

Ireland after divorce

Malta, October 21, 2011

Introduction

- Set out situation in Ireland
- Describe how a divorce law per se is not what changes marriage culture
- Social attitudes above all do that
- But the law does help shape those attitudes
- Big driver is change from a culture of commitment to one of personal autonomy
- Describe how to build culture of marriage

Marital breakdown in Ireland

- Ireland voted for divorce in 1995 by 0.7pc.
- Our second vote. First in 1986 defeated by two to one
- Following the 1986 defeat we introduced Judicial Separation.
- This was almost divorce. Lacked right to remarry.
- We now have no-fault, unilateral divorce
- No choice allowed!

The Situation in Numbers

- Marital breakdown rate in Ireland still relatively low by EU standards
- About 13pc of first marriages had ended in divorce/separation as at 2006
- Varies greatly by age
- Among 44-49 year olds almost one in five
- Half that among older people.
- However, marital breakdown increasing fast in Ireland

The Situation in Numbers

- Broken marriages 1986: 40,300
- Figure in 1996: 94,400
- Figure in 2006: 198,600
- Most Irish people who separate don't divorce!
- Two thirds separate/one third divorce
- Why?
- Maybe because of 3 out of 4 years rule

The Situation in Numbers

- This makes divorce-only figure for Ireland misleading
- 5k to 6k additional divorces/separations each year and 21k marriages
- But...many divorces/separations are not recorded
- Why?
- Because they are private legal separations not registered in court

What is driving the increase?

- Rate of breakdown did not accelerate post-introduction of divorce
- Acceleration happened from mid-1980s
- Therefore culture was changing even before introduction of divorce
- Ethic of individualism was starting to replace ethic of commitment
- Older Irish people helping to hold down breakdown rate

The Situation in Numbers

- When they pass on, culture of individualism and therefore divorce will strengthen
- This has happened in Britain, US etc
- Divorce culture eventually takes hold in almost all Western countries (e.g. Spain)
- This ethic of individualism is having other very big effects on family life
- Mistake to look only at divorce figures

The changing family in Ireland

- Divorce is NOT most important measure of family health
- More important is number of children raised by their two married parents
- Number of children now being raised in non-marital families is 26pc.
- Up 100 percent since 1986
- 5pc cohabiting parents, 21pc single

Cohabitation in Ireland

- Rate of cohabitation also v important
- Pro-divorce campaigners said divorce would reduce cohabitation
- In fact, cohabitation is up 400 percent since 1996
- 250,000 people currently cohabiting (14pc of couples)
- Higher than US rate

Cohabitation in Ireland

- Rising cohabitation another symptom of rising individualism
- Is a sort of commitment-lite
- Cohabiting couples either marry or break-up within a few year
- Cohabiting parents split more often than married parents
- Bad for social stability and children

The New Family Debate

- Rising individualism is putting traditional view of the family under huge pressure
- The 'family diversity' view is becoming dominant
- This fits with individualism
- You should be free to choose your own kind of family
- No one family type should be normative or given special status

The New Family Debate

- It draws on the fact that ‘family diversity’ is increasing and demands ‘equality’.
- It says the family isn’t breaking down, it’s ‘changing’. The change is neutral, or good.



The Family Diversity View

- Says we must help children where they are
- Says favouring marriage over other family forms is unjust discrimination
- Points out one of the new forms of family is the gay and lesbian family
- Ireland has created civil unions for same-sex couples

Family Diversity II

- Pro-marriage view accused of being judgemental towards other families.
- Claims that family structure doesn't matter
- Claims a child simply needs loving parents or even just one loving parent
- Attacks the value of being raised by your own mother and father
- Also, it doesn't matter whether they are married

The Pro-Marriage View



- Stresses the enduring importance of marriage
- Points out that marriage is the most pro-child of all social institutions
- Why? Because it gives a child both a mother and a father
- Therefore we should favour it if we think a child should have a mother and a father
- This is a practical, not a moral judgement.

Why is Marriage Special?

“Research clearly demonstrates that family structure matters for children, and the family structure that helps the most is a family headed by two biological parents in a low-conflict marriage... There is thus value in promoting strong, stable marriages between biological parents.”

Child Trends. 'Marriage from a child's perspective: How does family structure affect children, and what can we do about it?' - June 2002

Family Structure Matters

- The issue of family structure is very relevant as per previous quote.
- A child does need loving parents
- But a loving mother and father most of all
- It is not discrimination to treat different situations in different ways
- Traditional marriage is unique
- We have the realistic view

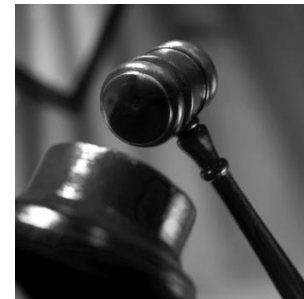
Family Structure Matters

- Marriage better than cohabitation.
- Married couples much more likely to stay together



How to undermine Marriage

- Say it doesn't really matter.
- Slowly strip it of its legal and financial character, e.g. the relative tax advantages of marriage
- Never defend it
- Praise family diversity.
- Provide its benefits equally to other family forms
- This undermines its special position



Defending marriage

- Defending marriage is a job for Church and State and civil society
- Marriage is not just a religious institution
- It is a social institution that predates the Church
- Individualistic idea of marriage must be challenged
- It is a commitment by the couple to each other

Defending marriage

- It is also a commitment to the children they may have
- The happiness of children comes before the happiness of the parents
- This is why an ethic of commitment must be taught instead of ethic of autonomy

Where to for Malta?

- Don't make our mistake of abandoning debate on family for ten years
- Church must not concentrate on counselling only
- Prevent individualistic view of marriage taking over
- Defend, promote and justify special status of marriage in a non-judgemental way
- State this job now and sustain it