litigant in a court room, have a sudden urge to try to win the case by getting some concessions, or may, in a panic, fear that his spouse will try to gain more than was agreed upon. These contests, which in some cases seem to be generated by the procedure itself, may result in lasting antagonism between the two involved.

A man of ample means, who was estranged from his wife but who did not believe in divorce, decided to get a legal separation. He and his wife, who had an income of her own, had no difficulty in reaching an agreement as to the terms of the property settlement. The wife brought suit and in the midst of the private hearing before the judge the man, much to his lawyer's surprise, objected that the property settlement was unfair to him. Afterwards he stated that as he had sat there listening to his wife's statement of her reasons for not living with him, it had all sounded so much worse than he had expected it to that he had become fearful, all at once, that if he did not fight back, his wife might be awarded more than he had agreed to give her.

Another thing that has to be taken into consideration in any discussion of alimony is that most of us have strong feelings about the giving or receiving of money, and these stand out in transactions as emotionally tinged as those dealing with the giving of alimony to or receiving it from a former spouse. Generally money has meaning beyond that of its value as a medium of exchange. It represents power, not merely the power to purchase things but the power to purchase the services of others. It also represents prestige, for it symbolizes achievement, and many estimate themselves in comparison with others whom they know in accordance with respective earning power.

Psychologists have shown us that in our civilization at least money has come to be a tangible substitute for intangible things that a person may feel that he lacks. Being unable to gain the things that he really wants, such as, for example, ability to mix with ease with a group of his own sex, he collects money as the only way of compensating himself for this deficiency.

It is no wonder, therefore, that the paying or receiving of alimony may cause such strong emotional reactions merely because it means that money will pass between two people who already have built up a deep-seated emotional relationship to each other. It is difficult to generalize when speaking of these reactions, people vary so greatly, but perhaps in general it may be said that men react in one of two ways to the idea of paying money to a woman from whom they are separated or divorced. If the man believes that his wife was in the wrong and was almost solely to blame for the ensuing separation or divorce, he will often resent having to pay alimony, especially if the woman has means of her own, has no small children, or is thought by him to be capable of earning her own living. If he allowed her to get an uncontested divorce,

because he thought that was what a gentleman should do, then in addition he may feel that he was cheated. Such a man pays alimony grudgingly and may become increasingly embittered. This feeling is increased to the extent that money is of prime importance to the man either for what it can buy, or for the standing that it gives him in the eyes of others or himself.

If, on the other hand, the man has a guilty conscience and secretly thinks that he was at fault and that his behavior was the cause of the marital break, the paying of alimony may constitute penance, and may justify him in his own eyes for what he did. Such a man will have a great inner need to pay alimony and may wish to pay more than he can well afford to pay, or may urge a reluctant ex-wife to accept it. It is as if he were saying to the world at large that after all he was willing to do the handsome thing by his former wife, and therefore he can not be greatly blamed for what he did. He thinks, as many people do, that the giving of money should be adequate recompense to anybody for anything that might have been done to them.

Or his guilt may not be involved in the manner in which the marriage tie was broken, but in the knowledge of what has happened to his family since then. One sees instances of men who put aside all thoughts of what is happening to the members of the families of which they were formerly the heads, and as a substitute mail a check. They pride themselves on providing liberal financial support and so hide the fact that they are refusing to assume any other responsibility. Thus, paying alimony, doing all that the court requires, may enable a man to feel that he has bought his freedom, when otherwise he would have had to feel that what was happening to his former wife or his children was some concern of his.

An adolescent boy came to the attention of the Juvenile Court after a minor escapade. His divorced parents both lived in the city and the boy had always stayed with his mother, who was promiscuous and over-indulgent to the boy. It seemed obvious that the home that she maintained was not a suitable one for him. On several occasions she had gone to the boy's father, who had remarried, in order to discuss with him the fact that the boy was becoming a problem to her, and each time the man merely offered to increase the amount of the check that he would send her the following month. When he was seen by a case worker from the Juvenile Court his first reaction was not to help in the formation of plans for his son, but to offer to meet any expense involved in any plans that might be made for him by the court. His attitude was that since he was supporting his former wife adequately, he should not be expected to concern himself with what sort of a home she maintained for his children.

Thus, to some men the paying of alimony means that they have the right to refuse to concern themselves further about their former wives. On the other hand, to others the making of alimony payments has an opposite meaning, and constitutes for them a reason for maintaining to some extent their former relationship with their families. A man who thinks of money as power and has no sense of guilt in connection with the marital break, may want to pay alimony as a means of retaining his authority in his former home. He may feel that as long as he is contributing regularly to his

former wife's support he has the right to demand that he be given a voice in the management of the household of which he formerly was a part.

A man who had religious scruples against applying for a divorce left his wife and three small children and went to live with another woman in the same city. When his wife sued for a financial settlement, the man said that he would give voluntarily each week more than the court could force him to pay, as his wages were quite small. His condition was that he be allowed to take the money to his wife each week himself, and the court advised the wife to accept this arrangement. For three years now the man has kept his part of the bargain, giving his wife her allowance even when it has meant that he has been financially very hard pressed himself—this according to the wife's own statement.

In spite of this the wife violently objects to his weekly visits, which often end in noisy arguments accompanied by the smashing of dishes. She feels that he is using his economic power over her to keep her under surveillance and to see to it that she is never able to build up for herself a life of her own, unconnected with his. She has become very antagonistic to the court, which considers her objections to her husband's visits as unwarranted in view of the amount of support she receives, and she states that, as soon as her children are all of school age so that she can leave them during the day, she is going to find work and move where her husband will not find her. To both the man and his wife, the support that he is giving her seems to mean but one thing, the fact that he has never had to relinquish his power over her.

Thus, the payment of alimony can be a symbol of power to both the man and the woman concerned, and this is probably the usual reason why some women state, as many do, that they will accept support for their children from the children's father, but that they will not under any circumstances take any money for themselves. Some women even go to such extremes as insisting on banking the money in the children's name rather than spending it for the family's living expenses, for which it may be greatly needed, lest they themselves might get some advantage out of the money so spent.

On the other hand, a woman may think of alimony as meaning power, not her former husband's power over her, but her power over him. She may cherish this power merely for its nuisance value, hoping that having to pay it constitutes a constant source of annoyance to him. Or she may know that as long as he has to pay alimony he can not afford to marry again, or to live in accordance with the style in which he would like to live. Her desire to punish him may be a much more important factor in her insistence on receiving alimony than is her need for financial support.

A woman came to a Legal Aid Society demanding that her divorced husband be forced to pay her alimony. Investigation revealed that the man was quite ill, had not worked in some time, and was being supported by his second wife. This made no difference to the woman, who did not question these facts but who insisted that he be taken into court anyway, and she became very angry with the agency when this was not done.

It would appear from the public's generally skeptical attitude toward women who seek alimony that this punishing drive is considered to be the almost universal motive for a woman's desire to get support from a former husband. It is not uncommon to

find that men who have been generally condemned in the eyes of their community for their treatment of their wives become suddenly the object of pity as soon as the wife gets a divorce and is awarded alimony. Legislators, too, seem to have assumed that women have more desire to punish than to get support, for what other basis could there be for laws which enable a woman to jail her husband or former husband for non-payment of alimony when we have long ago outgrown the idea that creditors should be allowed to imprison debtors?

Perhaps the wives who are out for vengeance make themselves the most conspicuous, but as a matter of fact a woman may be humiliated by the knowledge that she is receiving support only because of a legal decree as frequently as the man may balk at the threat of compulsion contained in the decree. Anybody who comes into contact with cases of separation and divorce knows that there are many more women who do without what they need rather than take legal means to force their former husbands to support them, than there are women who use the courts to harass their ex-spouses.

Then again it may be not a desire for vengeance that makes a woman resort to the courts more than perhaps is necessary, but a new-born sense of power. A woman who has always felt completely helpless as far as her husband is concerned may get her first taste of being able to hold her own against him when she uses the court to force him to pay alimony. Then, glorying in this newly gained sense of authority, she may continually threaten her former husband with this power of the court until he rises in open rebellion.

Nor does the woman always wait until a divorce is granted before using alimony as a threat, and there is no telling in how many domestic spats women tauntingly remind their husbands of the obligation to support them even though they should separate, which in the majority of instances of course they do not do. A few men, the type who grow up with the notion that the female represents a lower type of the human species than does the male, may treat their wives as more on a par with themselves on being thus threatened, for to such men women gain in prestige in so far as they have legal rights that they are not afraid to enforce. Also, some men, who value highly the things that money can buy, may put up with a great deal of domestic wrangling rather than try to support two households. However, in very few instances would the reluctance to pay alimony be a deciding factor in keeping a man from seeking a divorce or separation.

When one considers the woman's side of the question, however, alimony may be of prime importance. The effect of alimony is to give the non-income-producing spouse (who of course is generally the woman) a chance to decide on a divorce or separation without thereby having to relinquish all the economic rights that she would have as a wife.

If there were no alimony laws many spouses would reach a voluntary agreement as to division of property if they both desired the separation, but the existence of such laws gives the woman who desires a marital break more nearly the same ability to

achieve it in spite of her husband's opposition as a man has to get a divorce even though his wife may not want one. The mere right to sue for divorce would mean nothing to some women if they would have no way of procuring support, for economic reality may make it very difficult for a woman, if untrained and middle aged or older, to support herself in anything like the style to which she is accustomed. Having no provision for enforcing payment of alimony would be in some cases the same thing as allowing the man alone to decide whether there should be a divorce or not.

Thus, on the whole, alimony operates to place the woman on a more equal footing with her husband when a decision must be made as to the point at which they shall cease to try to live together as man and wife. There is no way of knowing how many of the women now receiving support from a former mate would have made another attempt to get along with their husbands if there had been no such thing as alimony, but probably the main effect of alimony on the divorce rate arises from the fact that it puts a premium on legal separations as against informal ones. Couples no longer wishing to live together, but with no desire to remarry, who might otherwise merely live apart without making public avowal of the fact, may take steps to make the separation a legal one in order to get the court's backing for the property settlement. In so far as this factor operates to increase the number of divorces, however, it does so without actually increasing the number of broken homes.

This is not to say that the allure of alimony never leads a woman to the divorce court; it may even have led her to the altar in the first place. Nevertheless, the number of women who marry very rich men, live with them a short period of time and then demand huge sums as alimony is certainly much smaller than their ability to make newspaper headlines would lead one to suppose. Their importance is mainly the influence that a few such instances can have on public opinion.

Indeed, so widespread is the idea that alimony is just another racket that it is not uncommon to hear people say that it should be done away with entirely. This, however, is an unsound conclusion. If alimony laws work a hardship in certain cases, it would seem that it should be possible to amend them so that the abuses could be done away with, rather than to let the defects blind us to the essential justice of the principle involved, that of making a fair division of the economic assets that a married couple have built up over a period of years. The only asset may be the husband's earning power, and whether or not the wife has directly or indirectly helped to increase this over a period of time, if she has spent the best years of her life at the job of being a wife she may have thereby reduced her own potential earning power considerably. If it were not for the fact that anything connected with the breaking up of a marriage arouses emotional reactions in most of us, we should probably look upon alimony in the same light as we do the procedure of dividing property among the former partners of a concern that is going out of business.

In both cases the aim should be to get as equitable a division as possible, considering all the factors involved. That an equitable division is a very difficult thing to

arrive at nobody would deny. The matter is complicated not only by these various emotional responses on the part of the man and the woman, responses inherent in the situation involved, that of forcing one of the parties to a breaking marriage tie to make a financial settlement with the other, but also there are often other persons whose claims have to be taken into account. The rights of the children have to be considered in setting the standard of living which the spouse who is to keep them shall be allowed to maintain, and if one of the spouses has remarried the fact that there is a second family makes the matter even more involved.

It is for these reasons that the laws governing alimony need to be carefully drawn and the provisions concerning its administration need to be carefully worked out, so that its purpose of bringing about a just division of property and potential earning power in cases of dissolving marital partnerships shall not be circumvented by those involved, whose natural impulse may be to try to use alimony as a bludgeon to punish the other spouse concerned.

Any discussion of alimony which pointed out all the things over which difficulties may arise would leave a very distorted picture if it were not also made clear that the fact that there are these potential sources of discord does not necessarily mean that any of them will be factors of importance in any particular instance. We read in the papers about the spectacular divorce suits of those who are in open conflict, and we see in our legal aid societies and family welfare agencies those who are finding it hard to adjust to their situation. In this field as in any other it is those who are in some sort of difficulty who come to the attention of the public, and we do not hear about those who work out the question of alimony in a mutually satisfactory way.

Most of us know some, however, who have reached a satisfactory solution in that the man, believing that what he is required to pay is just, finds security in the knowledge that he will not be called upon to contribute anything above the amount set, while the woman gains equal satisfaction from the knowledge that the amount that she is to receive has been determined by an impartial authority which will enforce its payment. If this outcome of an alimony proceeding is the exception, there would seem to be no reason why it could not come to be more nearly the rule if alimony could be treated as a business matter dealing with the sharing of mutual resources between the spouses involved, rather than as tribute to be levied on the guilty party by the innocent one, or, even worse, as charity to be exacted from the man for the benefit of the woman merely because he is a man and she a woman.