Drew University

**Christian Ethics of Divorce:**

**Shame, Resistance, and Moral Obligations to the Self**

A Dissertation Submitted to

the Faculty of the Graduate Division of Religion

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by

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**Abstract**

This dissertation investigates political and Christian responses to divorce in the U.S., focusing on pro-marriage lobbying organizations and the policy statements of the Roman Catholic Church and the United Methodist Church. While many scholars in the field of Christian social ethics have begun to analyze the justness of the institution of marriage, this project makes divorce and the ending of romantic partnerships its focus. The project argues that a public discourse of shame and failure regarding divorce is deeply rooted in a Christian history of shame surrounding gender and sexuality more broadly. Using feminist and queer theory critiques, the project uncovers the heteronormative assumptions and racial and socioeconomic-class biases in divorce policies. These policies, both political and religious, have contributed to the public shaming rhetoric that serves to connect life-long heterosexual marriage with productive citizenship and Christian moral worth. The project requires Christian social ethicists to rethink Christian tools for responding to divorce, relying on resistance ethics methods to argue that truth telling and the pursuit of individual flourishing are consistent Christian values. Furthermore, the project contributes to a wider conversation in Christian social ethics regarding the changing moral norms of romantic partnerships in contemporary society.

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# Contents

**Introduction**

Origins of the U.S. "Divorce Crisis": Christian Moral Frameworks and 20th Century Divorce Reform

*"We need to rebuild the family and renew the culture in America. Marriage is in crisis. Divorce and adultery, cohabitation and out-of-wedlock births, and a mentality that views children as a burden are all part of the problem." – Sam Brownback, Governor of Kansas 2011-Present*[1]

*"Battered by high rates of divorce and cohabitation, unwed child-bearing and the push for so-called same-sex "marriage" and civil unions, marriage is in a state of crisis". – Focus on the Family*[2]

For many Americans, the institution of marriage is under attack on multiple fronts. Increasing divorce rates, a cultural ease with the practice of cohabitation, the fall of the Defense of Marriage Act, and state victories granting same-sex marriage access are interpreted as chipping away at the stability of the foundational institutions of U.S. society – heterosexual marriage and the nuclear family model. Prominent Christian individuals and organizations often echo these worries. In this introduction I will trace the roots of the claim of divorce crisis, arguing ultimately that the political sense of divorce crisis is deeply affected by Christian interpretations about the moral worth of marriage.

Statistical data offers one means for understanding the basis for crisis rhetoric, revealing that U.S.-Americans divorce at high rates. The most often quoted statistic about divorce is that approximately 50% of marriages end in divorce, creating a somewhat bleak picture of an institution that most expect to be lifelong. Yet much more statistical

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[1] Sam Brownback, "A Family Crisis," *The New York Times*, March 2, 2008, sec. Opinion, http://www.nytimes.com/2008/03/02/opinion/02brownback.html.

[2] "Marriage," *Focus on the Family*, 2015, http://www.focusonthefamily.com/socialissues/social-issues/marriage/marriage-issue.

data is available that creates a more nuanced picture of current trends. The national body

charged with keeping marriage and divorce statistics is the National Vital Statistics

System, part of the National Center for Health Statistics funded by the Centers for

Disease Control. The NVSS compiles divorce data yearly.[3] In a report entitled "Marriage

and Divorce Rate Trends," spanning years 2000 to 2011, the NVSS reported that both

marriage and divorce rates have *decreased* over this time span. The comparison of

marriage to divorce indicates approximately a 2:1 ratio for marriages to divorce over the

past ten years, prompting the often-cited statistic that 50% of marriages end in divorce.

However, over this ten-year span, the divorce rate has decreased at a slightly slower pace

than the decrease in marriage rates, which indicates that although formal heterosexual

marital commitments are decreasing generally, those who marry were slightly more likely

to stay married in 2011 than they were in 2000.[4]

So, marriage and divorce rates are both incrementally decreasing in the U.S. Does

this change indicate that marriage is really in crisis? Does divorce threaten to ruin family

and economic stability? The crisis rhetoric is rooted in much deeper social and moral

trends than the current divorce rate indicates. In order to understand why the divorce rate

is understood to be so threatening, a wider view of the history of marriage and divorce, in

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[3] Detailed marriage and divorce records were no longer compiled after 1996 due to federal budget constraints. Prior to this time, compilation of divorce data was federally funded, based on state records. Statistics on divorce are still compiled, but now rely on a survey method in the form of U.S. Census data and inter-census population estimates as well as state reporting to the NVSS. The criteria for state reporting varies widely, with some states reporting complete data every month, and others reporting only provisional data that is then crossed yearly with inter-census data. The divorce data compiled by the NVSS also includes annulments where they are reported.

[4] The marriage to divorce ratio was 2.2:1 in 2000 and 1.89:1 in 2011. The NVSS does not compile information about race or income, and has not yet included same-sex marriage or divorce data for states with same-sex marriage allowances.

U.S. and Christian contexts, is necessary. Before turning to my own argument regarding Christian ethics of divorce in the U.S. context, I will explore the Christian moral and U.S. historical contexts for understanding the current panic related to divorce in so much of the popular rhetoric.

## Christian Theo-Ethical Origins for Moral Condemnation of Divorce

Christian responses to divorce all utilize doctrinal and biblical resources, which emphasize the indissolubility of marriage and often condemn divorce as an unacceptable, unhealthy, or at least ill-advised practice. Historically, both Catholic and Protestant scholars have articulated that marriage is an eternal bond that seals the two parties in a sacramental covenant with God. This covenant is irreversible except under very specific conditions. Both the impossibility and the rarity of a justified divorce are grounded in multiple biblical and historical church sources, the most central of which are the New Testament sayings of Jesus on divorce. However, a variety of denominations in the Christian tradition have provided a safe haven for divorced people, often offering a caring environment for divorced persons to heal (and repent, in some cases) from the "failed" relationship. In the present day, divorce-care is an important part of pastoral care for many churches, even when the official doctrinal statements and biblical interpretations speak to the impossibility of divorce or divorce as a sign of human unfaithfulness and brokenness.

While emotional care for divorced families and a greater acceptance of divorce prevails in Christian communities, the theo-ethical understanding of divorce has remained largely negative and strays little from its historical theological grounding.

Therefore, understanding the Christian historical treatment of divorce is essential for understanding the moral framework that informs contemporary Christian ethical analysis of divorce.

Primary Biblical Sources

The biblical resources that address divorce reveal that Jews already had systematic practices in place for handling divorce, evidence that divorce was not an uncommon practice. The passages from the Hebrew Bible that reference divorce are only related to the practice of a man divorcing a woman. For example, Deuteronomy 24:1-2

> Suppose a man enters into marriage with a woman, but she does not please him because he finds something objectionable about her, and so he writes her a certificate of divorce, puts it in her hand, and sends her out of his house; she then leaves his house and goes off to become another man's wife.[5]

The passage reveals the patriarchal nature of marriage and divorce as presented in the Hebrew Bible. Men divorce women, but the reverse is not possible. The practice of a husband granting his wife a *get*, a decree of divorce, continues in some Jewish communities today. More importantly, understanding the Jewish practice of divorce is necessary for interpreting Jesus' statements on divorce as presented in the New Testament Gospels.

Jesus is reported to speak about divorce five times in the New Testament.[6] Jesus specifically references the Deuteronomic law regarding marriage in the statements from both Matthew and Mark.

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[5] Isaiah 50:1 and Jeremiah 3:8 provide additional bill of divorce references.

[6] The five versions of Jesus' sayings on divorce in the New Testament: Matthew 5:32, Matthew 19:6,9, Mark 10:9-12, Luke 16:18, 1 Corinthians 7:11.

So they are no longer two, but one flesh. Therefore what God has joined together, let no one separate. Then in the house the disciples asked him again about this matter. He said to them, 'Whoever divorces his wife and marries another commits adultery against her; and if she divorces her husband and marries another, she commits adultery.'[7]

Here two major themes of Christian treatment of divorce are established: indissolubility and the problem of remarriage. Indissolubility is implied in the statement that it is God who has joined the married couple together, rather than human choice or power. Remarriage is referenced in the concern for exactly when adultery is committed. In recounting this same instance, Matthew adds a question from the disciples about why, if they should not divorce, they were ever given a commandment from Moses as to how to divorce justly: "They said to him, 'Why then did Moses command us to give a certificate of dismissal and to divorce her?'"[8] Jesus answers "It was because you were so hard-hearted that Moses allowed you to divorce your wives, but at the beginning it was not so. And I say to you, whoever divorces his wife, except for unchastity, and marriage another commits adultery."[9] The connection between divorce, remarriage, and adultery is also the focus of Luke's statement on divorce: "Anyone who divorces his wife and marries another commits adultery, and whoever marries a woman divorced from her husband commits adultery."[10]

Matthew adds "unchastity" to this discussion as a possible valid reason for divorce and emphasizes it twice in his gospel, both in the preceding passage and in

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[7] Mark 10: 8b-12, New Revised Standard Version.

[8] Matthew 19:7, New Revised Standard Version.

[9] Matthew 19:8-9, New Revised Standard Version.

[10] Luke 16:18, New Revised Standard Version.

Matthew 10: 8-12: "It was also said, 'Whoever divorces his wife, let him give her a certificate of divorce.' But I say to you that anyone who divorces his wife, except on the ground of unchastity, causes her to commit adultery; and whoever marries a divorced woman commits adultery."[11] In both Mark's and Matthew's recounting, Jesus seems to assert that both a man and a woman can commit adultery in the act of remarriage, but only Matthew mentions that there may be a valid reason for divorce in the first place. It is not clear whether remarriage after "unchastity" would also constitute adultery.

Divorce is mentioned once more in the New Testament by Paul in the first letter to the Corinthians: "To the married I give this command – not I but the Lord – that the wife should not separate from her husband (but if she does separate, let her remain unmarried or else be reconciled to her husband), and that the husband should not divorce his wife."[12] The concept of reconciliation of the divorced couple is new here, as is the idea that a woman might divorce and then intentionally remain unmarried.

Biblical Studies Approaches to Divorce

The New Testament sayings of Jesus provide the primary basis for Christian injunctions against divorce. These statements are problematic because they do not all agree, making a cohesive and simple Jesus-ethic of divorce nearly impossible. Evidence of redaction by the biblical authors and different emphases in the statements according to the audience and context of the passage create much difficulty in constructing a clear ethic of divorce. Biblical scholars approach the sayings of Jesus with varying methods of

[11] Matthew 5:31-32, New Revised Standard Version.

[12] 1 Corinthians 7:11, New Revised Standard Version.

scholarship, ranging from technical source analysis to literary criticism to theological

interpretation for pastoral care or preaching ministries. However, the chosen method of

interpretation does not necessarily correlate to a cohesive Christian ethic of divorce as

evidenced by the conflicting approaches to divorce by Christian ethicists. One

methodological choice in biblical exegesis can yield multiple interpretations both of the

historic and cultural importance of divorce and of the importance for modern day

Christians. Biblical scholars who interpret the text in order to gain moral guidance bring

two questions to the passages: first, what is the meaning of the passages in Jesus' time

and second, how should the moral message of the passages impact the daily life of

Christians in the present? These questions are intertwined, as the end goal of

interpretation often directs the line of inquiry the scholar takes to the text.

For example, New Testament scholar Craig S. Keener insists that correctly

interpreting Jesus' statements on divorce and remarriage requires understanding the

cultural and historical context of those statements, but he does so in order to develop a

model for how these sayings might be applicable in the modern day. Keener identifies

himself as part of the  "evangelical consensus"[13] on divorce that "divorce is to be

avoided, but there are certain circumstances under which divorce and remarriage are

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[13] Gordon J. Wenham and William A. Heth, *Jesus and Divorce*, Updated ed. (Carlisle: Paternoster, 2002), 13. Heth and Wenham name and critique the "evangelical consensus" and offer a contradictory "evangelical perspective." They argue against what they term the "Erasmian approach" of allowing remarriage after divorce by partner who has not committed adultery. They hope to "harmonize Jesus' teaching on divorce" and make a cohesive statement on divorce, which they see is a failure with historical treatments of divorce like those of Erasmus and Martin Luther.

acceptable."[14] Discerning these "certain circumstances" is quite difficult. For Keener, the way to decipher whether a divorce is acceptable in a given situation is to compare Jesus' sayings on divorce to his sayings on anger and lust. These statements on anger, lust, and divorce in Matthew 5 have characteristics of both divine law and wisdom sayings, which means they are neither absolute commandments of law nor are they completely ineffectual as guiding rules or laws. They are admonishments toward right-living in community. Keener concludes that while Jesus does say that divorce is wrong, Jesus would also have believed that there were valid reasons to "cancel the marriage bond" in order to protect the innocent party in the marriage (i.e. the non-adulterer).[15]

Other evangelical interpreters emphasize possible differences in language in the text. David Instone-Brewer works at length to decipher Jesus' particular use of the term for "adultery." Eventually concluding that Jesus was more concerned with the principle that marriage should be a lifelong endeavor than with a technical definition of when remarriage equals adultery and when it does not. Despite Instone-Brewer's attempt to make the problem of divorce less of a legal issue and more of philosophical issue about the meaning of marriage, his work itself focuses almost solely on a complex legal understanding of adultery.

Feminist scholars of the New Testament have contributed significantly to the scholarship on divorce, often bringing different concerns for interpretation than theologically moderate or evangelical Christian interpreters. Elizabeth Schüssler Fiorenza, Amy-Jill Levine, and Mary Rose D'Angelo are among those contributing to the

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[14] Craig S. Keener, *And Marries Another: Divorce and Remarriage in the Teaching of the New Testament* (Peabody, MA: Hendrickson, 1991), xi.

[15] Ibid., 37.

conversation. First Schüssler Fiorenza's groundbreaking *In Memory of Her: A Feminist Theological Reconstruction of Christian Origins* (1983) offers an interpretation of Jesus as feminist-friendly and radically egalitarian in his approach to women. She argues that the divorce sayings of Jesus in Mark 10:2-10 indicate a deep contrast between the family values of the "Jesus movement" and the family values of the Roman Empire. In other words, the approach to gender and family in the "Jesus movement" was far more inclusive of women, allowing for their equal participation. The Roman Empire was brutally patriarchal and allowed women little freedom. Essentially, the Jesus movement liberates women from patriarchal oppression. Providing protection for women in marriage by condemning adultery and divorce, which would leave a woman economically destitute, Jesus seeks to protect the most vulnerable of society.

Though Schüssler Fiorenza's "reconstruction" was a groundbreaking manifestation of feminist interpretation, other feminist scholars have both added to and critique her interpretation of the Jesus movement. New Testament scholar Mary Rose D'Angelo adds an exploration of the Roman cultural context during which the Markan gospel would have been written. D'Angelo refers to Schüssler Fiorenza's understanding of divorce as an "abolition of patriarchal marriage," citing Schüssler Fiorenza's feminist analysis of the primacy of gender equality within the Jesus movement.[16] Yet, D'Angelo notes that other interpreters who view the divorce statements as a means of strengthening the patriarchal family by preventing its dissolution fundamentally contradict Schüssler

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[16] Mary Rose D'Angelo, "Roman Imperial Family Values and the Gospel of Mark: The Divorce Sayings (Mark 10:2-12)," in *Women and Gender in Ancient Religions: Interdisciplinary Approaches*, ed. Stephen P. Ahearne-Kroll, Paul A. Holloway, and James A. Kelhoffer, Wissenschaftliche Untersuchungen Zum Neuen Testament 263 (Tübingen: Mohr Siebeck, 2010), 61.

Fiorenza's conclusion.[17] According to D'Angelo, Schüssler Fiorenza's reading is a utopian one, where a radical reshaping of society would have been taking place.

D'Angelo argues that the divorce statements would have been read through a lens of Roman law, which prohibited remarriage. Roman sexual politics would have informed Jewish cultural practices. "Marital morality" is an important aspect of Roman law, which may provide an explanation as to why these statements about the family in the New Testament take on and maintain great importance. Most importantly, she highlights parallels between Jesus' statements on divorce and Roman law: "By the first century, Roman moral nostalgia had produced and propagated an ideal of an original, indissoluble marriage comparable to the vision of origins articulated in Mark 10:2-9."[18] These parallels are not only covertly present; D'Angelo asserts that the writers of Mark are attempting to make the connections to Roman law very clear when it comes to marriage and divorce. The writers of Mark "and the early followers of Jesus were compelled to make clear (to themselves, as much as to the empire) that they practiced the Roman family values that Romans only talked about."[19]

Feminist New Testament scholar Amy-Jill Levine directly contradicts the contemporary feminist interpretation first posited by Schüssler Fiorenza that Jesus' statements against divorce in Matthew protect women economically. Jewish women already had marriage contracts that made divorce economically unappealing for most men. Because of this, women were already protected economically. Levine suggests a

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[17] Ibid.

[18] Ibid., 79.

[19] Ibid.

theological rather than social reading of the divorce passages. She suggests that Jesus was "attempting to reestablish the relationship between woman and man as it existed between Eve and Adam before the Fall. The Edenic model takes precedence over the Mosaic."[20] Levine also notes that Jesus likely viewed the world as imminently ending, which means eliminating divorce would not have been, in this apocalyptic view, much of a difficulty. She believes that Matthew redacted the passage to include a statement about "unchastity" to manage the problem of expectation of messianic return and apocalyptic change versus the lived realities of a family life that continues day in and day out as time moves forward away from the time of Jesus.

Ultimately, Levine asserts that the Christian claim about Jesus and divorce that Jesus "liberates" women from oppressive Jewish marriages, is ultimately "facile, wrong, and bigoted."[21] This approach is part of a selective understanding of Jewish law that fails to take into account the existing protections for women in marriage including women's ability to divorce their husbands and economic protections in the event of divorce guaranteed them by the marriage contract. Levine uses the divorce issue to illustrate way that Christian interpreters of Jesus stereotype Judaism: "Despite the well-intended efforts of contemporary biblical commentators, Jesus' comments on divorce were not attempts to protect wives economically. That rationale is an excuse for modern readers to ignore what he actually said."[22] According to Levine, Jesus allows neither divorce nor remarriage. She situates the severity of these statements in terms of the apocalyptic nature

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[20] Amy-Jill Levine, *The Misunderstood Jew: The Church and the Scandal of the Jewish Jesus* (San Francisco: HarperSanFrancisco, 2006), 342.

[21] Ibid., 143.

[22] Ibid., 142.

of his worldview, agreeing with many other scholars that the amendments that allow for divorce and remarriage in the case of adultery are made by redactors for whom the Kingdom of God was slow in coming.

Christian Theological History of Divorce

Augustine of Hippo (354-430 CE) is a primary character in the creation of western Christian attitudes about divorce. Augustine's *Confessions* is in part a story about his own struggle to choose between marriage in the form of an unofficial concubinal marriage and the official public marriage that his mother wants for him. He experiences a "divorce" from his long time companion and the mother of his child, and ultimately chooses a life of celibacy for himself, after difficult emotional and spiritual wrestling with the role of sexual intercourse, pleasure, and lust in the Kingdom of God. Augustine writes about three "goods of marriage" even as he himself struggles to choose a celibate life.

In his theological writing, Augustine theorizes the metaphysics of Christian marriage, philosophically investigating what marriage means and symbolizes for humans about their relationship with God. His writings on marriage not only support particular reasons why marriage is good for most humans, they also indicate that the bond of marriage is indissoluble. For example, in "On Adulterous Marriages" he permits a man to separate from his adulterous wife, but this does not mean their marital bond is broken. No matter the situation, even if some form of separation is granted, the spiritual bond of marriage, imparted via the sacrament, always remains. Remarriage after a divorce is not

simply ill advised or against the rules; it is impossible to join with another once you have already joined in the bond of matrimony.

Just as Augustine struggles to make his actions and the desires of his heart match what the Church has determined to be appropriate, most Christian controversies about sexuality represent a negotiation between the daily practices of the believers and the change-resistant mechanisms that produce theological explanations and rules. In early Christian history, beginning with the rule of Constantine in the Roman Empire, church law and secular law were combined.[23] While marriage existed before Christianity, it is the Christianization of the legal system that creates expectations about indissolubility, based on a covenant model of relationship promises. However, historians note that the practical role of the church as an ordering mechanism for society had to make exceptions. Historian of divorce Merry Wiesner-Hanks writes that in the centuries after Constantine "many Christians received official ecclesiastical approval for a divorce and then remarried; many more simply separated, declaring divorce by mutual consent."[24]

In the *Summa Theologica*, Thomas Aquinas (1225-1274 CE) builds on Augustine's views on marriage and divorce, systematically responding to questions about whether divorce is every permitted or metaphysically possible. Of primary concern is

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[23] Philip Lyndon Reynolds, *Marriage in the Western Church: The Christianization of Marriage During the Patristic and Early Medieval Periods* (New York: E.J. Brill, 1994). Historian Philip Reynolds argues that it is the joining of the religious and secular under Constantine's influence in Rome that forms the foundation for western concepts of marriage. While marriage existed before Christianity, it is the Christianization of the legal system that creates expectations about indissolubility, based in a covenant model of relationship promises.

[24] Merry E Wiesner, *Christianity and Sexuality in the Early Modern World: Regulating Desire, Reforming Practice* (London: Routledge, 2005), 37.

whether "the indissolubility of marriage is of natural law."[25] Ultimately, Aquinas argues

that indissolubility is a part of the natural law, partially based on the natural order of

heterosexual coupling which he finds biblical support for in the gospel of Matthew:

"Have you not read that the one who made them at the beginning 'made them male and

female' and said, 'For this reason a man shall leave his father and mother and be joined to

his wife, and the two shall become one flesh'?"[26] Aquinas also argues that the three

goods of marriage highlighted by Augustine – procreation, fidelity, and sacramentality –

are not simply goods or values, but are good ends or purposes of marriage, naturally

evident and divinely given.[27]

During the early medieval period, the theology of divorce remains unchanged, but

individuals find ways around this theology, as noted above, by choosing to live

separately.[28] As practices change, however, they begin to impact the theology.

Reformation theologians are representative of this relationship between practice and

theology. German reformer Martin Luther (1483-1546 CE) advocates a change in the

practice of celibacy for clerics because in practice many ordained men were engaging in

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[25] Thomas Aquinas, *Summa Theologica: Complete English Edition in Five Volumes*, trans. Fathers of the English Dominican Province (Westminster, MD: Christian Classics, 1981), pt. 612.

[26] Matthew 19:4-6, New Revised Standard Version.

[27] Timothy J. Buckley, *What Binds Marriage?: Roman Catholic Theology in Practice* (New York: Continuum, 2002), 49.

[28] Wiesner, *Christianity and Sexuality in the Early Modern World: Regulating Desire, Reforming Practice*, 100. Lay initiated strategies for dealing with the theology of marriage as indissoluble exist throughout history, but they are "unofficial," making them difficult to trace. One interesting method of "reversing" the marriage promise noted by Wiesner-Hanks is the act of jumping backwards over a broom, reversing the joining that jumping forward over a broom had done.

sexual relationships with laity. He encourages members of religious orders to marry and does so himself. In addition, Luther advocates for divorce not only in situations of adultery but also when sexual intercourse does not work properly – complete impotence is therefore an appropriate motivation for seeking divorce.[29] He subsequently encourages bigamy for this same reason.[30] Dutch theologian Erasmus of Rotterdam (1466-1536 CE) is credited with constructing the first Christian justification for divorce, eventually included in the Westminster confession of faith, a founding faith document for the Church of England and Presbyterianism. This statement allows for divorce in the case of adultery in order to protect the "innocent" member of the relationship.[31] After divorce, the non-adulterer may remarry, an allowance that contradicts some of the accounts of statements by Jesus about divorce, giving cause for some controversy even today about Erasmus' allowance of divorce.

French Reformer John Calvin (1509-1564) placed special emphasis on the language of marriage as a "covenant" like that between God and the church. Therefore, like Erasmus, he allowed for divorce when one of the parties broke the tenants of the covenant as in the case of adultery or desertion.[32] These changes in approach influenced Protestant doctrine and continue to provide the basis for much of the theology of divorce at work in contemporary U.S. context.

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[29] Ibid., 77.

[30] Ibid.

[31] "Of Marriage and Divorce, Chapter XXIV," in *Westminster Confession of Faith*, 1646, http://www.reformed.org/documents/wcf_with_proofs/.

[32] Wiesner, *Christianity and Sexuality in the Early Modern World: Regulating Desire, Reforming Practice*, 79.

Changes in doctrine brought about by the upheavals of the Reformation did not end in the 17<sup>th</sup> century. The Protestant denominations continued to shift, often splitting or joining based on various disagreements regarding social problems. Roman Catholicism, though its pace of response has been much slower than many of the Protestant denominations, has been impacted by social change. Vatican II was one way of instituting and sanctifying certain social changes.  Socio-cultural changes in the recent past of the last 50 years have also deeply impacted Christian ethics of divorce. The next section will explore some of the historical and socio-cultural conditions that have impacted U.S. attitudes toward divorce. In order to develop an adequate ethic of divorce for the 21st century, the field of Christian social ethics must take into account both the theological history of divorce and the socio-cultural factors impacting divorce today.

**Socio-Cultural History of Divorce in the United States**

While Christian moral understandings of marriage and divorce deeply inform U.S. policies and attitudes, they do not provide a full picture of divorce in the U.S. In addition to the influence of Christianity and the quantitative data regarding current divorce rates, the story of divorce in the U.S. is one of changing demographics and social attitudes. A number of socio-cultural changes over the past fifty years helped create a relatively friendly climate for divorce in the U.S., but have also created a climate where fewer people marry. In addition, childbirth rates have decreased, but so has the expectation that children will be raised with two married parents in the household, leading to a variety of child-rearing family configurations.  I will focus only on the effects of these socio-

cultural changes regarding the norms and laws of divorce, but these changes have wide effects on other aspects of family life.

Divorce law reforms, which began in the 1950s, have continued to evolve into the present day. Laws governing divorce, like those governing marriage, are determined by individual states. All changes to legal codes of divorce were precipitated by changing gender role expectations and increased activism on behalf of women's equal rights. Changes in divorce law over the past 50 years also reflect change in social mores around sexuality. However, the history of change in divorce law begins not with the sexual revolution and women's movement of the 1960s and 70s, but early in the 20th century. The history of divorce in western culture generally and the U.S. in particular can be difficult to trace because so few divorces are recorded in most of Western history and, furthermore, even fewer historical documents exist to tell the story of marital breakdown or divorce. The available data is not helpful for making wide conclusions and "tends to reinforce the image that marriages were stable in the past" according to historian of divorce, Roderick Phillips.[33]

Nevertheless, some historians and sociologists have attempted to piece together a previously unseen picture of divorce in the U.S. For example, sociologist Andrew Cherlin provides a detailed socio-cultural analysis of current divorce trends, focusing on the time span within which divorces or separations occur. He reports that one fifth of marriages and one half of cohabiting relationships end within their first five years.[34] Historian

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[33] Roderick Phillips, *Putting Asunder: A History of Divorce in Western Society* (New York: Cambridge University Press, 1988), xiv.

[34] Andrew J. Cherlin, *The Marriage-Go-Round: The State of Marriage and the Family in America Today* (New York: Alfred A. Knopf, 2009).

Nancy Cott examines statistical differences for marriage and divorce among different racial groups and regional areas. According to her research, marriage statistics broadly stated often fail to note differences such as a much lower rate of marriage among African Americans than whites. She utilizes additional data about the national birth rate, which has dropped significantly since the 1960s, to counter the prevailing idea that the "typical" adult is married with minor children.[35] One issue for the reality of divorce experiences being represented accurately lies in the language of data collection - the difference between "divorce" and what has been termed "marriage breakdown." Some scholars equate the two, signaling that divorce is a pronouncement of the death of the marriage. Others argue that marital breakdown cannot be equated with divorce – there are multiple ways to have a marital breakdown without resorting to the legal dissolution of marriage in the form of divorce. These scholars argue that marital breakdown has always existed, but the ability to legally dissolve a marriage via divorce has not.[36] Various anecdotal resources evince marital breakdown, even when divorce is not common or available.[37]

In order to construct his narrative of the history of divorce, Phillips focuses on both marital breakdown and official instances of divorce, utilizing historical, anecdotal instances where divorce became a political issue, and was thus made public.[38] He

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[35] Nancy F. Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge: Harvard University Press, 2000).

[36] Phillips, *Putting Asunder*, xii.

[37] Phillips and other scholars of the history of marriage are mainly tracking divorce trends for white Americans. When the data does not differentiate rates and trends according to race and ethnicity, the assumption is that white experiences of marriage and divorce are taken as an unexamined norm for the entire population.

describes a wave pattern of divorces in the 20th century with times of prosperity and

national peace coinciding with increased instances of divorce. Decreases in divorce rates

coincided with wartime and widespread economic insecurity. He traces this pattern from

the post World War I era when select states begin to accommodate a higher demand for

divorce. In the period after the war, states with relatively lenient divorce laws competed

for "out-of-state clients for its divorce courts." Nevada, Idaho, and Arkansas engaged in a

"bidding war" of sorts, trying to attract couples that wanted to divorce by providing the

easiest procedure possible. Nevada reduced its residency requirement for divorce from

six to three months, and when Idaho and Arkansas made strides toward the same, Nevada

reduced its residency period to only six weeks. This competition was driven by the need

for states to manufacture revenue, especially during the Depression: "Legal fees, court

costs, travel, accommodation, and subsistence, all brought in millions of dollars annually

for the state governments and local lawyers and businesses."[39] Phillips calls this trend

"migratory divorce." States that continued to have very restrictive divorce laws created a

climate where one must lie or construct very specific scenarios for "catching" adulterous

acts (with witnesses willing to testify).[40]

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[38] Phillips' wider lens on divorce in the "western world" allows him to step back from boundaries of national identity that tend to inform every explanation of increases in divorce. In the U.S., for example, discussions of divorce in the present day often include some reference to American individualism as the explanation for high divorce rates – the same kinds of logic are used to analyze divorce trends in other countries, often diagnosed with very different collective psychologies from the U.S.

[39] Phillips, *Putting Asunder*, 531.

[40] See Paul H. Jacobsen, *American Marriage and Divorce* (New York: Rinehart, 1959) and Nelson Manfred Blake, *The Road to Reno: A History of Divorce in the United States* (New York: MacMillan, 1962) for detailed history of changes in state laws and popular methods for usurping the state regulations. Americans also sought divorces is

War and peace times are significant factors in this early history of divorce, but economic prosperity and need undergird that trend. After a tumultuous post-WWI period, which saw swiftly changing laws in some states while others maintained very restrictive laws, the Great Depression was a period where divorce rates fell rapidly.[41] The explanations for this connection between economic prosperity and divorce during the Depression continue to hold true in the contemporary U.S. First, divorce becomes a lower priority during times of economic hardship. Obtaining a divorce itself can be an expensive project. Second, not only is the act of getting the divorce certificate potentially too expensive, the economic consequences that follow divorce are also deterrents. During the Depression, greater priority was given to families seeking government assistance than to individuals. Keeping the family intact meant not only pooling resources, but also presenting a public family face that the government would want to support. Third, increases in the divorce rate were partially the result of women having more access to employment. Financial independence is one key aspect of successful singlehood. During the Depression fewer jobs in general meant fewer women working as most of the jobs went to men. Fourth, the marriage rate as well as the divorce rate decreased during the time of the Depression. Many couples put off divorce until one member of the couple wanted to marry someone else. The Depression was not a supportive climate for new

other countries – France, especially in the 1920s, the Virgin Islands, Cuba, and Mexico, where some states allowed "incompatibility" as a reason for divorce. See Roderick Phillips, *Putting Asunder: A History of Divorce in Western Society* (Cambridge: Cambridge University Press, 1988), 532.

[41] The divorce rate after World War I peaks in 1929 and falls over the subsequent four years.

marriages, be they first or additional marriages, because marriage implied the resources to house and raise a family.[42]

In summary, Americans tend to get divorced when they are feeling economically prosperous. They also tend to get married during times of prosperity. World War II had its own set of gendered and marital issues, with many marriages prompted by imminent military service overseas. Yet wartime is not a time for increased divorce. Particularly for whites, there are notable rises in rates of both marriage and divorce in the period immediately after World War II. The "baby boom" which is often used to describe the huge number of couples marrying and having children after World War II, thus does not tell a complete story about family life post-war. Many couples also divorced during the period after the war, including many who had married hastily prior to shipping out or for whom years apart during wartime had too significantly strained the relationship.

The 1960s through the 1980s brought dramatic marriage and divorce changes due to the widespread rise of no-fault divorce allowances. The 1960s ushered in liberalization of many social policies. No-fault divorce "shifted much of the onus of defining breakdown to the spouses themselves" rather than to the state for assessing the breakdown according to appropriate separation procedures (living apart for a specified period, for example).[43] Furthermore, the cause for the separation in no-fault divorce became much less emphasized. Couples were allowed to separate for whatever reasons they chose. Historian Nancy Cott terms this liberalization both a "moral and legal

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[42] Phillips, *Putting Asunder*, 554–555.

[43] Ibid., 565.

reframing" of marriage.[44] Not only does no-fault divorce contribute to this reframing, but accompanying policies regarding child custody and financial support also reflect changing societal norms regarding divorce. Cott notes that the feminist movement had little to do with the change in no-fault divorce laws, though feminist consciousness arguably did have an impact in drumming up widespread support of the issue. Feminist activists contributed to attempts to change marriage culture more broadly by promoting private contracts that support equitable roles in marriage and by focusing on the "obligations and rewards" of marriage.[45] This focus on the quality of marriage, rather than simply the laws that govern who can enter or leave a marriage, such as laws barring interracial marriage, is a radical shift that touches on the current marriage debates about the purpose and meaning of marriage.

Since the reform of divorce laws in the 1970s and 80s, many couples have taken advantage of the freedom that no-fault divorce laws grant. Yet, in our current time, there is a backlash toward so-called "easy" divorce and concerns about the potential social costs of such freedom. Sociologist Paul Amato understands the divorce-crisis and marriage advocate conversation to have two distinct groups: those who believe and those who believe marriage is in flux. These groups evaluate the efficacy of no-fault divorce laws very differently - it either contributes to the threat of the stability of heterosexual marriage or it is a helpful intervention to create a more just society, especially for women. Those who hold that no-fault divorce threatens marriage argue that the institution of marriage is weaker now than in the past, and that the cause of this is primarily growing

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[44] Cott, *Public Vows*, 205.

[45] Ibid., 209.

individualism. They argue that decline in marriage has negative consequences for all people, but especially children, and U.S. society should take steps to strengthen the institution of marriage through a variety of methods, including policy change.[46] Those who believe marriage is in flux and not threatened offer counter assessments – that the institution of marriage is changing, but not in decline, and that Americans have not become excessively individualistic or selfish. Recent changes in marriage and family life have had few negative changes for adults, children, larger society, and we need to support initiatives that support all kinds of families.[47]

The data Amato presents is a helpful snapshot of some current attitudes about divorce in the U.S. His study notes that adherence to "traditional" views about the norms for marriage are increasing for those who are currently married. For example, from 1980 to 2000, agreement with the following statement: "marriage is for life, even if the couple is unhappy," increased from 27% to 36%.  Agreement with this statement, regarding the permanence of marriage in the face of disabling illness, "If one spouse becomes mentally or physically disables, the other spouse should stay in the marriage, regardless of his or her own happiness," increased from 64% to 75%. Such statements illustrate a trend toward a view of marriage that highly values the concepts of lifelong monogamy and counters the prevailing norm of a shift toward a more liberal view of divorce and the

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[46] Paul R. Amato, *Alone Together: How Marriage in America is Changing* (Cambridge: Harvard University Press, 2007), 4.

[47] Ibid., 6.

binding power of marriage since the 1960s.[48] However, the responses of non-married or divorced people about those statements are not recorded.

The survey showed an increase in respondents who agreed generally that divorce is too easy to obtain.[49] However, statements expressing more tolerant views of divorce also increased with respondents agreeing that divorce is permissible in order to foster personal happiness[50] and that some children are better off if parents divorce.[51] Thus, divorce appears to be understood as a necessary aspect of life, which should at least be *available* (though not encouraged) and which can provide some good. Amato's work, like that of many sociologists whose work includes analysis of marriage, does not include data about same-sex partnerships and the increasing instance of same-sex legal marriages. The definition of marriage assumed in Amato's work is exclusively heterosexual. Widening the concept of marriage to include domestic partnership and using language that indicates different gender configurations for marriage would surely result in different answers among some groups. Despite this missing component, Amato's data does thoroughly account for a detailed list of other variables including race (for which he names categories of black, latino, other, and white), various economic indicators, education, and age.

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[48] Ibid., 198.

[49] Ibid., 199. Agreement with the statement "Couples are able to get divorced too easily these days" increased from 83% to 89%.

[50] Ibid. Increase from 26% to 36%.

[51] Ibid. Increase from 27% to 31%.

**Moral Analysis of Divorce: Religion, Politics, and Shame**

Current debates about marriage in the U.S. are rooted in Christian moral norms

regarding sexuality and intimate relationships. So prevalent are these norms, in fact, that

interest groups on both sides of the marriage equality debate share the same morally

coded language that defines marriage as relational success and divorce as an

acknowledgement of the *failure* of a relationship. Scholarship on divorce in the field of

Christian ethics utilizes the same definitions, based on Christian doctrines of marriage

whose permanence and moral good remains largely unquestioned. Christian ethics

scholar Allen Verhey epitomizes one of the most common evaluations of divorce in

Christian ethics comparing divorce to the sometimes "necessary" evils of violence.  He

writes, "No Christian may delight in divorce. It is not God's cause. But sometimes, in this

sad world, divorce is necessary to protect either marriage itself or one of the marriage

partners. Even then, it may only be done with tears and repentance."[52]

Verhey's analysis of divorce is not unique, nor does it represent an unusually

conservative position. Most feminist and womanist ethicists, from whom we might

expect an analysis of divorce that would critique the hetero-patriarchal assumptions about

the purpose of marriage, do not simply rely on the definition of divorce as sin as scholars

like Verhey, but they do maintain the logic of divorce as failure. In this context, divorce

is viewed as the best possible end to a bad marital relationship, which is defined as

unequal, non-mutual, or potentially abusive. In addition, historians and sociologists of

family have explored at length the social repercussions of divorce for women and

children, often highlighting the negative impacts of divorce on the secondary wage earner

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[52] Allen Verhey, *Remembering Jesus: Christian Community, Scripture, and the Moral Life* (Grand Rapids: W.B. Eerdmans, 2002), 416–417.

in the family. Meanwhile, sexual ethicists have tended to overlook divorce entirely, focusing on genital sexual expression within intimate relationships, often in the form of questions about the ethics of sexual behavior and orientation, but also in terms of women's roles and reproduction.

Divorce is either ignored by ethicists or addressed only within the existing moral framework of divorce as failure and sin. Despite the gaps in scholarship around divorce itself, some Christian ethicists are examining intimate relationships more generally, especially marriage. In this line of inquiry, references to divorce are usually only made in passing, insofar as divorce intersects with moral panic around same-sex marriage rights. Christian historian and sexual ethicist Mark Jordan is one such scholar who uses Christian history to explore the roots of current controversies and attitudes about sexuality. His work exposes the varieties of experience and ideas in Christian history. In *Blessing Same Sex Unions*, Jordan explores Christian theologies of marriage, in light of the same-sex marriage equality movement, especially among queer Christians. He devotes a brief final chapter to relational "ending" which includes an inquiry into the theology of divorce itself. Jordan, clearly ambivalent about the goods of gay and lesbian Christians advocating for marriage rights without taking advantage of the chance to examine marriage itself, uses divorce to understand the moral panic around same-sex (male-male, specifically) marriage. Explaining the Christian theology of divorce, Jordan writes, "Divorce is at once the opposite of marriage and the undoing of the church."[53] For Jordan, both historical and current Christian statements about divorce represent a rhetorical strategy of sexual control by the church. He asserts that homosexuality is like a

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[53] Mark D Jordan, *Blessing Same-Sex Unions: The Perils of Queer Romance and the Confusions of Christian Marriage* (Chicago: University of Chicago Press, 2005), 187.

new kind of "divorce" in terms of its threat to the natural order of heterosexual unions. Despite his creative inquiry into divorce and his attempt to disrupt the theology of marriage in light of same-sex committed relationships, Jordan's analysis relies on the traditional understanding of divorce as sin and relational failure that threatens the institution of marriage.

The topic of the end of marital relationships – divorce itself – has rarely been the subject of its own study both in the social history of marriage and in the treatment of marriage in Christian social ethics. Building on the work of Christian sexual ethicists like Jordan, who have already begun to consider the ways that marriage as a U.S. and Christian project needs to be reformed, this dissertation considers current moral understandings of divorce. I will evaluate the moral definition of divorce-as-failure in two arenas: political regulation of divorce in terms of public policy, articulated by pro-marriage political organizations; and Protestant and Catholic doctrines on divorce, officially stated in doctrinal publications.

My claim is that divorce itself can be a necessary social good, but that current political and Christian moral judgments of divorce are unable to show or promote this good because their analysis of divorce depends so deeply on already established social stigma and shame. This use of shame reinforces messages about what it means to be successful as a man or woman, successful as a U.S. citizen, and virtuous as a Christian. Failure to meet the standards of these institutions in the form of lifelong marriage commitments - especially those that follow a heterosexual, monogamous model and produce children - results in shame, both within the emotional lives of those involved, and also in the external reactions of judgments of the surrounding community. Such

shame works to maintain the institution of marriage as a gatekeeper for economic and social capital. Despite the Christian roots of this shame narrative, however, Christian ethics also provides a basis for disrupting and transforming shame by dismantling the assumptions upon which it stands (i.e. that lifelong, procreative marriage is part of "God's plan" for heterosexual couples). Perhaps, in the context of values of truth telling and of human flourishing, such "failure" can be evaluated in a positive way.[54] Such an analysis will ultimately allow me to construct a positive ethic of the goods of divorce for individuals and for communities, both in terms of Christian ethics and wider social goods.

In the constructive piece of the dissertation, I will argue that divorce can be an individual and social good primarily because it allows individuals to tell the truth about their family lives and to take responsibility for the effects of a breakdown in the marital relationship. Seeking a divorce then allows the individual, after telling the truth about the situation, to ask the community and the state for help in the formal separation by fairly dividing property and helping to come to familial agreements about children as needed. I will not argue that divorce *always* represents a moral good, but that it *can* do so when allowing individuals and families to fulfill values of both Christian and feminist moral systems. In addition, my Christian social ethics approach provides a multidisciplinary analysis of hierarchical social structures and theological influences on U.S. culture. As I will show, Christian ethics can promote an ethic of self and relational love that advocates for taking responsibility for one's own happiness in a way that neither seeks the

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[54] Feminist cultural theorist Judith Halberstam suggests that failure can usher in a variety of goods. She notes that feminists, for example, have long argued that "failing" at being a "good" woman can "offer unexpected pleasures." Judith Halberstam, *The Queer Art of Failure* (Durham: Duke University Press, 2011) 4.

exploitation of others nor relies on a definition of "personal responsibility" that denies the role of structural and communal social relations in the effort to construct a better family life.

In short, this dissertation seeks to uncover the Christian rhetoric and reasoning embedded in treatments of divorce, calling attention to noted absences in the literature of marriage, sexuality, and social regulation around divorce. I propose that there are under-utilized Christian ethical resources for countering the stigma of divorce and creating divorce policies in church and society. In challenging the way Christian ethical reasoning and morality is employed to discuss divorce, I hope to create a divorce-affirming ethic, rooted in Christian ethical resources that can impact the wider political characterization of divorce.

Method

The method for the dissertation is interdisciplinary and employs a case study approach. Despite the small number of resources that examine divorce explicitly, the institution of marriage in 21$^{st}$ century United States context is a topic of concern for many scholars in fields beyond feminist and Christian ethics. The scholarly inquiry about marriage takes a number of paths. Therefore, an interdisciplinary approach to divorce will be necessary. Christian ethicists provide a rich understanding of the depth of moral meaning of marriage, especially in their reflections on Christian doctrinal history. Many of these ethicists have already contributed to producing a picture of the contested meaning of marriage in our present day, via their work on same sex marriage equality.

Historians and sociologists of family and marriage support this work by providing necessary data about the changing nature of divorce and marriage in the U.S. context.

Historians approach the topic of divorce by highlighting changes in divorce rates over time and reflecting on the real experiences of people in the past, versus nostalgic re-imaginings of the past. For example, historian of marriage Nancy Cott's work traces historical data on divorce rates in the U.S., countering prevailing rhetoric of divorce as a *new* threat to marriage. Historian Stephanie Coontz joins in this effort, highlighting the various milestones in U.S. history that helped to create the "companionate marriage" alongside more lenient divorce laws and changing gender roles in public life. Sociologists of family, such as Andrew Cherlin, focus on *current* sociological data regarding the economic stability of various configurations of families. Cherlin makes the experience of divorce, coupled with re-marriage, a central aspect of his work. Sociologist Melanie Heath turns to traditional marriage promotion efforts in the U.S. more generally, highlighting the negative rhetorical interpretation of divorce data by these groups as a tool for promoting laws that would further restrict divorce.

While these studies provide insight into the recent history and current state of divorce in the U.S., other scholars have traced a much longer history of divorce through the lens of Christianity. Scholars of Christian origins such as Mark Jordan have helped reveal modern anxieties about gender, celibacy, and marriage deeply rooted in the writings of Christian theologians such as Augustine, Thomas Aquinas, and Martin Luther. Many of these studies are fueled by the persistence of present questions about morality and marriage. The same-sex marriage movement in the U.S. provides our most recent cultural opportunity for exploring the historical and cultural meanings of marriage.

As this debate develops publicly and legislation continues to be challenged and changed, appeals to conservative Christian understandings about gender roles and family conformity continue. Yet scholars of Christian sexual ethics, including Mark Jordan, Marvin Ellison, and Margaret Farley, continue to make their cases for Christian sexual ethics that resist oppressive readings of Christian history and sexuality.

My argument utilizes sociological, historical, and Christian ethical analytical frameworks to understand and critique divorce as it is presented in two major sites where the meaning of divorce is produced: Christian doctrinal statements and public policy. These two areas of religious and social policy will be represented by specific case studies. My analysis of Christian doctrine will focus on the policy statements on divorce by the Roman Catholic Church and the United Methodist Church.[55] My analysis of public policy will focus on political mobilization around protecting heterosexual marriage, which has taken the form of traditional, opposite-gender, marriage-strengthening movements, some of which explicitly oppose same-sex marriage. These movements are embodied by institutions that produce public websites and papers about the adverse effects of divorce on U.S. families and society in support of legislation that strengthens

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[55] The Roman Catholic Church and the United Methodist Church represent two of the largest and most influential mainstream Christian traditions in the U.S. Both employ doctrinal language on divorce that clearly articulates a theological understanding of marriage as life-long, heterosexual, and as under some duress from the culture at large. Engaging with the Roman Catholic doctrine will allow me to trace a clear relationship between historical theology of gender, sexuality, and marriage and present day resistance to divorce. Engaging with the United Methodist position allows me to analyze a large Protestant group with a specific set of doctrines that address divorce. However, the United Methodist Church has long struggled to change many of its social policies and continues in this struggle now, especially with regard to the recognition of same-sex covenantal relationships. The political turbulence of the "current moment" for United Methodists around issues of gender, sexuality, and social sanctioning of certain kinds of relationships creates a rich environment for my analysis.

"traditional" marriage. The National Marriage Project and the Institute for American Values, two politically conservative think tanks with ties to academic institutions, and the Coalition for Divorce Reform, a group whose main goal is passage of state legislation to make the divorce process more difficult for parents, will be my primary sources for text and web-based publications on the negative impacts of divorce on our society.[56]

My analysis of the case study documents will rely on the interdisciplinary frameworks outlined above, along with an analysis of the social aspects of shame. When Christians divorce, they must weigh the shame of not living up to the gender and marital ideals established by doctrine and social policy against the pain of remaining in their marriages. I will not rely on one unified theory of shame in my analysis; rather, I will draw from multiple sources on shame and stigma. Sociologist Thomas Scheff's work on the social aspect of emotion, including shame, provides a theoretical frame for understanding how divorce is treated socially. Psychological approaches to how individuals understand shame deeply inform my understanding of how shame works relationally and communally. The shame work of psychoanalysts Silvan Tomkins and Helen Block Lewis are my primary sources for understanding the individual psychological experience of shame. This interdisciplinary approach will allow me to

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[56] The National Marriage Project and the Institute for American Values are two think tanks producing work that supports the ideas that marriage is positive for individuals, families, and the U.S. generally as well as the various problems with divorce (primarily the myriad ways divorce harms children). While they have connections with more explicitly conservative "marriage protection" organizations, both are non-partisan, secular, and not for profit organizations. The National Marriage Project is directly connected to the University of Virginia. The work produced is intended to have an impact on scholarly conversations about the family, but also to effect change on a wider social level and to support legislation that helps make social change. Both organizations employ vaguely Christian moral rhetoric in their strategies for strengthening marriage, though these methods are not usually made explicit.

explore how shame shapes both individual and social evaluations of divorce, especially

within Christian communities. Regardless of disciplinary approach, these studies of

shame show that it cannot be avoided in society, but it can be either redefined or

transformed.

Both the historically entrenched social messages about heterosexual marriage as a

norm and the deployment of shame for controlling behavior undermine a constructive,

non-shame based ethic of divorce. Identifying the moral messages about divorce in

doctrine and politics will provide grounds for a constructive ethical vision. Building on

the work of contemporary Christian sexual ethics, I suggest a constructive Christian ethic

of divorce that corrects for some of the damaging aspects of our understanding of divorce

in its current manifestations.

## Chapter 1

## Understanding Christian Ethical Responses to Divorce: Christian Moral Frameworks

Changes in divorce law and social trends stigmatizing divorce have dramatically impacted how U.S.-Americans understand the meaning of marital relationships and the option of ending them. Christian ethicists, among other scholars including sociologists and historians of family life, have varied widely in their responses to social change surrounding divorce. Some embrace the change as a means to greater individual freedom while others resist and vocally critique easier acceptance of divorce, fearing that too much change in family structure leaves individuals unsupported emotionally, spiritually, and financially. This chapter provides a framework for evaluating the current landscape of Christian ethical responses to divorce in the United States. I identify and categorize four key paradigms of response by sociologists, historians, and Christian ethicists to the changing rates, regulation, and moral significance of divorce.

Christian ethicists have responded to the phenomena of divorce in the U.S. in four distinct modes, signaling both a difference in their diagnosis of what is behind the "problem" of divorce and a difference in the method for solving those diagnosed problems. The four paradigms I describe below categorize divorce as 1) a re-visioning of marriage, 2) indication of marital decline, 3) indication of marital failure, and 4) indication of sin.

**Divorce as Opportunity for Re-Visioning Marriage**

The first paradigm of response is categorized by an attitude of acceptance to changing cultural patterns of marriage and divorce, resistance to outright condemnation of divorce, and curiosity about the social causes of high divorce rates. The divorce rate is not viewed as a threat to the integrity of marriage, but rather as a symptom of the many problems that monogamous heterosexual marriages face. High divorce rates, while they may represent personal, individual pain, are not viewed as inherently negative. Instead, high divorce rates offer an opportunity to rethink the efficacy of the institution of marriage. Preserving the "integrity of marriage" is not a pressing goal. The problems with marriage lie in the heterosexist, sexist, and capitalist institution itself.

Ethicists in this group tend to view heterosexual marriage as an institution that has been historically oppressive for women - a space where violence against women has been tolerated in the name of male-headship of the family and where women have been systematically denied equal economic rights with men. Furthermore, marriage as a formal, heterosexual union, which has only recently begun to be open at a widespread institutional level to same-sex couples, reinforces heterosexist norms. Normalizing of a specifically gendered heterosexuality, where men and women act according to their socially appropriate roles, with men as primary economic providers and women as primary caregivers, has made marriage problematic for same-sex and opposite-sex couples who seek mutuality and liberation in partnered relationships. Simply encouraging married people to stay in their marriages longer does not easily repair such a problematic institution. Instead of encouraging lasting marriage and discouraging divorce, these ethicists seek to radically change or perhaps even abolish marriage itself. Higher divorce

rates and greater societal acceptance of divorce are interpreted as a change in marriage patterns that should not be feared, but examined thoroughly for clues as to how to make marriage itself more just. Eradicating the two-person partnership model as the means for granting federal and state benefits is one way that these respondents suggest real changes in the institution of marriage.

Divorce and same-sex marriage are often paired together as twin "threats" to the institution of marriage. But some Christian ethicists have used the issue of same-sex marriage as a catalyst for evaluating the "health" of the institution of marriage generally. Christian theologian W. Scott Haldeman suggests that same-sex marriage has the possibility for transforming our modern concepts of marriage in ways similar to that of the period of the Reformation by theologian Martin Luther. With reference to Martin Luther, Haldeman establishes continuity within the Christian tradition and provides a sanctified ground on which to argue his support for same-sex marriage. Haldeman argues that Luther opens up marriage in four ways: he works to change an unjust ecclesial system that privileged some relationships over others, requiring payment to the church to overlook their "illicit" status. Luther disrupts the practice of valuing celibacy over married, domestic life. He promotes a reevaluation of the power of erotic desires, discouraging people from taking vows that would be impossible for them to keep. And finally, he emphasizes the moral value of married life itself.

Haldeman likens these watershed changes to those being brought about by same-sex marriage. Ultimately, he posits an exploration of "queer fidelity," drawing from lived sexual relationships to shape a larger ethic of marriage, thereby redefining what it means to be a "good" married person. In so doing, Haldeman is forced to examine divorce,

however briefly. He asserts that divorce is an area of sexual regulation where

evangelicals have compromised on a customary literal use and interpretation of the Bible.

Haldeman thinks this could serve as an example of how the Bible could and should be

deployed in responding to other issues of sexuality. He notes that while acceptance of

divorce is primarily seen by Christians as "concession to human failure, to human sin" it

also might provide an instance of critique of the life-long monogamous marriage model,

which for some, "hinders rather than encourages their flourishing."[57]

Furthermore, for those who still choose to enter the institution, some redefinition

is in order. Rather than being defined as a "static arrangement that one enters, once and

for all, through the 'rite of passage' of the wedding," marriage, and the accompanying

negotiated fidelities it requires, can instead be defined as active and changeable.[58]

Redefining marriage as a fluid institution disrupts a social hierarchy where married

people are valued more and have access to more social support than those who are not.

Haldeman suggests that privileging marriage is detrimental for many. Were this privilege

disrupted, other relational configurations would take on value. At the same time,

marriage itself does not have to be entirely disparaged: "married life can be one

honorable and faithful path for some members of the body without being defined as a

static institution."[59]

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[57] W. Scott Haldeman, "A Queer Fidelity: Reinventing Christian Marriage," in *Sexuality and the Sacred: Sources for Theological Reflection*, ed. Marvin M. Ellison and Kelly Brown Douglas, 2nd ed. (Louisville: Westminster John Knox Press, 2010), 309.

[58] Ibid.

[59] Ibid., 311.

The heart of Haldeman's proposal is rethinking what "marital fidelity" requires, constructing a concept of "queer fidelity" that moves away from relational ownership and sexual monogamy toward greater relational honesty.[60] The consequences of such a change, according to Haldeman, would mean a disruption of the hierarchical classification of marital and family status, a disruption of the "idolatry of the nuclear family."[61] Yet, Haldeman says that simply "unmasking…the idolatry of the nuclear family," however, does not "encompass the full gambit of challenges before us."[62]

Theoretically, a family where divorce has occurred is just one type of family that would be released from shame and stigmas as the "idolatry of the nuclear family" is revealed. Haldeman's vision is for a society where neither singlehood nor divorce are stigmatized and a variety of family and relational configurations are valued: monogamous and not, child-producing and not, same-sex and opposite-sex. Divorce, in this vision, is part of the flux of marriage. It is not a threat to marriage, but a part of a healthy marital framework.

Feminist ethicists such as Mary Hunt and Rita Nakashima Brock, along with other Christian ethicists working on issues of sexual justice have also offered critiques of hetero-patriarchal marriage, especially the problem of conferring state or federal economic and legal benefits via marriage.[63] Yet most ethicists in this category are in the

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[60] Ibid., 312.

[61] Ibid., 305.

[62] Ibid.

[63] Mary E. Hunt et al., "Roundtable Discussion: Same-Sex Marriage," *Journal of Feminist Studies in Religion* 20, no. 2 (September 1, 2004): 83–117; Mary E. Hunt, "Committed Love and Relational Justice," in *Homosexualities* (London: SCM Press,

bind of advocating for same-sex marriage equality at the same time that they wish to

critique the institution, which has prevented discussion about divorce from taking a

central role.

Christian theologian and ethicist Kelly Brown Douglas contributes to the project

of re-visioning marriage not because she offers an explicit critique of hetero-patriarchal

marriage, but because she indicates that the aspect of sexuality related to changing

marriage and divorce norms may appeal differently to different ethnic and racial

identities.[64]  That is, she questions for whom is the so-called "divorce crisis" really a

crisis?

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2008), 145–149; Kelly Brown Douglas, "Contested Marriage/Loving Rationality," in *Sexuality and the Sacred: Sources for Theological Reflection*, ed. Marvin M. Ellison and Kelly Brown Douglas, 2nd ed. (Louisville: Westminster John Knox Press, 2010), 380–389; Dale B. Martin, "Familiar Idolatry and the Christian Case Against Marriage," in *Sexuality and the Sacred: Sources for Theological Reflection*, ed. Marvin M. Ellison and Kelly Brown Douglas, 2nd ed. (Louisville: Westminster John Knox Press, 2010), 412–436; Marvin M. Ellison, "Marriage in a New Key," in *Sexuality and the Sacred: Sources for Theological Reflection*, ed. Marvin M. Ellison and Kelly Brown Douglas, 2nd ed. (Louisville: Westminster John Knox Press, 2010), 397–411; Rita Nakashima Brock, "Marriage Troubles," in *Body and Soul: Rethinking Sexuality as Justice-Love*, ed. Marvin M. Ellison and Sylvia Thorson-Smith (Cleveland, Ohio: Pilgrim Press, 2003), 352–374; Daniel C. Maguire, "A Catholic Defense of Same-Sex Marriage," in *Sexuality and the Sacred: Sources for Theological Reflection*, ed. Marvin M. Ellison and Kelly Brown Douglas, 2nd ed. (Louisville: Westminster John Knox Press, 2010), 390–396.

[64] Many African American authors and scholars have created a large body of literature contributing to the academic and public discourses on marriage and divorce. For example, The National Center on African American Marriages and Parenting is a think tank that conducts research and engages in activism around African American marriage trends.  In a book written for a popular rather than an academic audience Ralph Richard Banks argues that black women should seek increased participation in the institution of marriage and consider marrying outside of their racial identity in order to reap the economic and social benefits which he believes marriage confers.  Ralph Richard Banks, *Is Marriage for White People?: How the African American Marriage Decline Affects Everyone* (New York: Dutton, 2011).

In *Sexuality and the Black Church: A Womanist Perspective,* Douglas explores at length the legacy that white slave ownership and white cultural stereotypes have had on black sexuality. About marriage she writes, "The institution of slavery did not respect the sanctity of enslaved marriages."[65] Enslaved women, married or not, could not be protected against rape by white men. Furthermore, in a situation of no legal rights or protections for enslaved people, there was no access to legal marriage, though Douglas references the creation of rituals for marriage such as "jumping over the broom." Douglas goes on to argue that the conditions of slavery required black men and women to rely on their African cultural resources to resist white enslaving culture and "develop patterns of relating that allowed them to nurture their humanity."[66] Turning to the present day, Douglas addresses the connection between white stereotypes of black women as hypersexual and promiscuous and a refusal, especially in the Black Church, to discuss issues of sexuality and strained relationships between black men and black women generally. Douglas does not address current trends of marriage or divorce among black men and women, rather, she argues for a "sexual discourse of resistance" that will "cultivate a life-enhancing approach to Black sexuality within the Black community."[67] The issue of the "crisis of marriage/divorce" is, for Douglas, the wrong issue. The puritanical expectation of monogamous, life-long marriage is an outcropping of the

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[65] Kelly Brown Douglas, *Sexuality and the Black Church: A Womanist Perspective* (Maryknoll: Orbis Books, 1999), 65.

[66] Ibid.

[67] Ibid., 69.

sexual discourse of white culture, not of black culture or black resistance to white-supremacist values.

Douglas helps to highlight what will be a continuing question in this exploration of Christian ethics of divorce – whose marriages are in crisis? What is failing and for whom? Who has named this as a problem and why? Racial identity, as Nancy Cott points out in her history of marriage is often ignored in the interpretation of marriage and divorce data *and* in Christian ethical analysis of divorce.

## Divorce as a Sign of Marital Decline

The next paradigm of Christian ethical response views divorce as a sign of marital decline. This position maintains a critique of hetero-patriarchal marriage, but is most clearly defined by an attempt to investigate the social reasons behind the changes. Thus, many historians and sociologists of marriage tend to fall into this category because their primary goal is to track and posit explanations for trends, rather than offer analysis about the moral importance or impact of those trends. Christian ethicists in this category share similar methods with Christian ethicists in the previous category, relying on sociological and historical data to understand societal change.

The word "decline" is used here both as a descriptor and as an evaluation.[68] Most data indicates that life-long, monogamous, heterosexual marriage among white couples is, indeed, declining, both according to divorce rates and by numbers of couples entering marriage at all. In this way, decline simply names a phenomenon, and scholars who

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[68] "Marital decline" is a term used by sociologist Paul Amato to describe a sociological response to divorce that interprets the divorce rate and declining marriage rate as primarily negative.

respond with a marital decline view often take pains to make sure to name what exactly is declining by pointing out differences in statistics that account for race, age, and increasingly for sexual orientation. However, the language of "decline" can also indicate a negative aspect to this change in rate and is not always purely observational. Most of those evaluating divorce as a sign of marital decline also give primary consideration to positive aspects to marital commitment, individually and socially. However, ethicists in this group tend to view the problem of marital decline as indicative of changing social norms than as individual failures. Changing social norms, while potentially disruptive, can have positive consequences for individuals, families, and larger social communities.

Christian historian and sexual ethicist Mark Jordan exemplifies this "marital decline" response. Jordan analyzes the current marriage debate through the lens of early Christian history, exploring the roots of modern day controversies and attitudes about sexuality. His work exposes the varieties of experiences of marriage in Christian history. In *Blessing Same Sex Unions*, Jordan explores Christian theologies of marriage, in light of the same-sex marriage equality movement, especially among queer Christians. He devotes a brief final chapter to relational "ending" which includes an inquiry into the theology of divorce itself. Jordan, clearly ambivalent about the goods of gay and lesbian Christians advocating for marriage rights without taking advantage of the chance to examine marriage itself, much like Haldeman noted above, uses divorce to understand what he identifies as the moral panic around same-sex (male-male, specifically) marriage. Explaining the Christian theology of divorce, Jordan writes, "Divorce is at once the opposite of marriage and the undoing of the church."[69] For Jordan, both historical and

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[69] Jordan, *Blessing Same-Sex Unions*, 187.

current Christian statements about divorce represent a rhetorical strategy of sexual

control by the church. He asserts that homosexuality is like a new kind of "divorce" in

terms of its threat to the natural order of heterosexual unions. Despite his creative inquiry

into divorce and his attempt to disrupt the theology of marriage in light of same-sex

committed relationships, Jordan's analysis relies mainly on an historical understanding of

divorce as sin and relational failure that threatens the institution of marriage. However, he

is clear that the marriages that are declining are heterosexual, and that embedded

Christian norms around sexuality inform current views on marriage and its enemies -

namely divorce and same-sex marriage. Jordan sees heterosexual, monogamous marriage

in decline and sees how the church has treated this as sin, but he does so in order to

expose the sin rhetoric itself as ultimately harmful.

Although Jordan does not explicitly challenge the premise of divorce as

inherently negative or as failure, he does help lay the groundwork for understanding how

Christians have come to have such a complicated relationship with divorce. Other

scholars have interrogated divorce more intentionally, investigating how changes in the

configurations of intimate relationships may have both negative and positive

consequences. Catholic feminist ethicist Margaret Farley approaches the question of

divorce via her exploration of "personal commitments." Farley's approach creates a

different space for analyzing divorce – one that does not demand that marriage always be

equated with success and divorce with failure, but that still takes seriously why a

breakdown in personal commitments might have negative consequences personally and

communally. The "commitments" to which she refers represent a variety of

relational/social configurations, but marriage is one of the major relational commitments

addressed. Farley claims that marriage is not an irreversible ontological state of unity, as Catholic doctrine states, but a commitment to give others a claim on the self. Farley makes a case for guidelines that determine when a personal commitment, including a marriage commitment, can be broken. Her approach is a direct response to changes in attitudes around divorce, and based in part on her feminist commitments to mutually liberative relationships for women and men. Farley offers a new theo-ethical vision of commitment that takes seriously the sociological and cultural reality of divorce. Her diagnosis of the problems of divorce and of breaking commitments generally are not that individuals are too self-centered and lack fortitude, but that commitments are not simple promises to keep. Individuals often work hard to keep their marital commitments at the expense of breaking other kinds of commitments.

Farley suggests that if we only step briefly outside of the "culture wars" thinking, the change in family structures that U.S. Christians are becoming more aware of does not necessarily signal the destruction of family. Instead, these changes "point to new forms of commitment, not the rejection of commitment. Moreover, there is no general lack of respect for commitment regarding parenting and loyalty to family."[70] What the changes do tell us is that strict adherence to a singular familial norm or "framework for commitment" can be destructive.

Failing to keep promises results in the risk of damaging the relationship of trust established and nurtured in any intimate commitment. Farley emphasizes that commitment is not made for its own sake; more importantly, "commitments provide a

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[70] Margaret A Farley, *Personal Commitments: Beginning, Keeping, Changing* (Maryknoll: Orbis Books, 2013), 5.

basis of trust in relationships."[71] They help us to trust one another, facilitating promises of care and allowing us to engage in vulnerability. When commitments are "ignored or broken," that trust is weakened. Thus forming relational matrices of trust is the underlying social good of marriage generally. Focusing on the end goals of commitments as tools to support intimacy and trust helps Farley to gently suggest that these end goals matter more than keeping strict rules about commitment itself.

In exploring the possibility of breaking commitments, Farley warns that we must have a "tolerance for ambiguity" and that there will be no clear formulas for determining the right moral outcome for every situation. She gives guidelines, but stresses the general nature of these guidelines and cautions against becoming either too rigid with our guidelines or relinquishing them too quickly because we are unwilling to do difficult relational work. The danger of "marital decline" for Farley is in fact a danger of decline of the quality of intimate relationships. Her concern is not for following Christian norms about marriage as a lifelong commitment, but about what happens to the experience of our selves and relationships when the moral vision for those relationships is lost. Both Farley and Jordan are part of a conversation by Christian ethicists that takes marriage seriously, but also lays the ground work for an evaluation of its possibly negative results in the lives of individuals and communities.

**Divorce as Marital Failure**

Divorce as marital failure is perhaps the most common framework for Christian ethics of divorce. The higher divorce rate is interpreted as a symptom of a wider culture

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[71] Ibid., 91.

of morally inadequate individuals who are enabled to shirk their marital commitments by weakened moral standards in society. The problem is often named as individual selfishness, too much concern for individual freedom and happiness, and low tolerance for work and discomfort in relationship. The failure of relationship, however, is viewed as just one of the many ways that humans in our current social and cultural atmosphere can fail. The solution to the problem of marital failure is to help individuals see their selfishness (which is, in part, shaped by changes in social expectations for happiness and good family life) and to overcome it. For most in this category, marriage is ultimately seen as both an individual and social good. Divorce interrupts this individual and social good and should thus be avoided. However, attitudes about the "failure" vary widely. Some responses normalize failure as a part of all of our lives, while others see marital failure as a nearly cataclysmic event – a particularly bad kind of failure.

Barbara Dafoe Whitehead is one representative of the "marital decline" group. Trained as a journalist, she writes for numerous marriage promotion organizations. Whitehead unashamedly embraces the concept of American meritocracy, the concept that hard work will always be rewarded with economic and social success, without critique. She, like many marriage advocates, brings an economic critique of high divorce rates (and declining marriage rates in general) to argue that marriage is a way to maintain a robust middle class. Her major work on divorce, *The Divorce Culture: Rethinking Our Commitments to Marriage and Family*, argues that individualism is the main culprit of changes to marriage culture. In a brief article written for the Institute for American Values, "What's Missing from Our Middle Class Debate," she asserts that Americans are

quickly "Dropping out of marriage and falling out of the middle class."[72] The "trend" of eschewing marriage is especially dangerous for women and children, and dangerous for the middle class itself, which she promotes as the primary economic goal for all U.S. citizens. Lasting marriages are, according to Whitehead, the primary key to maintaining economic security. She asks, "Can we Americans realistically hope for a middle class majority if we no longer hope and strive for a married majority?"[73] Whitehead and other "marital decline" representatives, including marriage traditionalists David Blankenhorn, David Popenoe, and Maggie Gallagher are not always explicitly Christian in their critique of divorce. However, Whitehead's approach is almost exactly in line with notable Christian ethical responses to divorce that also employ a divorce as failure framework.

Many Christian ethicists frame their own comments about divorce as a direct address to what they diagnose as a "crisis" in marriage, represented in part by high rates of divorce. Ethicists Glen Stassen and David Gushee write, "With few exceptions, American Christianity has simply capitulated before the divorce epidemic that has swept the nation over the past thirty-five years."[74] Stassen and Gushee review various evangelical positions on divorce and remarriage, offering ten of their own "best practices" for "marriage building and divorce prevention" which reveal their theology of divorce. Representing a widespread Protestant position, the authors do not want to exclude the divorced from church life, and indeed deploy the concepts of grace and what

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[72] Barbara Dafoe Whitehead, "What's Missing from Our Middle Class Debate?," *Propositions*, October 2012, 3.

[73] Ibid., 7.

[74] Glen H. Stassen and David Gushee, *Kingdom Ethics: Following Jesus in Contemporary Context* (Downers Grove, IL: InterVarsity Press, 2003), 272.

they call "second-chance discipleship" to propose a wide welcoming of those struggling in their marriages or who are now divorced. Though they hope to minimize shaming, they also propose a deeper commitment to "lifetime" marriage, diagnosing the problem of marriage as one of hyper-individuality and self-centered culture. "Marital permanence" is the goal.[75]

Traditionalist theologies of divorce are primarily rooted in arguments based on their biblical exegesis. Stassen's and Gushee's exegesis is produced in a narrative ethics framework. Given their interpretation of the primary Christian narrative of the Jesus' life and death as redemptive sacrifice, they understand biblical statements on divorce to mean the following: "What God has joined together, keep together! Go and be reconciled!"[76] This textual reading is influenced by the authors' motivation to produce "covenant ethics," which will provide relational solutions to their diagnosis of the problem of an excessively "self-centered society."[77]

Christian ethicist Allen Verhey echoes the traditional evaluations of divorce in Christian ethics by comparing divorce to the sometimes "necessary" evils of violence.

> Violence may be compared to divorce. No Christian may delight in divorce. It is not God's cause. But sometimes, in this sad world, divorce is necessary to protect either marriage itself or one of the marriage partners. Even then, it may only be done with tears and repentance."[78]

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[75] Ibid., 289.

[76] Ibid., 288. The exact text referenced is from Matthew 19:6: "So they are no longer two, but one flesh. Therefore what God has joined together, let no one separate."

[77] Ibid., 283.

[78] Verhey, *Remembering Jesus*, 416–417.

Divorce is thus seen as a necessary evil – a consequence of the fallen, selfish state of humanity. The best Christians can do is to repent from the sin of divorce and to move on from the failure of that relationship.

Feminist Christian ethicists are not excluded from the divorce as marital failure approach. Catholic feminist social ethicist Lisa Sowle Cahill approaches divorce via an exploration of historical development of the concept of the "Christian family." Cahill is interested in a model of marriage and divorce that allows for multiple kinds of families – divorced families being one possible model. Cahill agrees that "families in North America are in crisis" and that this has "terrible consequences for children and hence for social stability and prosperity in the next generation."[79] However, she identifies the roots of the crisis not in terms of an overblown sense of American individualism or a lazy inability to keep commitments, but a crisis that has broader, systemic economic and social causes. Cahill is concerned for the unbalanced experiences of women in families, who, along with their children, are more likely to experience economic precarity after divorce than men. She also strongly resists the assumption by other family scholars that the "modern nuclear family is normative and that its decline is more or less traceable to a single cause: lack of moral commitment, self-sacrifice, and perseverance among an increasingly narcissistic childbearing population."[80] Using feminist analysis to continually note that the "crisis" of families is actually more of a crisis for women than for men, Cahill continues to point to the multiple economic factors that cause this to be true.

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[79] Lisa Sowle Cahill, *Family: A Christian Social Perspective* (Minneapolis: Fortress Press, 2000), 1.

[80] Ibid., 2.

She also develops the metaphor of the family as "domestic church," a concept with deep Catholic roots. Cahill highlights the importance of continuing to care about and nurture family structures, even (or perhaps especially) in different, non-nuclear formats because these too are domestic churches. The "domestic church" metaphor used in recent church teaching includes "all families committed to fulfill the social mission of compassion and service in a spirit of Christian love."[81] This means that the family as domestic church metaphor rests not on who makes up the family, or whether the biological parents of the children are married to each other legally, but on the family's orientation toward its social world. How might the family support a mission of justice? And is it possible for the family to support economic justice when "justice" is poorly conceived by the Catholic Church's inability to take into account the nearly inescapable cycles of poverty inherent in modern market capitalism? "Christian families" are thus characterized both by the transformation the family itself undergoes – it is a place for education about values and for the common experience of God and characterized by the ways that they can transform society, by embodying empathy and solidarity with the poor, for example.

Systemic economic crisis is actually at the heart of the "family crisis," for Cahill, but in the end, she agrees with a solution to the crisis – that if families are better valued and cared for, our children and our society as a whole will be better off. While divorced families are one of many differently structured families, she implies that divorce and unwed parenting generally are still major problems.

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[81] Ibid., 129.

The Family, Religion, and Culture project, initiated and directed by Don Browning, and of which Cahill's work was a part, is the locus of many conversations about marriage and family by Christian scholars both progressive and traditional. The premise of the project is that concerns about the health of the American family are legitimate, but that the discussion is "not well informed and is riddled with historical, theological, and social-scientific ignorance."[82] Their *From Culture Wars to Common Ground* publication aims to offer more and better information in an effort to deepen shallow dialogue. The authors are especially concerned with understanding and shaping the role of Christianity in the conversation about family.

While Cahill asserts a more decidedly feminist view in the project, with gender and economic analysis figuring more prominently, she still shares much in common with Browning and other members of the project when it comes to approaching divorce as failure. Again, the problem of divorce is named by both as the unfortunate and potentially harmful failure of a relationship. However, both Cahill and Browning suggest that the way forward for Christian churches around the issue of divorce is not to become more rigid in resistance to divorce, but to become more welcoming of the divorced, which will foster a more open atmosphere around different kinds of family configurations and foster conversations about marriage and family life.

"Critical familism" is the key phrase for the general position the authors want churches to take toward marriage and family. A critical perspective and analysis is necessary because traditionally Christian ways of making moral sense of the roles and

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[82] Don S. Browning, *From Culture Wars to Common Ground: Religion and the American Family Debate* (Louisville: Westminster John Knox Press, 2000), vii.

norms for family life is in conflict with many of the realities of American family

experience. New perspectives are needed so that a "fresh vision of marriage and family"

can emerge.[83] Familism means a privileging of the family, which the authors are not

eager to characterize in any kind of nuclear normative way, but *does* imply heterosexual,

long term marriage, and children in their usage. Privileging the family also implies a

subordination of the needs of individuals in support of the flourishing of the greater unit.

Critical familism thus upholds the role of the family as an important moral and social

entity, while resisting family rhetoric and policies that fetishize that entity.

## Divorce as Sin

Christian ethicists who interpret divorce as marital failure might use the language

of broken covenant or of sin, but those I categorize as in the "divorce as sin" mode view

divorce as a metaphysical impossibility. While failure is included in the breaking of

covenant and in sinning, that failure is imbued with a much more serious metaphysical,

spiritual implication. Couples may act as if the covenant has ended by getting a secular

divorce, but they cannot reverse the covenant. The Roman Catholic doctrine on marriage

and annulments works within this covenantal scheme. As with the divorce as marital

failure framework, the problem is diagnosed as individual inability to keep and respect

covenantal vows. Social and cultural norms are viewed as exacerbating the tendency by

allowing one to break such a strong commitment, or even supporting the break in many

cases. What is at stake in the breaking of commitments is not individual happiness, but

the very concept of lasting covenants, including human covenants with God.

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[83] Ibid., 307.

Like evangelical Christian ethicists Stassen and Gushee explored above, Christian ethicist Norman Geisler's positions are also supported primarily by his biblical exegesis. He writes that some issues related to divorce are agreed upon by all Christians – that divorce is not "God's design," that it is not permissible for just any reason, and that divorce is not a good solution to any problem. It is always, therefore, regrettable. Geisler presents seven reasons why divorce is never justified, all with a biblical references serving to prove the point.[84] Christians disagree about the exact reasons why divorce should be permitted, with some arguing that no reasons really justify divorce or that adultery alone is a sufficient reason for divorce. Geisler does not support divorce, even in the case of adultery. He believes that God intends marriage to be a lifetime commitment. He writes, "Divorce as such is never justifiable, even for adultery. Adultery is a sin, and God approves neither of sin nor of the dissolution of marriage."[85] Yet Geisler is willing to temper this statement, representative of a common Christian approach to divorce. He notes that there is no good reason for divorce, but that it must be permitted in some cases: "While divorce is *never justifiable*, it is *sometimes permissible* and *always forgivable*"

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[84] Norman L Geisler, *Christian Ethics: Contemporary Issues & Options* (Grand Rapids: Baker Academic, 2010), 304–305. The seven reasons are: (1) "Divorce violates God's design for marriage" as a "monogamous lifetime commitment," referencing Matthew 19:6 and Romans 7:2; (2) "Divorce breaks a vow made before God," referencing Proverbs 2:17, Malachi 2:14, and Ecclesiastes 5:5; (3) "Jesus condemned all divorce," referencing March 10:1-11 and Luke 16:18; (4) "The apostle Paul condemned divorce," referencing 1 Corinthians 7:10-13; (5) "Divorce disqualified an elder," referencing 1 Timothy 3:2; (6) "One's first partner is the true partner," referencing John 4:17-18; (7) "Divorce violates a sacred typology" of "the heavenly marriage between Christ and his bride" referencing Ephesians 5:32 and Numbers 20:9-12.

[85] Ibid., 312.

(italics his).[86] Those who divorce and repent appropriately should be allowed to remarry, but only once, and this second marriage should be for life. Multiple marriages and divorces "profane" the "sacred institution" of marriage.[87]

Geisler's position appears to be quite rigid – he says that divorce is never justifiable. However, he very clearly makes an allowance for the reality of divorce in Christian life. His position reveals a common ecclesial conflict where what is officially written or said about divorce does not always match pastoral or communal practices. These conflicting messages are harmful because they help to further support a culture of shame and hiding where no matter the reason for divorce, the divorced person has sinned and failed in the eyes of God and the church. Yet the divorced are still invited to seek solace in the church community. One cannot seek solace in a community where one is either theologically condemned or socially ostracized. In order for Christian communities to live into their missions of ministry to all people, they must support resistance to shame-based approaches to divorce.

**Conclusion: The Ubiquity of Shame in Christian Ethics of Divorce**

The seeds of shame exist not only in the paradigm of "divorce as sin" but in all four approaches. Shame is a necessary component of the "divorce as sin" and "divorce as failure" approaches insofar as shame always accompanies acknowledgement of moral wrongdoing, but it is also present in how the more progressive positions approach divorce. I will argue in the next chapter that almost all Christian ethical approaches to

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[86] Ibid.

[87] Ibid.

divorce use shame in some way, and that some of the approaches utilize shame in cruel and harmful ways, stemming from a deep Christian history of shame related to sexuality. I will argue that Christian ethics narratives about divorce drawn on a shame that has gendered and sexualized aspects. I will argue that public policy and secular dialogues about divorce utilize the same Christian-rooted shame rhetoric to maintain the tyranny of life-long, monogamous heterosexual marriage as the only means to appropriate sexual, social, and economic behavior.

# Chapter 2

## Over-Shaming Language in Christian Divorce Policies

Divorce is a reality among Christians as much as it is a reality among the general population and as such divorce offers a fecund environment for shame language. The official position of most mainstream Christian churches, as communicated in the form of doctrinal or church policy statements, indicates that divorce is always negative and always against God's plan. The shame language is not found in policy alone; shaming language emanates from sources as wide ranging as the pulpit on a Sunday morning to church-wide statements from bishops on pressing social issues. However, many Christian church communities respond in supportive and loving ways to families experiencing divorce, often offering divorce support and individualized pastoral care. Why is there a disconnect between a willingness to minister to the needs of couples whose marriages end in divorce and the language used in official church documents to address those divorces?

In the previous chapter, I explored four Christian ethical paradigms for understanding divorce. One way to understand the differences in these four paradigms is through their varied uses of shame language. Some paradigms embrace shame's effectiveness at modifying behaviors while others seek freedom from an overemphasis on shame. Shame is a universal negative human phenomenon in which the individual feels a sense of separation from her community or loved ones and in which the individual feels that she does not live up to standards of behavior. Shame is fostered and cultivated by social institutions in support of particular social norms and standards of behavior. It is

prevalent in any moral system because shame language tells community members when they have broken the rules of the community. For a variety of reasons, institutional shame is prevalent in any public discussion on the Christian ethics of sexuality. In the introduction to this dissertation, I gave an overview of only some of the roots of Christian shame regarding sexuality. These roots include the history of biblical interpretation and the history of Christian theology. In addition to these historical sources, Christian faith communities continue to reform their policies and theologies around issues of sexuality, either engaging constructively with or resisting changing cultural norms in the broader society. One place where this conversation unfolds is in Christian policy statements. These statements are not simple statements of doctrinal positions; they often contain complex theological explanations, referencing decades (or perhaps centuries) of theology and biblical interpretation.  Often these policy statements distill the moral arguments and commitments of church leadership into a few "loaded" paragraphs.

The policy statements I will evaluate are chosen from the *Catechism of the Catholic Church* (1999)[88] and the United Methodist *Book of Discipline* (2012).[89] These

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[88] I have chosen to analyze the Catechism over the Canon Law or papal encyclicals because the Catechism is intended for public use by lay people as well as those ordained into ministry. Treatment of divorce, annulment, and remarriage by the Roman Catholic Church has a history of much conflict and dissent, particularly in the United States. The present Catechism, approved by Pope John Paul II in 1992, draws on the work of *Gaudium et Spes* (1965), *Humanae Vitae* (1968), and *Familiaris Consortio* (1981). See the following for more on the history of and critique of the current position: Richard McCormick, *Notes on Moral Theology 1965 through 1980* (Washington, D.C.: University Press of America, 1981); Charles Curran, "Divorce – From the Perspective of Moral Theology," *Canon Law Society of America: Proceedings of the Thirty Sixth Annual Convention* (1975) pp. 1-24; Charles Curran, "Divorce: Catholic Theory and Practice in the United States," *New Perspective on Moral Theology* (Notre Dame, Ind.: University of Notre Dame Press, 1976) pp. 212-276; Charles Curran, "The Gospel and Culture: Divorce and Christian Marriage Today," *Issues in Sexual and Medical Ethics* (Notre Dame, Ind.: Notre Dame University Press, 1978), p. 3-29; John T. Noonan, *A*

two documents represent the most recent developments of policy and theology on the

topic of divorce in their respective traditions. However, neither tradition's position is

static or monolithic. Although the Roman Catholic Church (RCC) and the United

Methodist Church (UMC) differ widely in their historical development, they address

similar concerns regarding the morality and effects of divorce. In order to highlight these

similar concerns, I group themes embedded in both the United Methodist and Roman

Catholic positions into four categories. Each category helps to establish and advance an

analysis of shaming rhetoric in relation to divorce.  Both the UMC and RCC policies on

divorce include the following categorical elements: (1) the establishment of moral norms

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*Church that Can and Cannot Change: The Development of Catholic Moral Teaching*
(Notre Dame, Ind.: Notre Dame University Press, 2005), Lisa Sowle Cahill,
"Commentary on *Familiaris consortio* (Apostolic Exhortation on the Family), *Modern
Catholic Social Teaching: Commentaries and Interpretations,* Kenneth Himes, et al, eds.
(Washington, D.C.: Georgetown University Press, 2004), pp. 363-388.

[89] I have chosen to analyze the *Book of Discipline* because it is the central
document that collects official United Methodist positions on topics ranging from how to
deal with church owned property to the church's position on topics such as systemic
economic inequality. Both practical and theological positions on marriage and divorce are
addressed in the document. The *Book of Discipline* is revised every four years to reflect
changing positions on various social concerns discussed and voted on at the General
Conference (a meeting of bishops and lay people). Thomas Frank, a scholar of United
Methodist history, notes that the *Book of Discipline* is a book of polity: "Most basically,
ecclesial polity has to do with the organization and maintenance of an ordered ministry
and with the disciplines of Christian discipleship both communal and individual….It sets
standards and responsibilities for participation in the church's life of worship, sacrament,
study, prayer, fellowship, care, and service." (41). Frank stresses the importance of the
changeability of polity. Change is frequent (if slow moving at times) in the *Book of
Discipline* because "people who want change are always free to organize, advocate, and
write legislation or resolutions for reform." Thomas Frank, *Polity, Practice, and the
Mission of the United Methodist Church* (Nashville: Abingdon, 2006) 39.  Like the
Roman Catholic Church, the United Methodist position on divorce and remarriage is the
result of decades of dissent and disagreement about how to approach the topic. For a
thorough history of the development of policies on divorce, see *The Methodist
Experience in America: A History, Volume 1,* Russell Richey, Kenneth Rowe, and Jean
Miller Schmidt, eds. (Nashville, Abingdon Press: 2000) 496-499.

for appropriate marital behavior, (2) a connection between divorce and sin, (3) a focus on the negative social consequences of divorce, primarily related to children, and (4) practical guidelines for treatment of the divorced by the faith community.

Defining Shame

I understand the shame phenomenon I address in the Christian policy statements to be a fundamentally relational experience. Psychologist Silvan Tomkins describes shame as the removal of positive relational connection. One cannot know shame if one has not already known acceptance by and connection with others.[90] Cultural theorist Eve Kofsky Sedgwick builds on Tomkins's psychotherapeutic observations to theorize shame as an integral aspect of identity formation, not only in childhood but throughout adult life. She writes that shame makes a "double movement…toward painful individuation, toward uncontrollable relationality."[91] To feel shame is to feel oneself as a distinct individual, but an individual whose identity can only be established and known in relation to (or often specifically in conflict with) others. It is the inescapable relationality of shame that makes it such a powerful tool for regulating social morality. At its best and most effective, shame provides a mechanism for making communities stronger by enforcing boundaries that keep all members safe and flourishing. However, a culture of too much shame or, as some psychotherapists have described, a society of "shame-prone"

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[90] Eve Kosofsky Sedgwick, Adam Frank, and Irving E. Alexander, *Shame and Its Sisters: A Silvan Tomkins Reader* (Durham: Duke University Press, 1995); Silvan S. Tomkins, *Affect, Imagery, Consciousness: The Complete Edition* (New York: Springer, 2008).

[91] Eve Kosofsky Sedgwick, *Touching Feeling: Affect, Pedagogy, Performativity* (Durham: Duke University Press, 2003), 37.

individuals, paralyzes relational development. I argue that an overabundance of shame creates an environment of disconnected individuals rather than a community of supportive relationships. In my text-based analysis of shame language, I will refer to what I deem to be harmful shame as "over-shaming."

I employ a multi-disciplinary approach to the shame phenomena that draws from psychology and sociology. Psychological and therapeutic approaches focus on the *individual's response* to shaming stimuli, attempting to account for differences in the shame response from person to person. This approach to the personal experience of shame, including a description of the physical shame affect – the blushing reflex, a lowering of the eyes, covering the face – establishes not only the universality of shame but also its deeply embodied and pre-vocal presentation. Meanwhile, sociological analyses focus on shame's *relational and socially organizing* aspects. Still others utilize affective and psychological approaches in order to theorize various social phenomena, thus bridging the gap between the individual and the social experiences of shame by focusing on how individual shame relates to social experience. In my analysis of shame, I use multiple sources from each approach – affective, psychological, and sociological – to identify shame language and its collective uses, especially in the formal rhetoric of religious institutions.

Just as Sedgwick seeks to re-read shame as part of a positive aspect of identity formation, I do not want to simply root out shame in order to dismiss it. I am asking how shame can be recognized, confronted, and transformed in faith communities. Ridding ourselves of shame language entirely is ineffective and unnecessary. However, before turning to the positive reclamation or reversal of over-shaming, we must remember that

shame can be an incredibly powerful negative force in individual lives and in Christian community. I now turn to Christian divorce policies to uncover the damaging shame language embedded within.

**Precursor to Shame: Establish Positive Moral Norms in Community**

Shaming language is an effective social tool for establishing and maintaining moral norms. Any mechanism of social control utilizes shame to some extent, often with positive effects for the community as a whole. Statements of Christian policy are one means of establishing moral norms for church communities. They are intended to convey moral norms about a wide variety of social issues, guiding communities in how to address difficult social problems. Doctrinal policy statements have evolved over time, responding to changing social needs. For United Methodists, a process for revising doctrine to reflect current social concerns is built in to the denomination via the General Conference. Statements that address divorce in the *Book of Discipline*, the policies that guide the denomination and reflect the votes of the clergy and lay delegates on current issues, change in emphasis and wording from edition to edition. Meanwhile, the various Roman Catholic documents that address divorce have not historically been readily available for lay people to read. Instead, theologies and ethics of marriage and divorce were developed and disseminated across various papal encyclicals and other doctrinal documents – often technical and arcane in language and focus. My analysis will focus only on the most recent statements for both the UMC and the RCC as presented in the 2012 *Book of Discipline* (BOD) and the 1997 *Catechism of the Catholic Church* (CC).

Divorce policies for both publications are found embedded in policies about marriage. These statements about marriage include some procedural concerns about marriage as well as explications about the theological goods of married life. The establishment of the expectations for a "good marriage" thus serves as a foil to the negative consequences of divorce that follow (which usually imply a "bad marriage" or a poorly executed one). In order to establish moral norms, both a statement of what is acceptable and a statement of what is unacceptable are needed. The policy statements of the UMC and the RCC serve as examples of both of these initial steps in the creation of doctrinal policy. Both appeal to theological justification in order to imbue the guidelines for divorce with deeper moral significance.

The United Methodist policy on divorce establishes first and foremost that there is a divinely ordered framework for marriage. The 2012 *Book of Discipline* first states, **"God's plan is for lifelong, faithful marriage."**[92] This beginning statement establishes that marriage should be a) for as long as the both parties live and b) monogamous. Marriage and divorce are aspects of the regulation of sexuality. Sexual expression is deemed to be acceptable only within the confines of a lifelong marital relationship. The heterosexuality of marriage is explicitly stated two lines into the paragraph. While this statement is intended to establish norms for sexual behavior, more importantly it provides a theological justification for this specific mode of controlling sexuality by depending on the language of "God's plan." The theological message communicated in the above phrase is that God has a plan and that plan specifically involves and ordains the social institution of marriage.

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[92] United Methodist Church (U.S.), *The Book of Discipline of the United Methodist Church, 2012* (Nashville: United Methodist Pub. House, 2012), para. 161 C.

Roman Catholic doctrine on marriage similarly employs language of "God's plan" to express the weight and importance of a marital commitment:

> Holy Scripture affirms that man and woman were **created for one another**: 'It is not good that the man should be alone.' The woman, 'flesh of his flesh,' his equal, his nearest in all things, is given to him by God as a 'helpmate'; she thus represents God from whom comes our help. 'Therefore a man leaves his father and his mother and cleaves to his wife, and they become one flesh.' The Lord himself shows that this signifies an **unbreakable union** of their two lives by **recalling what the plan of the Creator had been 'in the beginning': 'So they are no longer two, but one flesh.'**[93]

From the beginning of creation, marriage was intended as a part of God's moral vision for human creatures. Marriage is not only a social ordering mechanism – it is understood to be a part of the fabric of human existence. Furthermore, this particular paragraph illustrates how gender complementarity is a part of God's plan for the way marriage should work. This means that gender difference, and the attending power differentials that have historically come with those differences, are also given a divine approval and have been intended from the beginning of creation. Women are created to help men in marriage, which indicates a secondary importance in the human hierarchy. In addition, marriage was created to be "unbreakable" at the very beginning. Given this theological weight, it seems impossible to critique marriage as a social institution.

The concept of "God's plan" in the RCC context relies on the concept of natural law to further solidify the inevitability of marriage as the organizing and legitimating principle for relationships. Natural law is the means by which human beings perceive God's plan. The natural good of marriage is illustrated in the following statement:

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[93] Catholic Church, *Catechism of the Catholic Church: Revised in Accordance with the Official Latin Text Promulgated by Pope John Paul II.* (Vatican City: Libreria Editrice Vaticana, 1997), para. 1605.

> The vocation of marriage is written in the very nature of man and woman as they came from the hand of the creator…The well-being of the individual person and of both human and Christian society is closely bound up with the healthy state of conjugal and family life.[94]

Marriage here is used as a tool through which human beings can express their purpose and fulfill God's purpose for them. Marriage is not simply an organizing social institution. Rather it is the deep expression of human purpose. To divorce (or to marry and not have children or to have sex outside of the bonds of marriage) would then be a denial of God's plan as expressed through natural law.

Language of "covenant" imbues the marital commitment with theological weight comparable to the covenant made between God and human beings: "The matrimonial covenant, by which a man and a woman establish between themselves a partnership of the whole of life, is by its nature ordered toward the good of the spouses and the procreation and education of the offspring."[95] This covenant is further sanctified because marriage has been given the status of sacrament. Covenant language references God's relationship with human beings, which is never broken.[96] There is no precedent for breaking a covenant relationship because to break a covenant would go against the ontological character of God. To establish marriage as a covenant and sacrament is to set the moral expectation that it will never end.

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[94] Ibid., para. 1603.

[95] Ibid., para. 1601.

[96] Ibid., para. 1612.

**Shame as Negative Reinforcement of Moral Norms: Theological Consequences**

After establishing that marriage is part of God's plan, the *Catechism* and the *Book of Discipline* address divorce specifically. These two policies emphasize that divorce is an example of general human sinfulness – a part of the human condition itself. Naming a particular situation or behavior as sinful is a way to create shame about that behavior. As stated earlier, this is the intended consequence of any set of rules for ordering social behavior. However, problems of over-shaming arise in part because of the nature of the experience of shame itself. The doctrines trigger an over-shaming by not only acknowledging the general human sinfulness of divorce, but by narrowly focusing on the sinfulness or brokenness of the individual. The rhetoric used to communicate doctrinal injunctions against divorce can be interpreted as both discouraging a kind of behavior and condemning the person who engages in that behavior. The psychological understanding of the individual's experience of shame provides a means for understanding how this line is often crossed. In an effort to name sin as a ubiquitous aspect of human existence and an important part of the Christian story of salvation, Christian doctrines of divorce inadvertently create an over-shaming environment for those who divorce. In an over-shaming environment, the individual's own value and worth is diminished.

The United Methodist *Book of Discipline* states**: "Divorce is a regrettable alternative in the midst of brokenness."**[97] This statement reflects a theological understanding of the world itself as fundamentally "broken." Divorce is one aspect and example of this brokenness. This seems to put those church members whose marriages end in divorce in a situation where they are also explicitly implicated in the brokenness of

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[97] United Methodist Church (U.S.), *The Book of Discipline of the United Methodist Church, 2012*, para. 161 C.

the relationship as a sign of the brokenness of the wider, sinful world. At the very least

they are complicit in the brokenness of their own marriages and at the worst they are

responsible for brokenness that reaches beyond their own experiences – they become

implicated in the brokenness of the world at large, insofar as divorce contributes to a

broken world. Divorce as a "regrettable alternative" can be read as a judgment on the part

of those who divorce, clearly indicating that the decision to divorce is one they should

regret (and thus to some degree always wrong). While divorced or divorcing individuals

are not named as being solely at fault for the break in the relationship, it is implied that

those who choose this alternative have reason to regret that choice. Intimations of

judgment on the part of those divorcing, particularly in a situation as shame-inducing as

the "failure of relationship" seems to prompt a reading of this statement that indicates that

those who divorce are themselves *representative* of brokenness. According to this over-

shame interpretation, a person who represents brokenness has not simply committed a sin

that needs to be rectified, but something intrinsic to the person is wrong and does not

work correctly. Such a message, however implicitly or unintentionally, communicates a

statement about human worth. Some form of shame can be a positive tool that the church

can use to outline and enforce moral boundaries. At its best, shame would be used to

protect the vulnerable and create obligations to others to be intolerant of human suffering

and exploitation. But the over-shaming rhetoric regarding divorce works against that

mission by not valuing the possible life-affirming choice that divorce could be.

Similarly, the Roman Catholic doctrine ties the problem of divorce to the

consequences of sinful humanity. Divorce is one example of human resistance to God's

will as it is expressed in natural law. The *Catechism* states, **"Divorce is a grave offence**

**against the natural law. Divorce does injury to the covenant of salvation, of which**

**sacramental marriage is the sign."**[98] The *Catechism* establishes that divorce is wrong

not only because of the social harm it can do (which will be addressed below) but

because it goes against God's will for human relationships as revealed by natural law.

The reference to natural law implies that God establishes laws governing marriage,

independent of human social organization. That which goes against the natural law is

always obviously wrong. This statement about divorce continues with the "natural" logic

of marital relationships established earlier in the *Catechism*.

Divorce is not only a grave denial of the natural law, but it symbolically injures

the "covenant of salvation." The covenantal relationship of marriage is intended to be a

sign of God's covenant with Christians for salvation from the consequences of their sins.

Marriage mirrors that relationship because it involves promise making. Breaking the

marriage promise is deemed impossible because it is a promise that permanently bonds

the two people to each other by the imparting of God's grace. God will never break

God's promise to God's people. A sign of God's eternal covenant, the marriage covenant

cannot be broken because the sacrament of marriage has ontologically changed the two

people in the covenant. The theological messages communicated in these lines suggest

that marriage and divorce have wide ranging metaphysical and theological consequences

– divorce is not simply a social act. Divorce also affects others outside of the marriage

because it is understood to weaken human understanding of the bond that humans have

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[98] Catholic Church, *Catechism of the Catholic Church*, para. 2384. See also paragraph 1650 regarding Catholics who take a civil divorce and then remarry again: "If the divorced are remarried civilly, they find themselves in a situation that objectively contravenes God's law. Consequently, they cannot receive Eucharistic communion as long as this situation persists."

with God. The "injury" that divorce does seems to be a weakening of confidence in the concept of covenant more generally.

The extent to which individuals who divorce experience shame at their marital "failure" is dependent on a number of psychological and social factors. Communal responses to the divorce provide a clear indication of the kind of support (or backlash) those who choose to divorce will receive. Rather than focus on the external support system, however, psychoanalyst Helen Block Lewis and her predecessors in the field of social psychology focus on the mechanism of internal human experience of shame. This individual psychological response can help us understand why shaming messages in church policy can be taken as so personally damning and damaging.

Helen Block Lewis provides a definition of shame as differentiated from guilt. According to Lewis, the feeling of guilt is primarily fixated on a failure or wrongdoing concerning a specific behavior, while shame is a sense of failure or wrongdoing generalized to the whole self. In the experience of guilt, she asserts, we feel grief about a particular behavior or action, which does not jeopardize the sense of a worthy self. The difference in response, however, was not traced to the particular behavior, but to individual psychological wellness or pathology. Lewis identified "shame-prone" persons who are more likely to feel shame regardless of the situation. In the shame-prone person's experience, the person who is shamed tends to conflate a message about "wrong behavior" with "wrong existence." Thus, according to Lewis, a shame-prone person who seeks a divorce is likely to view of the end of the relationship as a failure, expressing

feelings of deep worthlessness as result.[99] Yet, the concept of the shame-prone person

places too much emphasis on the individual response and not enough on the social

messages that determine what will cause shame in the first place. One could apply

Lewis's concept of "shame-prone" not to individuals, but to communal injunctions

against certain behaviors. For Christian communities, issues of sexuality are "shame-

prone." They are topics about which there is much contention that trigger deep senses of

confused self-worth in Christians. Divorce is a convergence of a variety of shame-prone

and shame-triggering topics – the end of covenant, human failure, and the appropriate

realms for the expression of human sexuality.

Shame is powerful because it implicitly addresses and calls into question the

innate goodness or worth of the individual. The cause of the shame could be related to

something the individual has done, like seeking a divorce. But it could also be a result of

who the person is, as in the case of sexual orientation and identity. Divorce doctrine

purports to address a specific behavior. But in effect, the stigma of divorce has created a

class of people whose very identity is partly defined by their marital status. So in the case

of divorce, it is not simply that a behavior is being shamed, but the "divorcee" and her

"broken family" take on the identity of those labels. The focus on the brokenness and

disorder represented by divorce, as evidenced in policy statements, further embeds this

concept of the divorced as being fundamentally different from the non-divorced.

The excerpts from doctrinal statements examined above establish the moral

groundwork for condemnation of divorce. The theology of divorce is further developed

when the doctrine turns to theological anthropology, specifically, the sinfulness of human

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[99] Helen Block Lewis, *Shame and Guilt in Neurosis* (New York: International Universities Press, 1971).

beings. Sin is a difficult categorization of behavior because it almost always carries shame with it. In Christian interpretations of the creation and fall stories, shame is imparted as result of the "first sin."[100] While some theologians and ethicists have resisted the personalized nature of sin, choosing to focus on corporate sins as a means of promoting moral communities, and avoiding overuse of personal shaming, the language of sin works in part because it is employs shame on an individual level. Sin functions as an agreed upon non-normative behavior with social, and in this case, theological consequences. When an individual sins, she is seen as breaking the norms of Christian community. This jeopardizes her position in that community, leading her to seek means of acknowledgement, forgiveness, and absolution from sin in order to be restored to the community. In some ways, the negative reinforcement of sin language has done its job, as long as she is restored to the community. But sin language seems to only work as a means for understanding individual behavior. In order to highlight the shame-proneness of Christian communities on certain specific issues, the language and use of sin must be further interrogated. In the case of divorce, sin could be interpreted not as the failure of individuals to maintain their marital commitments, but the lack of community support for a wide variety of family configurations.

### Shame as Negative Reinforcement of Moral Norms: Social Consequences

The most effective shame-invoking judgments of divorce appeal to the negative social consequences of divorce. These consequences are highly contested by sociologists of the family, but selective data and interpretation can paint a bleak picture for so-called

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[100] Genesis 1:1-2:3 and Genesis 2:4-24, New Revised Standard Version.

"children of divorce." Divorce policies clearly draw on and are influenced by sociological opinions on the consequences of divorce. However, the contested data can be used to support any position on divorce. I will first examine parts of the religious statements themselves then turn to some of the conflicting social science data that either supports or negates the claims alluded to in the doctrine.

The UMC statement on divorce says: **"We grieve over the devastating emotional, spiritual, and economic consequences of divorce for all involved."**[101] This particular grief is an extension of the grief for the "broken world" also addressed in the statement on divorce. The *relational aspect* of the shame process is at work in this statement. Divorce causes suffering for the individual, but also for anyone in a relationship to those who divorce, particularly children. The relational aspect of shame created when children are involved depends on the perceived judgment of parental success or failure. Whether or not the divorced person is ever confronted about his or her parenting, it is the perception of others who set the standard of behavior and then judge one's worth based on not meeting that standard which gives the shame response power.[102]

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[101] United Methodist Church (U.S.), *The Book of Discipline of the United Methodist Church, 2012*, para. 161 C.

[102] Andrew Morrison, "The Eye Turned Inward: Shame and the Self," in *The Many Faces of Shame*, ed. Donald L. Nathanson (New York: Guilford Press, 1987), 271–292; Donald L. Nathanson, "Shaming Systems in Couples, Famlies, and Institutions," in *The Many Faces of Shame*, ed. Donald L. Nathanson (New York: Guilford Press, 1987), 246–270.
The "other" outside of the self can be an imagined other. Psychologists Donald Nathanson and Andrew Morrison have explored this concept at length and offer multiple examples of the relational nature of shame that is enacted by and on the self. For example, internalized racism/white supremacy. Nathanson makes important connections to the social implications of shame, especially with concern for ethics in relationships both interpersonal and collective. Shame can promote a hegemonic idea by declaring what is normative and shaming all those who fall outside of the normative pattern.

Some may understand the statement from the Book of Discipline regarding the "devastating emotional, spiritual, and economic consequences of divorce for all involved" to be an attempt to alleviate shame.[103] The statement seems to anticipate the myriad kinds of discrimination and care that those who divorce will need – economic, spiritual, and emotional consequences will likely be present in any situation of divorce and church communities do need to attend to those changes with care and compassion. But the statement also employs use of the word "devastating" and offers little space for the possibility of a non-devastating divorce. The theological claim supporting the concept of devastation is that all divorces are a sign of deep human brokenness. However, socially, the consequences of divorce are not universally agreed upon or experienced. Sometimes, in fact, the consequences of divorce may be literally life giving, as is the case when a woman involved in a long relationship of marital violence finally decides to pursue permanent separation in the form of divorce. If she is successful, her chances for survival, and for stopping a pattern of violence for her children, can change dramatically.

The Roman Catholic doctrine addresses adultery at length in its treatment of divorce. I do not wish to conflate divorce with adultery, although the connection is obvious in that adultery may precede divorce. However, I am interested in investigating the language used in evaluation of any aspect of the marital breakup. The statement on

Nathanson addresses how overt shaming plays a role in maintaining class systems, but this concept can be applied to any hegemonic group (the construction of whiteness is one example). However, the internalization of shaming patterns of normalcy does not always require a relational aspect outside of the mind. There need not be a voice literally reinforcing the rules of culture for us to feel that we are not living up to "normal" standards of already established behavior.

[103] United Methodist Church (U.S.), *The Book of Discipline of the United Methodist Church, 2012*, para. 161 C.

adultery in the Catechism uses distinct relational shaming language. It states, **"Adultery is an injustice. He who commits adultery fails in his commitment…He compromises the good of human generation and the welfare of children who need their parents' stable union."**[104] Failure is explicitly noted here, but more importantly, the consequences of that failure are given grave undertones. The act of adultery "compromises the good of human generation" – meaning it jeopardizes human existence in the form of ongoing procreation. For the RCC, procreation is the primary goal of marriage. To interfere with the possibility of procreation is thus a grave error, but it is equally an error to jeopardize the education of children by threatening their welfare with an act of adultery that may lead to divorce. The potential social consequences and the harsh language of condemnation used here are almost identical to those invoked in the condemnation of divorce, especially in its treatment of the consequences for children.

For both faith communities examined here, children represent a trope of "innocence." When concerns about the effects of divorce on children are invoked, shame is induced, not because divorce always harms children (though some have gone to great lengths to prove that this is true) but because children's innocence serves as a foil for adult self-interest. Institutional shaming relies on a distorted dichotomy that pits adult needs against child needs, where the child's need always comes first and are known by other adults without the child's own participation or articulation of need. This approach is effective because humans have a universal commitment to care for children (being a good mother, father, etc).

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[104] Catholic Church, *Catechism of the Catholic Church*, para. 2381.

If choosing a divorce is conflated with choosing to meet one's own selfish needs at the expense of protecting a child, parents are not given the space to decide if divorce might actually be in the child's best interests. Furthermore, knowingly endangering a child not only makes one a bad parent, but child-traumatizing parent. The Roman Catholic doctrine states:

> Divorce is immoral also because it introduces disorder into the family and into society. This disorder brings grave harm to the deserted spouse, **to children traumatized by the separation of their parents and often torn between them,** and because of its contagious effect which makes it truly a plague on society.[105]

The effect of divorce on children is not simply grief, sadness, or confusion. The effect is characterized as trauma. While I do not want to trivialize the harmful effects of familial change on children, especially when their particular emotional needs are not attended to adequately, the characterization of all divorce as "traumatizing" to all children is a scare tactic to deter parents who are considering divorce, rather than an honest assessment of how individual children might respond to parental divorce, which surely must be evaluated situationally.

The United Methodist statement also explicitly addresses a concern for children: "The welfare of each child is the most important consideration." Theologically, this creates a hierarchy of value of human persons in sync with other biblical and theological understandings of children, promoting a community in which those who have less power are attended to more closely by the larger community. The welfare of children *should* be a high priority in the church community as at baptism, *all* members of the church promise to care for children. However, such attention to the welfare of children is not carried

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[105] Ibid., para. 2385.

through church values uniformly. Why are children of divorcing parents such a concern but not children of parents struggling to pay their rent each month?

Furthermore, evidence of how children suffer from divorce is highly politicized. Is it possible that there are other reasons for the correlations between divorce and negative consequences for children such as precarious economic situations, social stigma, or loss of community support systems? Is it possible that children benefit from divorce in other less tangible ways? In subsequent chapters I will return to sociological data that indicates that divorce is not always negative for children.

<p style="text-align:center"><strong>Communal Responsibility and Punishment</strong></p>

As I have previously noted, the formal rhetoric of over-shaming in faith communities is frequently used to modify behaviors that do not fit within the norms established by the community. In the case of divorce, shaming language in the policies of divorce is three-fold in purpose: 1) it monitors moral boundaries by establishing moral norms for marital behavior; 2) it serves a punitive function, exploring how faith communities should respond when their moral boundaries are not maintained; and 3) it offers the opportunity for reintegration into the community. While both the UMC and RCC doctrines insist that divorce has negative theological and social consequences, they also each concede that civil divorce is an inevitable reality in current U.S. culture. In responding to this concession, the shame phenomenon becomes more complicated – shame does not simply function to tell the individual when they have acted outside of moral norms. Shame can also facilitate a reconciliation of the offending individual with the group. Sociologist John Braithwaite names this process "reintegrative shaming."

Reintegrative shame refers to the process whereby the offender (the one who is shamed for non-normative behavior) can reconcile with her community after a breach and how the community can respond in ways that are supportive of that reconciliation. Christian policy statements on divorce can be interpreted as a use of reintegrative shaming. While they intend in part to convey personal responsibility and sinfulness of the divorcing parties, they also convey the communal responsibility for what has gone wrong in the lives of one of the families of the community. The community must take responsibility both in terms of ministry to the family and by enforcing appropriate punishment if necessary.

Individual communities within the UMC and RCC organizations have displayed varying commitments to acceptance and care of divorced persons. The concession to care for the divorced and their families reveals a need to reconcile theological commitments to forgiveness and care with a hard line approach to the impossibility or the negative social consequences of divorce. For example, the *Catechism* states:

> The separation of spouses while maintaining the marriage bond can be legitimate in certain cases provided for by canon law. If civil divorce remains the only possible way of ensuring certain legal rights, the care of children, or the protection of inheritance, **it can be tolerated and does not constitute a moral offense.**[106]

These last phrases testify to the much more flexible and tolerant actions by some priests in their pastoral roles. The *marriage bond* is still believed to exist, because sacramental marriage is not reversible. However, civil divorce is allowable and most importantly, "does not constitute a moral offence." Therefore, in certain circumstances, civil divorce is an acceptable practice, provided there is some provable need (this is the difficult part)

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[106] Ibid., para. 2383.

and provided the divorced never remarry (also an impossibility, given the original marital bond). The ecclesiastical consequences for remarriage in this instance would be exclusion from participation in the Eucharist.

Denial of the Eucharist is one of the most obvious forms of public shaming in the Catholic Church. This consequence is mentioned in the *Catechism*, regarding Catholics who take a civil divorce and then remarry again: "If the divorced are remarried civilly, they find themselves in a situation that objectively contravenes God's law. Consequently, they cannot receive Eucharistic communion as long as this situation persists."[107] Eucharist is the central ritual of the Catholic Mass. For a member of a church community to continue to come to Mass and then to be excluded from the central act of the service, which itself represents the unity of those gathered together in Christ, is a withholding of access to the possibility of reparative grace and an intentional act of shaming. In this instance, shame is not simply the experience of feeling oneself to be worthless, but the experience of deficiency in the self is confirmed by the refusal of the Eucharist. The exclusion is problematic both theologically and socially. Theologically, even if we accept that divorce is a sinful act, *all* humans sin and all humans bring sin into the worship space, which is itself a space of reconciliation and renewal. While sin is understood in the Catholic tradition to separate humans from God, calling attention to the sinfulness of particular behaviors over others, especially sins related to sexuality, constitutes an over-shaming that is not intended to communicate a theological message, but a social one. The effect of denying Eucharist functions so effectively on a social level that it makes the community aware of problematic behavior. Socially, sitting in the pew while everyone

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[107] Ibid., para. 1650.

else gets up to participate sends a clear message of unworthiness and disconnection. Theologically, those who do not partake of the Eucharist are cut off from the grace extended in the sacrament.

The United Methodist policy has no such official exclusionary practice. Regarding the appropriate response of church bodies to their divorced members, the *Book of Discipline* states, "We encourage an intentional commitment of the Church and society to minister compassionately to those in the process of divorce, as well as members of divorced and remarried families."[108] This statement addresses a theological issue, asking what role the church community should play in situations of divorce. The encouragement for compassion and deliberate ministry is a point of positivity, even non-shaming, in the doctrine. Instead of shame, care is advised.

In order to further understand the mechanism for how these normative statements on divorce utilize shame, I turn to the sociological concept of reintegrative shame as a means for modifying unwanted behaviors. Almost all scholars of shame acknowledge that it can be an effective tool for promoting a change in behavior because shame notifies the shamed when they are out of step with a behavioral norm. Christian policy thus functions much the way U.S. legal codes function, establishing norms for relational conduct by outlining which behaviors are wrong and require punishment. By its very nature, breaking a law or rule is shameful because it explicitly goes against behavioral norms established by legal statutes.[109] A legal code outlining what one should *not* do is

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[108] United Methodist Church (U.S.), *The Book of Discipline of the United Methodist Church, 2012*, para. 161 C.

[109] John Braithwaite, *Crime, Shame, and Reintegration* (Cambridge: Cambridge University Press, 1989), 2. Braithwaite does not address the ethical issues that might be

the formation of norms by negative means, rather than creating a code of conduct that lists acceptable or desired behaviors.

Why does the enforcement of a behavioral code via over-shaming work so well? Braithwaite has suggested that such social shaming can be overdone, but can be effective if the relational connections of the shamed are not fully severed. One who knowingly breaks a law participates in an active defiance against the "rules" of the community. Shame, among other more tangible consequences, is employed to communicate that a behavioral norm has been breached or defied. Braithwaite writes that it is the "defiant nature of the choice that distinguishes it from other social action."[110] Thus, behaviors that have been explicitly outlined as off-limits are more taboo than others that are simply annoying or rude. According to Braithwaite, the activity or behavior itself does not matter as much as the participation in a behavior that has been labeled negatively as "criminal." The designation of bad behavior could be quite arbitrary, but because enough people have agreed on the designation, the behavior will be shamed. The description of divorce in Christian doctrine establishes divorce as a negative activity similar to that of breaking a law. Divorce is described in Catholic doctrine as a "grave offense" and in United Methodist doctrine as "regrettable." The intent of such treatment of divorce in the doctrine is deterrence of the behavior.

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raised by unjust or controversial laws. Braithwaite notes that criminal theory can exist not because crimes or people who commit crimes are necessarily similar, but that different acts of crime are regarded in similar ways in society. Crime is "a kind of behavior which is poorly regarded in the community compared to most other acts, and behavior where this poor regard is institutionalized."

[110] Ibid.

Braithwaite notes that shame directed toward a community member who has broken a law is only effective if the individual is somehow "reintegrated" into the community after his or her offense. Reintegrative shame makes the offender feel shamed while maintaining "bonds of respect or love."[111] An expression of community disapproval is communicated via shame but is followed by gestures of reacceptance, which include both figurative and literal reintegration into the non-criminal community.[112] In this process, the disapproval communicated by shame is "sharply terminate[d]… with forgiveness, instead of amplifying deviance by progressively casting the deviant out."[113] He compares this to an ineffective shame process where "stigmatization" occurs. Stigmatization pushes offenders toward alternative communities in an effort to find some social affirmation.[114]

I believe that the doctrinal divorce language employed by both the UMC and the RCC intends to operate as a reintegrative shaming mechanism by establishing norms for correct behavior. When one violates that behavior by choosing something that has already been established as "wrong" as in cases of divorce, the individual jeopardizes her relationship to the community at large and must be "reintegrated" in order to restore the

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[111] Ibid., 12.

[112] Ibid., 55.

[113] Ibid., 12–13.

[114] Ibid., 59. According to Braithwaite, reintegrative shaming is not usually characteristic of the current criminal justice process in the U.S. His assessment of current western punishment practices is that public shame and punishment have become unrelated. Public acts of brutality by the state have legitimated brutality in general so that crime is seen as one option among many for survival. The state's own "criminal" behavior normalizes deviance.

relationship appropriately. However, if the level of shame projected toward the divorced is too high and constitutes over-shaming, I propose that the individual or family will seek integration with alternative communities (outside of the church) for affirmation. United Methodist communities are better able to create a balance between requiring accountability to moral standards established in the Book of Discipline and providing for the spiritual and emotional needs of families who divorce within their communities. Roman Catholic responses, especially of denying the Eucharist, are more likely to be uncomfortable to divorced couples and their families.[115]

## Conclusion: Policies Communicate Moral Messages

Making rules and enforcing them is how communities construct moral boundaries. Moral boundaries are established by Christian doctrine in a twofold method – by establishing positive norms for behavior, and then reinforcing those positive norms with negative reinforcement. I have shown that for the case of divorce, negative reinforcement comes in theological and in social terms.

The concept of reintegrative shaming is useful for a Christian social ethics analysis of the shame deployed in Christian policy statements of divorce. The model of reintegrative shame addresses the needs of the individual for support and protection from harmful, stigmatizing shame as well as the needs of communities to regulate the behavior of its members for the safety and protection of all. If we take the doing of ethics to be

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[115] The Roman Catholic Church is not devoid of all divorce care. Many communities offer support groups for separated and divorced individuals, nationally grouped together as The Ministry of the North American Conference of Separated and Divorced Catholics. This umbrella organization of Catholic divorce ministries offers a directory of regional support groups and suggested resources.  http://www.nacsdc.org

primarily about the production of boundaries that support the human flourishing of all people, then reintegrative shaming provides a useful method for the use of shame, provided it does not completely severe the ties between the individual and the community.

**Chapter 3**

**Public Policy as Shaming Technique**

David Blankenhorn, one of the founders of the Institute for American Values, a

"non- partisan, 501(c)3 organization whose mission is to study and strengthen civil

society" and a leading defender against "threats" to heterosexual marriage, dramatically

reversed his stance on same-sex marriage in 2012. In a *New York Times* op-ed piece,

Blankenhorn wrote that he had previously opposed same-sex marriage because he

believed preventing it would help to strengthen the institution of heterosexual marriage

generally:

> I had also hoped that debating gay marriage might help to lead heterosexual
> America to a broader and more positive recommitment to marriage as an
> institution. But it hasn't happened. With each passing year, we see higher and
> higher levels of unwed childbearing, nonmarital cohabitation and family
> fragmentation among heterosexuals….if fighting gay marriage was going to help
> marriage over all, I think we'd have seen some signs of it by now.[116]

Blankenhorn subsequently proposed a new strategy of coalition building among those

interested in "strengthening" the institution of marriage for any and all who enter into it,

including same-sex marriage rights advocates. The cultural goods that Blankenhorn

assigns to all marriages are evident even in this brief excerpt: the concern for children,

the value assigned to the longevity of marital relationships, and the idea that formal,

institutionalized commitment is preferable to informal agreements and cohabitation.

Underlying Blankenhorn's statements are assumptions about marriage that are deeply

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[116] David Blankenhorn, "How My View on Gay Marriage Changed," *New York Times*, June 23, 2012, sec. Opinion Pages, http://www.nytimes.com/2012/06/23/opinion/how-my-view-on-gay-marriage-changed.html.

connected to dominant Christian moral understandings of sexuality, namely that

heterosexual marriage is part of the natural and divine order, and the safest and most

appropriate location for the expression of sexuality. Unlike Focus on the Family and

other explicitly Christian marriage advocates, Blankenhorn and the Institute for American

Values do not name Christian commitments as part of their motivations for promoting

heterosexual marriage and defending against divorce. However, Blankenhorn's reversal

of his heteronormative stance on marriage was perceived by many Christians as a

betrayal of the movement, which is itself rooted in a Christian commitment to

heterosexual marriage only.[117]

The logic at work in Blankenhorn's thinking about the goods of marriage for

society is echoed by a number of heterosexual marriage promotion and protection

advocates, though these fall across political and theological spectrums. The other

organizations I draw from in this chapter to represent what I call the "marriage

strengthening movement" include the National Marriage Project, the Coalition for

Divorce Reform, and Blankenhorn's Institute for American Values.[118] The Institute for

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[117] Mark Oppenheimer, "In Shift, David Blankenhorn Forges a Pro-Marriage Coalition for All," *The New York Times*, January 29, 2013, http://www.nytimes.com/2013/01/30/us/in-shift-blankenhorn-forges-a-pro-marriage-coalition-for-all.html; Richard Kim, "What's Still the Matter With David Blankenhorn," *The Nation*, June 24, 2012, http://www.thenation.com/blog/168545/whats-still-matter-david-blankenhorn; Andre Archie, "What Same-Sex Marriage Means," *The American Conservative*, February 12, 2013, http://www.theamericanconservative.com/articles/what-same-sex-marriage-means-227/.

[118] Other prominent pro-marriage organizations include the National Organization for Marriage, primarily concerned with keeping marriage a heterosexual institution, and Marriage Savers, an organization that markets marriage education material. While each of these does express a concern for public policy and engages in lobbying efforts, they are different from organizations listed above in terms of goals and political orientations. The Institute for American Values, the National Marriage Project, and the Coalition for

American Values and the National Marriage Project are separate 503c organizations that

work in tandem. Both organizations represent a similar set of values – economically

neoconservative, non-partisan, and non-religious. Both organizations focus on the

production and analysis of sociological studies that support efforts to change public

conversations as well as local and state legislation. The Coalition for Divorce Reform, a

separate organization, has similar values to those of the Institute for American Values and

the National Marriage Project, but its goal is primarily legislative change in terms of

divorce laws. The Coalition for Divorce Reform depends heavily on the interpreted data

produced by the other two organizations. For each of these three organizations, the end of

marriages in divorce (a word conspicuously absent from Blankenhorn's op-ed piece cited

above) is strongly linked to personal moral failures and negative social consequences.

Divorce is established as the first failure in a long line of other failures; all three

organizations argue that when a society "gives up" on marriage, it puts children and

social stability, which is often explained in vague economic terms, at a high risk for

failure as well.

The analysis of divorce as failure relies on shame to make its moral point. Shame

in this context is deployed not only in the rhetoric of institutionalized religious moral

norms as in the statements of Christian divorce policies examined previously, but also in

the political rhetoric of public regulation of marriage and divorce. I argue that Christian

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Divorce Reform are concertedly non-partisan and non-religious, attempting to resist the
"culture-wars" aspect of controversial social issues. They rely on and sometimes fund the
production of social scientific data. While the studies are produced by academics, giving
them a veneer of scholarly objectivity, the production of the data is politically motivated.
For example, if a particular study aims to investigate the negative outcomes associated
with single parenting, that study will likely find negative outcomes. The questions
themselves are political, and need to be named as such.

moral norms about gender and sexuality shape the use and nature of shame in both realms. In Chapter 3, I noted that the shaming rhetoric in religious doctrine of divorce establishes four things: positive moral norms, theological consequences of breaking those norms, social consequences of breaking those norms, and communal responsibilities or punishments. These elements are also present in the public sphere rhetoric of the marriage strengthening organizations, some of which are backed by Christian groups. However, the primary and most powerful shame rhetoric is found in assessments about the social consequences for divorce. Like the UMC and the RCC, these political organizations focus on the themes of the negative impact of divorce on **children** and **economic stability.** In order to understand the passion with which pro-marriage advocates work to protect and save heterosexual marriage, we must also understand the systemic power struggles that inform the social milieu undergirding the idea that marriage needs defense in the first place. Heteronormativity and homophobia are one important struggle, while racism and presumed white supremacy are another.

## Social Consequences: Harm to Children

I argued earlier that the invocation of concern for children in divorce debates is problematic because it too simply pits concern for adult well being against the well being of children. Children of divorcing parents are used as symbols of the exploitation of their innocence at the hands of their self-absorbed parents. Children are not acknowledged as having their own moral autonomy or as ever benefiting from their parents' seeking happier familial arrangements through divorce. Anti-divorce rhetoric often purports to hold the "needs of children" as the utmost concern to be addressed by divorce laws, just

as Christian doctrines also forefronts concern for children. Most of the documents produced by heterosexual marriage promotion organizations rely on statistical data regarding the measured effects of divorce on children in order to validate their claims. This reliance on sociological data is problematic because while the data is presented as fact, studies of the effects of divorce on children vary widely in their expectations and definitions of successful outcomes, often arguing exact opposite conclusions based on similar data sets. More varied sociological evidence and analysis is needed before generalized claims about the effects of divorce on children can be solidified. Two popular studies of divorce published in book form serve as evidence of the problematic use of sociological studies in establishing concrete conclusions about the effects of divorce on children: Judith Wallerstein's *The Unexpected Legacy of Divorce*, published in 2000 and Constance Ahrons' *We're Still Family: What Grown Children Have to Say about their Parents' Divorce*, published in 2004.

Constance Ahrons is a psychologist, Professor Emerita of Sociology, and former director of the Family Therapy Doctoral Training Program at the University of Southern California. She conducted a long-term study of 98 post-divorce families for 20 years published as *We're Still Family: What Grown Children Have to Say about their Parents' Divorce*. Ahrons' findings indicate some positive outcomes of divorce for children. The most important factor in facilitating positive outcomes is the ability of parents to maintain a stable parenting relationship after the divorce. She argues that children of divorced

couples show signs of greater emotional resilience, and that the majority associated the divorce with positive outcomes for themselves individually and for their parents.[119]

Judith Wallerstein, also a psychologist and family researcher, conducted a long-term study of 60 post-divorce families for 25 years. Wallerstein's analysis suggests a much more negative outcome for children of divorced parents than does Ahrons'. According to Wallerstein's research, children of divorce have a very difficult time in their own romantic relationships and experience general anxiety across a range of experiences well into adulthood. The differences in emphasis and outcome for these longitudinal studies are representative of a common problem in citing the outcomes of divorce on children: studies suggest that both positions – that divorce is harmful to children and that children are actually better off as a result of parental divorce – can be considered true. An academic research study does not necessarily guarantee rigorous standards or conclusions that are free from political bias. Though the study has been widely published for a popular audience and embraced in part because its academic affiliations make it trustworthy, Wallerstein's data has been widely criticized in academic circles and, according to Ahrons, even "discredited in the academic community" due to a failure to control for pre-existing mental illness in the sample. In Wallerstein's study, the sample of families was obtained through a flier that promised counseling services free of charge in exchange for participation in the project. As a result, the sample study was not random in that it attracted a heavy representation of parents who were more likely to be seeking psychological help and who perhaps also needed this help to be affordable. A description of the families which includes information about psychological health of the participants

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[119] Constance R. Ahrons, *We're Still Family: What Grown Children Have to Say About Their Parents' Divorce* (New York: HarperCollins, 2004), 23–46.

is *not* included in the current printing of *The Unexpected Legacy of Divorce,* but it was

included in the first printing of the study under the title *Surviving the Breakup.* In the

appendix of this earlier version, Wallerstein and Joan Berlin Kelly, co-author on the first

book, write:

> "Fifty percent of the men and close to half of the women…were chronically depressed, sometimes suicidal individuals, the men and women with severe handicaps in relating to another person, or those with longstanding problems in controlling their rage or sexual impulses."[120]

Ahrons conducted her research with the express goal of counteracting what she deemed

to be the biased information that Wallerstein's very popular book had put into the public

consciousness. But Wallerstein's book continues to sell well and is widely cited by those

in the marriage-strengthening movement, despite its problematic and untrustworthy

evidence.[121]

Conflicting sociological data on a single social issue is not a new phenomenon,

but when sociological data about divorce is presented as fact by organizations with an

anti-divorce political agenda, the data becomes especially dangerous and can aid in over-

shaming. The anti-divorce, marriage-strengthening organizations listed above – the

National Marriage Project, the Institute for American Values, and the Coalition for

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[120] Judith S. Wallerstein and Joan B. Kelly, *Surviving the Breakup: How Children and Parents Cope with Divorce* (New York: Basic Books, 1980), 328.

[121] Other researchers have taken up the issue of the connection between divorce outcomes and experiences and pre-existing conditions of mental illness. Three recent studies include: Raymond Taylor and Beth Andrews, "Parental Depression in the Context of Divorce and the Impact on Children." *Journal Of Divorce & Remarriage* 50:7, 2009, pp. 472-480; Eleni Vousoura, Helen Verdeli, Virginia Warner, Priya Wickramaratne, and Charles Baily, "Parental Divorce, Familial Risk for Depression, and Psychopathology in Offspring: A Three-Generation Study," *Journal Of Child & Family Studies* 21:5, 2012, pp. 718-725; Naomi Wauterickx, Anneleen Gouwy, and Piet Bracke, "Parental Divorce and Depression: Long-Term Effects on Adult Children," *Journal Of Divorce & Remarriage* 45:3/4, 2006, 43-68.

Divorce Reform – draw from a very small group of sociologists whose work all agrees

that divorce has dire consequences for children. In some cases these organizations have

worked to fund or are connected to institutions that fund sociological studies that support

a specific political agenda. In addition to Wallerstein, sociologists of the family Paul

Amato and Mark Regenerus are key figures producing work that matches the political

agenda of the marriage-strengthening movement. Paul Amato's work may be somewhat

less politically motivated than Mark Regenerus' work, whose "New Family Structures

Study" investigates not only the effects of divorce on children but specifically looks for

negative effects of same-sex parents on children.[122]

Many in the academic sociological community are aware of the politicized nature

of research related to already contentious "culture wars" topics with some connection to

race, family, or sexuality. Researchers are also aware of the ever-present problem of

funding and the need for caution around the possible political investments of outside

funders. Researcher William H. Jeynes has addressed the puzzling difference in outcomes

of divorce studies and gives five recommendations for divorce researchers in response to

themes he sees emerging in their work. First, he suggests a more complex approach to the

divorce event that accounts for the family stress preceding divorce itself. Like historians

of divorce who wish to include "marital breakdown" in their assessment of separation

and divorce trends, he suggests widening the lens of study beyond legal divorce. Divorce

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[122] Mark Regnerus, "New Family Structures Study: Children From Different Families," *The New Family Structures Study*, 2013, http://www.familystructurestudies.com. This particular study was financially supported by the conservative think-tank Witherspoon Institute. Mark Regenerus is a full-time faculty member at University of Texas at Austin and has published often in reputable peer-reviewed academic journals, though his work has been widely accused of political bias.

marks a legal change in marital status and does not reflect the complexity of the experience of couples in conflict both before and after the divorce itself. Second, the effects of divorce on socio-economic status need to be treated in a more complex way. This variable needs to be used "appropriately" in all divorce studies. Third, rather than simply investigating the personal and familial effects of divorce, family researches need to construct methods for measuring the effects of divorce on society more widely. Fourth, family researchers need to acknowledge the complexity and challenge of comparing divorced families and "strained two-parent families." Finally, researchers must be more aware of subjective judgment in their studies. Jeynes recommends that psychological and academic measures should be standardized. This is problematic because of the nature of the studies, which often rely on anecdotal evidence and on an individual or family member's personal assessment of their own subjective experience.[123]

Despite the problematic nature of measuring the effects of divorce on children, proponents of marriage strengthening continue to rely on studies that support their claims and legislative initiatives, and will continue to do so. Whether or not the academic community treats certain types of work with caution and suspicion does not necessarily affect the public impact of that work, particularly if that message of caution is never communicated to the public or if the research is particularly polarized (and thus popular with certain groups) in the first place. Not surprisingly, pro-marriage organizations tend to choose studies that support the positive effects of marriage for children's emotional, mental, and economic health. While data and analysis from the some of the studies does

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[123] William H. Jeynes, "Methodological Challenges Facing Researchers in Examining the Effects of Divorce on Children," *Marriage & Family Review* 40, no. 2/3 (October 2006): 123–125.

seem to contain clear political motivations, it is not within the scope of my project to try to prove that some studies are wrong and that others are right. Instead I will turn again to the over-shame rhetoric employed by the pro-marriage organizations. Often, this shame-rhetoric is rooted in what the organization views as authenticating and validating sociological data, but I will show that this rhetoric is an example of over-shaming for a particular political purpose with roots in maintaining gender and sexuality norms, rather than an objective reflection of the reality of the effects of divorce. In short, I am arguing that the way the data is discussed and used matters more than the validity of the studies themselves.[124]

One example of such rhetoric is from a 2011 lobbying document produced with funding from the Institute for American Values entitled **"Second Chances: A Proposal to**

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[124] Recent sociological studies on the effects of divorce on children include: Paul R. Amato and Juliana M. Sobolewski, "The Effects of Divorce and Marital Discord on Adult Children's Psychological Well-Being," *American Sociological Review* 66:6, 2001, pp. 900-921; K. Alison Clarke-Stewart, Kathleen McCartney, Deborah L. Vandell, Margaret T. Owen, and Cathryn Booth, "Effects of Parental Separation and Divorce on Very Young Children," *Journal Of Family Psychology* 14:2, 2000, pp. 304-326; Tamar Fischer, "Parental Divorce and Children's Socio-economic Success: Conditional Effects of Parental Resources Prior to Divorce, and Gender of the Child," *Sociology* 41:3, 2007, pp. 475-495 [specific to the Netherlands, not U.S.]; Matthijs Kalmijn, "Racial differences in the effects of parental divorce and separation on children: Generalizing the evidence to a European case." *Social Science Research* 39:5, 2010, pp. 845-856; Hyun Sik Kim, "Consequences of Parental Divorce for Child Development," *American Sociological Review* 76:3, 2011, pp. 487-511; Michelle Moon, "The Effects of Divorce on Children: Married and Divorced Parents' Perspectives," *Journal Of Divorce & Remarriage* 52:5, 2011, pp. 344-349; Helen M. Stallman and Matthew R. Sanders, "A Randomized Controlled Trial of Family Transitions Triple P: A Group-Administered Parenting Program to Minimize the Adverse Effects of Parental Divorce on Children," *Journal Of Divorce & Remarriage* 55:1, 2014, pp. 33-48; Clorinda E. Vélez, Sharlene A. Wolchik, Jenn-Yun Tein, and Irwin Sandler, "Protecting Children From the Consequences of Divorce: A Longitudinal Study of the Effects of Parenting on Children's Coping Processes," *Child Development* 82:1, 2011, pp. 244-257.

Reduce Unnecessary Divorce."[125] The principal authors are William Doherty, a professor

of Family Social Science, and Leah Ward Sears, a retired Georgia Supreme Court Chief

Justice. The biographies of both present them as moderate liberals (Sears' bio mentions

her significant work in striking down the anti-sodomy laws in Georgia). The goal of the

report is to suggest some ways that individual state governments could reduce what they

call "unnecessary" divorces. Most of the research is dedicated to showing that couples in

the process of divorce are amenable to reconciliation. That is, the state currently operates

under the idea that when a couple seeks a divorce that the marriage is over. Sears and

Doherty think the state should not just assume that the couple is right about this, but

should instead institute a formal process to facilitate more reflection on the part of the

divorcing couple. In support of this goal, the authors recommend some possible

legislation including a federally imposed one year waiting period for divorce (waiting

periods currently range from zero time to two years across the states and can vary

according to whether the divorcing couple has children or not – my home state of New

Jersey requires a 6 month waiting period for uncontested divorces), mandatory pre-filing

parenting classes for couples with minor children, and the development of a center to

implement these goals and further help states prevent unnecessary divorces.

Sears and Doherty begin their report by highlighting the negative results on

children of what they have determined are multiple unnecessary divorces. They note that

children are likely to be emotionally harmed by the familial instability that occurs after

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[125] Although the document was produced by the secular, non-partisan IAV, the Brookings Institution, and the Heritage Foundation also formally released it in a joint event.

divorce. Although the emotional and economic aspects of this stability are often conflated

or vague in reports on the dangers of divorce for children, these authors focus on some

very specific emotional repercussions. Using data provided by sociologist Paul Amato,

the authors argue that

> Increasing the share of adolescents living with two biological parents [in marriage]…to its 1980 level[126] would result in nearly half a million fewer children suspended from school, about 200,000 fewer children engaging in delinquency or violence, a quarter of a million fewer children receiving therapy, about a quarter of a million fewer smokers, about 80,000 fewer children thinking about suicide, and about 28,000 fewer children attempting suicide.[127]

This phrasing and interpretation of Amato's report uses compellingly large numbers to

falsely imply direct causation between divorce and an increase in the instance of suicide

or suicidal ideation, when Amato does not suggest such direct causation. Furthermore,

Amato says in his own report that despite these numbers, increasing the share of children

"growing up with continuously married parents" has a "relatively small effect on the

share of children experiencing these problems" and that "no single variable, such as

family structure, has a monolithic effect on children's development and behavior."[128]

Rather than acknowledge the nuances in the data and the careful caveats with which

Amato frames his work, Sears and Doherty present a picture of a clear causal relationship

between divorce and the emotional well-being of children. In my view, this overly

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[126] 1980 is the year in which the share of marriages ending in divorce reached its peak but before the large increase in non-marital births during the 1980s and early 1990s.

[127] Paul R. Amato, "The Impact of Family Formation Change on the Cognitive, Social, and Emotional Well-Being of the Next Generation," *The Future of Children* 15, no. 2 (October 1, 2005): 75–96; William Doherty and Leah Ward Sears, "Second Chances: A Proposal to Reduce Unnecessary Divorce" (Institute for American Values, 2011).

[128] Amato, "The Impact of Family Formation Change on the Cognitive, Social, and Emotional Well-Being of the Next Generation," 87.

simplistic approach neglects common issues of adolescent development and presents a picture of divorcing adults as incredibly selfish people who willingly choose their own happiness over the physical and mental health of their children.

The "Second Chances" report utilizes Amato's sociological data in a central way in order to give more credibility to their claim that divorce is bad for children. Good parents (good people!) would want to reduce the risk of their biological children (or anyone's children) attempting suicide. The logic used in the report is that if parents can resist divorce, then they decrease their children's risk for suicide in a direct way. The use of suicide ideation or occurrence as an outcome associated with divorce is an extreme example of over-shaming. In this particular data set, not only are children presented as in danger of getting worse grades at school, or of growing distant from their parents as a result of divorce, but also they are at risk for depression so devastating that they might choose death by their own hands.

Furthermore, the focus on *biological* parents and children in the research presented by Sears and Doherty indicates an assumption about the value of certain kinds of families over others. What is at stake for the authors in promoting a biologically connected family unit over families that do not share biological material? This preference for the biological is a result of an anti-gay marriage agenda. Biological families represent a heterosexual couple capable of having children with their own genetic material. Adoptive families with heterosexual or same-sex parents, single parents who adopt, and step-families of any form are all less desirable in this evaluation. The "biological" concern makes clear that the marriages and children who need protection are heterosexual couples who produce their own biological children.

The Coalition for Divorce Reform is another organization that uses the phrase "unnecessary divorce" to name their target for change. The group describes itself as a "non-partisan coalition of divorce reform leaders, marriage educators, domestic violence experts, scholars, and concerned citizens dedicated to supporting efforts to reduce unnecessary divorce and promote healthy marriages." The primary work of the Coalition, formed in 2011, has been the creation of the proposed federal Parental Divorce Reduction Act, which includes a set of requirements and recommendations intended for state adoption. While the Act has not passed in Congress, it has been used as a template for some state divorce reduction initiatives, as in New Mexico, Texas, and Kansas. The website also publishes a series of blogs intended to raise awareness about the negative consequences of divorce.

The Act requires that parents of minor children seeking divorce complete a "divorce reduction curriculum" approved by the Secretary of Health and Human Services. Following the four to eight hours of instruction, couples seeking divorce must wait an eight-month "Reconciliation and Reflection" period. Couples are not required to attend the divorce reduction curriculum together, and the writers of the Act stipulate that the cost be determined on a sliding scale, with waivers available for the indigent at the request of the court. Furthermore, the Act stipulates criteria under which the curriculum requirement and waiting period can be waived. These criteria include the instance of a permanent order of protection against one of the members of the marriage, a conviction of a crime against the petitioner for divorce or against a minor child, a conviction of a felony coupled with a prison sentence of five years or more, alcohol or drug addiction and refusal to seek treatment, or "abandonment" for a continuous period of 18 months.

The Act inserts a high level of state control into the lives of divorcing parents. It affiliates failure to meet the requirements for education with other crimes, thereby inciting more shame. Under the Act, divorce is treated with a level of state control that exceeds the state's control of the sale or licensing of firearms. Divorcing parents are like criminals on probation who undergo education and rehabilitation and then *may* finally be granted a divorce after these requirements are met. They are granted little respect for their ability to be self-determined agents in their own lives, and they are treated without dignity as they must submit to and comply with the state's over-reach into their private lives in order to be granted a divorce.

The criteria under which the educational and waiting period requirements be waived acknowledges that complex issues of intimate partner violence and addiction affect marriage, but instead of empowering members of the couple to divorce quickly, the state complicates the married person's ability to permanently separate from a potentially dangerous or harmful partner. As the Act states, particularly in the case of intimate partner violence, proof of violence in the form of a protection order is needed to waive the requirement. This stipulation depends on the state's ability to determine if the complaint of violence is credible enough to warrant an order of protection. Those seeking an order of protection must already have some sense that the court order will help protect them and that the state has an interest in the victim being protected in the first place. In the case of undocumented immigrants or of those who themselves have had previous criminal convictions (or engage in behavior that the state deems as intent to commit a crime as is the case with many sex workers), the incentive to pursue an official order of protection may be quite low. Furthermore, using an order of protection as the marker of

the existence of abuse establishes proof of physical violence, as opposed to emotional control or mental abuse, as the standard for determining when a relationship is bad enough to leave it.[129]

The suggested curriculum for divorcing parents consists of four parts: 1) Effects of divorce on children, 2) Effects of divorce on the couple, 3) Benefits of reconciling and restoring marriages where divorce is unnecessary, 4) Building relationship skills. Despite the stated concerns by the authors of the Act for the repercussions of divorce on the adult partners themselves, too much attention is focused on the possible negative effects of divorce on children at the expense of the needs of the adults who are divorcing. Furthermore, the writers of the Act ignore the possibility that divorce could provide protection for some children, as in the case of a child who is being physically or emotionally abused by one of the parents. The narrow assumptions of the always-negative effects of divorce on children and the assumption that divorcing adults are always choosing to care for themselves over and against their children further serves to elicit shame responses. The nature of the program itself is to convince parents through education that they should reconsider their divorce *for the sake of their children*. Of the four parts of the curriculum, three are targeted primarily at making parents understand the myriad negative effects that divorce will have on their families and children. The first is the most straightforward – the purported direct effects of divorce on children. These effects include depression, suicide, change in school performance, attendance and drop out rates, drug and alcohol abuse, and other symptoms of "maladjustment" to divorce.

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[129] Orders of protection do not require that official charges be brought against the violent member of the partnership. An order of protection can be obtained relatively swiftly (within two days). Family Violence Law Center, http://fvlc.org/get-help/faq-restraining-orders/

The data on which this study is based is the same as that used in the "Second Chances" document above, produced by sociologist of the family Paul Amato.

The second part of the curriculum addresses the direct effects on the parties divorcing (the parents). These effects include financial consequences, rates of divorce in subsequent marriages, changes in parental relationships with children, and changes in time fathers spend with children. While the last two again explicitly name effects on children, the financial consequences are relevant to child welfare as well. Part three turns from negative effects of divorce to the positive benefits of reconciling and staying married. The benefits to reconciling include benefits of children being raised by two parents (no gender language is imposed by the Act here), and data indicating that the desire for reconciliation among couples that have begun divorce proceedings is in some cases quite high. Finally, the fourth part of the curriculum focuses on building relationship skills including improving parenting, communication, conflict resolution, money management, and overcoming infidelity. The implicit attitude underlying the fourth and final curriculum theme is that divorcing parents are inherently more in need of relationship training and parenting training.

While not outlined in the Act itself, the "effects" of divorce are almost always assumed to be negative. There is not a universally agreed upon negative correlation between divorce itself and children's ability to do well in school, for example. Are the negative consequences associated with divorce indicative of a reason to stay married? Or, might the negative associations and so-called "consequences of divorce" in fact result from our societal stigma associated with marital failure, resulting in a lack of social and economic support for families that do not fit a traditionally heterosexual, nuclear model?

Without addressing the data behind the studies, the Act must instead rely on the assumptions of the reader regarding the negative impact of divorce, conjuring shame in the process.

Forcing parents to undergo educational training and a waiting period does not necessarily make them more interested in "saving" the marriage. In fact, it may create a resistance to the educational message and further alienate those who are seeking divorce from communities of people who will support that decision. The issue at stake here is the question of how involved the state should be in regulating the quality and purpose of marriage, as opposed to simply controlling access to the institution (determining who can marry) and controls about how to leave the institution (determining why and how a divorce can be obtained). I argue, as many others have, that the most basic (and justifiable) role of the state in providing legal marriage and divorce procedures is to ensure that minor children are appropriately cared for and to fairly manage property and assets of married or divorced people. Therefore, any attempt to legislate the quality of marriage (or, for that matter who can be married as in the case of efforts to prevent same-sex marriage) oversteps the boundaries of state marriages and enters the realm of valuing particular aspects of marriage as a spiritual and emotional endeavor, rather than as a contract between two consenting adults.

### Divorce and Shame in the Political Economy

The political economy of the U.S. is structured in such a way that marriage is financially beneficial. These benefits exist specifically in the U.S. tax code, but a multitude of other implicit and informal benefits help to ensure that married people have a better chance at economic stability than non-married people. Thus, those who divorce

or never marry are set up for shame in the political economy. Anti-divorce activists tend to ignore the benefits afforded married couples when they discuss the negative economic consequences of divorce. They focus on the outcomes of inequality instead of focusing on the political and economic systems that support that inequality. The economic consequences of divorce cited by anti-divorce activists are twofold: first, the economic impact on individuals and families and second, the economic impact on U.S. society as a whole. Both the individual and the social impact are measured by correlations between non-marriage (which includes divorce) and increased chances for poverty and the likelihood of increased need for government assistance, especially for women. In all cases, pro-marriage organizations have constructed a narrative where long-term marriage and prosperity are linked. This link is not merely a correlation indicating that U.S. society privileges married couples, particularly if they have children, but the link is interpreted as causal; thus marriage becomes a strategy for decreasing poverty and increasing U.S. prosperity collectively.

The language employed to make this causal link between marriage and prosperity is particularly shame laden and includes insinuations of racial and class deficiencies that need to be corrected in order to move more people into the middle class and preserve a racially and socio-economically "appropriate" model of what "middle class" status looks like. That is, poor people need to be educated about the goods of marriage in order to choose the path that will bring them economic prosperity. Former co-director of the National Marriage Project at Rutgers and current director of the John Templeton Center for Thrift and Generosity at the Institute for American Values Barbara Dafoe Whitehead makes this argument explicit in a short newsletter article produced by IAV in 2012.

Whitehead, who is trained as a U.S. American historian and is the author of *The Divorce Culture: Rethinking Our Commitments to Marriage and the Family* (1997), argues in her article, "What's Missing From Our Middle Class Debate," that getting and staying married is an important part of a path to upward economic mobility. She argues that one missing key factor in the analysis of middle class downturn in the wake of the financial crisis and recession of 2008 is the "decline in marriage." She says that the "continued success" of the middle class "requires widespread participation in certain prudential institutions that encourage mutual aid, foster a future orientation, and inculcate habits of resilience, persistence, thrift, and self-control."[130] If U.S. society needs the institution of marriage to promote the character values of resilience, persistence, thrift, and self-control, Whitehead is evaluating a culture where such values do not exist or are not properly cultivated. Her logic relies on an assumption that those who are not rich in financial resources and thus find themselves in a "working class" or poverty level income bracket are likely there because they do not have the resilience or self-control needed to move up. Marriage, along with education and job training and job access, are means for shaping those with few resources so that they can move up.

Whitehead's character language is not surprising – her analysis of the U.S. economic situation is not one of social systems of oppression and privilege, but one of an individualistic meritocracy where the wealthy have become wealthy because of their individual character traits. Such language shames the resource-poor for being poor and is racially coded, echoing the claims of Charles Murray, author of *Coming Apart: The State of White America* (2013) and *The Bell Curve: Intelligence and Class Structure in*

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[130] Whitehead, "What's Missing from Our Middle Class Debate?," 6.

*American Life* (1994) who argues that whites are quantifiably naturally more intelligent

than African Americans or Latinos in the U.S.  According to Whitehead's logic, it is only

natural that non-white couples would need to be taught the value of marriage for their

own economic benefit.  Yet Whitehead is not trying to bring more non-white couples into

the middle class; instead, she seeks to protect white couples from going the way of high

non-marriage rates of African Americans in particular. The economic and cultural

position of white, middle-class America needs to be protected and ensuring white

marriage is one path toward that protection. Arguing that marriage is a means for

improving one's economic standing offers an oversimplified solution to a complex

problem that seeks to protect the white middle class.

For Whitehead, long-term marriage is viewed not as a *result* of better access to

economic resources, but as a *direct factor in the cause* of economic flourishing. In terms

of some data and anecdotal evidence about divorce, she is right – divorce can create an

economic strain for many families and often leaves one parent to care for the financial

needs of the children alone. Single parents are more likely to seek safety-net services

from the government. However, the correlation of divorce with decreased economic

stability is not a strong reason to argue that people need to be educated about the merits

of marriage. Arguing for marriage as a means to economic stability refuses to

acknowledge the many problems of an economic system that privileges people based on

their romantic partnership status. Whitehead herself notes that marriage is "becoming

another form of privilege, beyond the grasp of millions of Americans who either are, or

want to be, in the middle class."[131] I agree that marriage has become a form of privilege,

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[131] Ibid., 7.

but not because it is "beyond the grasp" of so many. According to Whitehead, if people were simply educated about the goods of a lasting marriage, they could "grasp" the privileges of marriage that await them. The larger ethical question regarding privilege is why we do not reevaluate the fairness of a system that bestows multiple economic benefits based on an institution that defines fewer and fewer families experience. Many Christian ethicists and other scholars have called for a reevaluation of a system that privileges the married over the single, widowed, or divorced or that privileges those who can be married legally.[132] This argument about the fairness of equal access to marriage strongly informs the movement for same-sex marriage rights. Yet, injustice in the distribution of social and economic benefits is still institutionalized even as same-sex couples are granted marriage rights.

In Whitehead's economic analysis, shame is deployed in terms of one's drain on the economic system (in terms of use of public safety net services) and failure to live up to or transcend the potential of one's class, which serves the economic needs of the country as a whole. Such an analysis leaves unquestioned the logic of the aspiration to middle class in the first place. If Whitehead were concerned with moving the working poor into a better economic situation, it might be helpful to investigate other possible economic pressures – the increasing divide between the very rich 1% and most other Americans, and the protection and valorization of corporate culture, for example. As theologian Joerg Rieger suggests, "The challenge, therefore, is not first of all how to

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[132] See Ellison, "Marriage in a New Key."

integrate all these people back into the system that has spit them out, but how to address the system that produces these problems in the first place."[133]

The "Second Chances" document, also produced by IAV, addresses the economic benefits of marriage. However, instead of arguing that maintaining stable marriages would help to bring more people into the middle class, this document argues that preventing divorce would save taxpayers money. Almost all of the data cited for the amount of money that could be saved comes from research *also produced in part by the Institute for American Values*. "The Taxpayer Costs of Divorce and Unwed Childbearing," by economist and principal researcher Benjamin Scafidi, proposes that taxpayers are paying 112 billion a year in costs of divorce and unwed childbearing.

To construct that estimate, the authors of the study propose a "thought experiment" in which they imagine that all adult women are married so that all children who now live with single mothers would be in a two-parent household. The amount taxpayers save as a result of this marriage is the "taxpayer cost of family fragmentation."[134] Taxpayer costs are thus measured by the cost of poverty associated with single-parenthood as well as the loss of potential tax revenue from income tax, Social Security taxes, and state and local taxes. Such an analysis does not acknowledge

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[133] Joerg Rieger, *No Rising Tide: Theology, Economics, and the Future* (Minneapolis: Fortress Press, 2009), 26.

[134] Benjamin Scafidi, *The Taxpayer Costs of Divorce and Unwed Childbearing: First-Ever Estimates for the Nation and All Fifty States* (Georgia Family Council and Institute for American Values, 2008), 39. The authors note that they excluded "children living with a male householder with no spouse present" from the estimate in order to create a "very cautious estimate" of taxpayer cost of family fragmentation. Such a tactic clearly indicates that it is single *mothers* who are burdening the state and represents a gender bias in already present in Safidi's analysis.

that single-parents themselves are tax payers, nor does it name widowed or currently married spouses who collect Social Security on behalf of their partners as potential drains on the welfare system. The "direct cost to taxpayers" is measured in the costs of social safety-net services. The study names the following as programs affected by divorce: Temporary Assistance for Needy Families (TANF), food stamps, housing assistance, Medicaid, State Children's Health Insurance, Child Welfare programs, Women, Infants and Children assistance (WIC), Low Income Home Energy Assistance Program, Head Start, School Lunch and Breakfast Programs, and the Justice System. Furthermore, Scafidi argues that the taxpayer burden is *underestimated* when one takes into account the possible taxpayer burdens that result from other social consequences that are a result of single-parent households – the supposed increases in crime, mental illness, and poverty in children of single-parent families cited above.

While the analysis provided by Scafidi and cited in "Second Chances" and other Institute for American Values documents does employ a larger systemic view to understand the causes and effects of poverty, it still relies on the same assumptions of meritocracy that Whitehead uses in her assessment of the character deficiencies of the poor. Those who never marry or who divorce are assumed to be a drain on the U.S. economic system. Women in particular, because of the possibility that they might bear a child, are dangerous to the system, which is why the "thought experiment" only includes an imaginative game where all women are married and thus their husbands, rather than the government, pay for their expenses. Again, the implicit over-shaming in the rhetoric is that those who need to access social support services (even Head Start and free lunch programs) are devoid of certain character traits, primarily that they do not take

responsibility for themselves and their children. "Taxpayer" is a code word for "self-sufficient." Many taxpayers also take advantage of social safety-net services. The taxpayers who are losing an estimated 112 billion dollars a year are actually the wealthy. No mention is made in the report about whether divorce rates among the wealthy, whose marriages are not significantly more stable, would affect U.S. economic prosperity. The emphasis on getting and staying married is an assault on those who are resource poor; it faults the poor for their poverty. Rather than re-evaluating an economic system that actually depends on the existence of a class of people who stay poor, this report points to a way that the poor could help themselves – if only they would marry, they would not need the government to help them feed their children.

Other documents by the Institute for American Values and the National Marriage Project reinforce the connection between individual and systemic prosperity and lasting marriages. In "A Call for a New Marriage Conversation," the authors make it an explicit goal to turn the public conversation about marriage away from an individualist, psychological perspective (that of the soul mate, based on romantic love) to one based on pragmatic economic interests. They claim that marriage is wealth producing and that it "helps to rebuild affluence."[135] Marriage is perceived to be "fracturing" along class lines, which has harmful social and economic consequences.

In 2014, the National Marriage Project produced *Facilitating Forever: A Feasible Policy Agenda to Help Couples Form and Sustain Healthy Relationships and Enduring Marriages*, a report that promotes an education plan to promote marriage via policy changes. This report and attending policy agenda builds on existing welfare policy laws

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[135] Institute for American Values, "A Call For A New Conversation on Marriage: An Appeal from Seventy-Five American Leaders," *Propositions*, Winter 2013, 3.

that link certain requirements (like work or training requirements) to the ability to access safety net services. Authored by Alan J. Hawkins, a family researcher at Brigham Young University and Betsy VanDenBerghe, a writer who specializes in "family issues," the primary stated concerns of the document are to "improve child well-being and reduce poverty" by creating education programs that support lasting heterosexual marriages. The report documents current federal and state relationship education initiatives and advocates a movement toward a more state-based system.

Hawkins and VanDenBerghe appeal to the same consequences of divorce outlined above – those of the economic precarity of divorcing families and the possible social harms to children. Their pragmatic approach to the problem of divorce is to wage a campaign of education programs, funded by state and local governments, to help people who are already married maintain their relationships. The four goals advocated in *Facilitating Forever* include: 1) Healthy marriages and relationships initiatives (HMRIs) should be controlled by states to support experimentation by the states. Experimentation allows for the creation of many different kinds of programs and more opportunities to evaluate results; 2) Downsize federal grants to community organizations for relationship education and reallocate funds to state reimbursement for investment in HMRIs; 3) Supplement TANF funds by setting aside $10-20 of each marriage license fee or adding to existing fee – this would provide the funding for HMRIs and place them under the purview of state Health and Human Services administrations; 4) Support relationship education services delivered by community organizations targeting young at-risk individuals and couples. Low income and low education level (high school graduate or lower) constitute "at-risk." The rationale behind the authors' emphasis on local marriage

education directly responds to the correlation of low marriage rates and high divorce rates with lower levels of education and income. They write: "High levels of divorce, births to unwed parents, and fragile unions afflict the less educated in the United States, with unprecedented numbers of children now growing up without a mother and father in a healthy, stable relationship."[136] The problem that *Facilitating Forever* is addressing is that family instability (that is, divorce and single-parenthood) is becoming more and more common for the white middle-class. They link lack of education with lack of ability to maintain a stable family life. While others have argued that it is the precarious economic environment that creates stress on relational and family life for low income people, these authors argue that understanding how to have a stable marriage could actually help to lift people out of poverty – the problem is that they do not have the skills to maintain stability and perhaps do not know about the economic benefits as well as benefits to their children that await them if they were able to master relational success in the form of marriage.

Furthermore, despite the overt discussion of economic class, and the seemingly benevolent desire to help the poor and uneducated do better and move into or maintain middle class status, there is no discussion of race or racial politics in the U.S. Such an oversight is surprising given the choice of stock photos included in *Facilitating Forever*. First, the cover photo is of a white haired, presumably African-American couple smiling widely (perhaps they represent a "successful" long-term marriage). The majority of the remaining photos are of African-American couples or groups, with one prominent Latino couple and one small photo of a white couple. A photograph of one white man is featured

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[136] "Facilitating Forever" (National Marriage Project, 2014), 3, http://nationalmarriageproject.org/resources/facilitatingforever/.

and many black men are featured. The message communicated non-verbally through the choice of racial identity displayed is that this relationship work is primarily for communities of color – foremost for black communities.

While the data Hawkins and VanDenBerghe argue from is not itself disputable - lower income and less educated people tend to get married less in the first place and are slightly more likely to divorce than their resource-rich counterparts. However, as with all the other studies above, the argument for causation over correlation is highly debatable. Furthermore, the implication that resource-poor couples are unable to maintain healthy marriages because they are uneducated about the values of marriage or about how to maintain relationships ignores the rates the at which intimate partner violence and marital rape take place regardless of economic status.

Finally, the authors reference R.R. Reno, editor of the politically conservative ecumenical religion journal *First Things*. They agree with his evaluation of the plight of the working class. According to Hawkins and VanDenBerghe, Reno refers to the working class "as 'the weak'- hit hard not just by economic stagnation and regression, but also battered by a culture bereft of guidelines and rules that foster discipline and achievement."[137] Economically elite and well-educated (white) Americans are referred to as "strong," and "largely functional and relatively happy."[138] The assumptions in this logic are paternalistic, shaming, and supportive of the meritocracy mentality.

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[137] R.R. Reno, "War on the Weak," *First Things*, August 2013, http://www.firstthings.com/article/2013/08/war-on-the-weak.

[138] Ibid.

**Conclusion: Fetishization and Idolatry of the Biological, Intact Family**

Political efforts to "protect" heterosexual marriage use two main themes to create a narrative of shame around divorce: possible harm to children of divorced families and economic problems for divorced families and their communities. The concern for children emphasizes the merits of intact, biological family units as the key to economic prosperity and child welfare. While issues of class and race are a major concern for marriage protection advocates, this aspect of social analysis is largely unstated in marriage-strengthening publications. The language of family fragmentation and "intact" families itself further solidifies the shamed identity of divorced or unmarried families. That is, one's family after divorce or without marriage at all is fundamentally "broken."

My research into anti-divorce marriage-strengthening organizations reveals a network of think-tanks, non-profit legislative advocacy organizations, and scholars whose work always arrives at the same conclusions, despite a wide range of sociological data sets and interpretations in the wider literature of family sociological studies. These organizations have already effectively influenced state divorce policies in a variety of forms, such as increased waiting periods for couples with children. While I intended to choose organizations that purported to be non-religious and politically moderate, I found instead that almost every organization that takes a pro-marriage, anti-divorce stance and advocates for public policies to support these efforts is simply very savvy at presenting rhetoric that is free of obvious political bias, but that nonetheless draws on conservative scholars of think-tanks and is supported by money from conservative organizations.

The work of these organizations to promote heterosexual marriage and to associate divorce with shamefulness has an impact on religious groups who also wish to

decrease divorce. The sociological studies conducted and funded by the Marriage

National Marriage Project, the Institute for American Values, and the Coalition for

Divorce Reform provide legitimating power to the claims made that marriage is "good"

for families. However, the political organizations presented here are motivated primarily

by economic goods that protect the financial stability and interests of wealthier U.S.

citizens. They use the rhetoric of shame and rhetoric about the moral goods of marriage

to appeal to a wider audience who might not otherwise support this marriage-

strengthening initiative. Meanwhile, assumptions about the morality of marriage by

religious organizations gets tangled with the economic goods of marriage. More care

must be taken both by religious marriage-promoters and by social scientists to bridge the

gap between the assumed social goods of preventing divorce and the assumed theological

goods of marriage. Furthermore, shaming tactics based on biased social scientific data

and analysis must be resisted.

## Chapter 4

## Christian Ethics of Divorce: Obligations to Make Life-Affirming Moral Choices

*"Can there be obligations to break or to change commitments, as well as obligations to keep them?" Margaret Farley*[139]

In the preceding chapters I have argued that religious and political rhetoric surrounding divorce constitutes an over-shaming of divorcing individuals, creating an almost completely negative milieu in which divorce is rarely understood as liberatory or courageous. Is life-long marriage so critical to Christian faith and life that that goal trumps all others? I argue no. The over-shaming techniques of religious policy and political advocacy must be resisted in order to change Christian assumptions about the value of marriage itself.  In the U.S., life-long marriage has become an idol. Other Christian ethicists have cautioned against a fixation on marriage as key for constructing a moral life because of a variety of problems it creates. Rita Nakashima Brock and Mary Hunt, both advocates for same-sex marriage legal rights and recognition by Christian churches, have also argued for an examination of marriage rights.[140] Maintaining marriage as the means for so many economic and social protections is unjust, not only for same-sex couples for whom marriage has until now been largely unavailable, but also for those who remain single or who have divorced or been widowed. Marriage, in their critique, becomes a gatekeeper that serves to protect the rights of some over others. In a

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[139] Farley, *Personal Commitments*, 85.

[140] Brock, "Marriage Troubles"; Hunt et al., "Roundtable Discussion"; Hunt, "Committed Love and Relational Justice"; Martin, "Familiar Idolatry and the Christian Case Against Marriage."

more personal and spiritual sense, Christian ethicist Merle Longwood argued thirty years

ago that divorce is an opportunity for "moral reorganization and development."[141] He

argued that people who divorce are presented with the opportunity to recognize and live

into their full worth, because they must "die to…their sense of ability and worth which

are dependent on their identification of themselves as successful because they were

married."[142] Longwood's point is especially relevant in light of the arguments by Hunt

and Brock – marriage itself ought not be the source of either economic access or spiritual

worth.

Building on such work that de-emphasizes marriage as a fundamental means to

achieving a sense of individual self-worth and making a worthwhile social contribution,

Christian ethicists must also think constructively about strategies for reframing divorce.

Divorce can no longer be associated solely with loss of self-worth or as an example of

brokenness, but instead can be an opportunity for spiritual growth, for the positive

construction of family life, and for social transformation. In order for divorce to be

viewed as such, Christian ethicists must find ways to transform the shame associated with

divorce even while acknowledging that not all divorces are pursued for the right reasons.

Many strategies are needed, both conceptual and practical. Conceptually, divorce can be

an act of truth-telling by the individual, and communal witness to such truth-telling

constitutes resistance to damaging racist and heterosexist norms that support capitalist

exploitation. In the following chapter, I will provide theoretical tools to support strategies

for truth-telling as resistance, including queer theoretical commentary on failure, and

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[141] Merle Longwood, "Divorce as an Occasion of Moral Reconstruction," *Annual of the Society of Christian Ethics* 4 (1984): 230.

[142] Ibid., 239.

Christian theo-ethical tools to support a rethinking about the Christian concept of commitment and a means for valuing a variety of family structures. Finally, I advocate for changes in a variety of practices where these conceptual changes can be put into action. From public policy to Christian liturgies of separation and divorce, a conceptual model of resistance to racist, heterosexist relational norms in support of a capitalist state can be actualized in Christian community to support divorcing individuals and their families.

## Truth-Telling, Witness, and Resistance

In order to transform the shame associated with divorce, Christian communities need to highlight the positive choices being made in relation to divorce. Divorce is perceived as negative and sinful because of the common Christian association of marriage with life-long commitment and fidelity. As I have worked to show in previous chapters, the rhetoric of shame associated with divorce is intended to deter the practice and to keep people attached to the institution of marriage itself as a safeguard against social, economic, and moral instability. However, this strategy has neither prevented divorce nor deterred people form marrying in the first place. Divorce continues as a normalized practice in most social contexts, but the over-shaming rhetoric also continues.

What strategies should Christian communities employ in order to release the standard of life-long marriage as the measure of moral worth? Can the standards for "relationship success" be amended in a way that acknowledges the deep pain and grief that divorce may cause for families, yet also acknowledges the freedom and flourishing that separation can facilitate? I propose one principle value rooted in the Christian moral

tradition as a way to reframe what is happening in divorce: truth-telling. Truth-telling provides a means to witness the reality of life in a way that does not distort the experience or shape it into a more morally acceptable experience. Truth-telling as witness can provide a means of resistance to oppressive moral norms.

Divorce itself usually represents a significant time of discernment. Prior to the divorce, any number of relational problems could have occurred. From traumas such as infidelity and violence to the quotidian loss of connection or perhaps a rush into marriage in the first place, multiple mistakes and problems lead a couple to the point of divorce. At the very least there will have been failure, on the part of one or both members of the couple, to care for the relationship in a way that facilitates ongoing affirming connection and support. I do not wish to argue that people who are divorcing are free from the responsibility of their mistakes, nor that divorce should be viewed as a mandatory response to relational mistakes. On the contrary, one way to take responsibility for what has gone wrong is by admitting it to each other and to one's communities of support, including religious community. This is truth-telling – speaking the reality of the state of the relationship and seeking help in making the choice to separate. Legal divorce, in fact, exists in order to help couples fairly divide property and to ensure that children are cared for.

Truth-telling is a *Christian* act because of the risk involved in telling the truth. Truth-telling in the sense I am using it is not simply stating the obvious – truth-telling speaks something significant about the deep experience of the self, in the face of power. Because shame inspires hiding, truth-telling, and the self-exposure it requires, explicitly resists shame. Not only does truth-telling convey honest personal experiences, it also

names and calls out social inequality. As the first chapter discussed, Christian scripture

and subsequent theologies of marriage and divorce have produced a milieu in which

divorce is a sinful rejection of God's plan for heterosexual coupling. But the social

context of the scriptural injunctions against divorce and the theological assertions that

marriage cannot be ended reveal deep patriarchal biases. For example, the Jesus

statements on divorce found in the synoptic gospels are addressed only to men who wish

to divorce their wives. Furthermore, the statements on divorce have been interpreted

across a spectrum of theological commitments, with some arguing that Jesus is concerned

for responding to patriarchal inequality by forbidding men to leave wives to fend for

themselves financially. Contemporary appeals to scripture and theology to affirm narrow

definitions of marriage and family often ignore complex historical and social framing of

marriage and divorce, which have been contentious issues from the time of the origin of

Christianity. The framing of the nuclear family as the only acceptable family, and the

monogamous, married partner as the only means to experiencing true worth in Christian

and U.S. culture – both of these are born out of and represent systems of white,

heteronormative, capitalist privilege and oppression. These ways of narrowing family

experience are dishonest; they are not a true reflection of the reality of family experience.

Christian interpretations of scripture, theology, and practices have not historically

supported truth-telling and witness about divorce. Instead, Christian culture has

facilitated lying by omission, supported by secrecy and denial around issues related to

sexuality and relationships. This culture is especially harmful for women in abusive

marriages who seek divorce. While abusive relationships are not the sole reason for

divorce, they represent a significant ethical concern and highlight the physical and

emotional danger that accompanies prevailing Christian attitudes toward divorce. Women

who leave abusive relationships need significant social, spiritual, and financial support in

order to do so. Christian tradition has historically not provided such support; often the

choice to leave is non-existent. A history of denial and minimizing of intimate violence in

Christian communities illustrates this point, documented by sociologist Nancy Nason-

Clark and Christian ethicist Marie Fortune, who have both worked to challenge pervasive

Christian denial and silence. Nason-Clark's work engages in both quantitative and

qualitative analysis about how often intimate partner violence occurs in Christian

communities while Fortune has worked to construct new theo-ethical responses to such

violence, providing theoretical language as well as practical educational and pastoral

applications to those in communities of faith. Both scholars reference stories of women in

situations of intimate partner violence who were counseled by their pastors to stay with

their abusers because life-long marriage is God's will.[143]

Understanding the particular threats that separating and divorced women confront

is crucial to constructing an adequate Christian ethic of divorce. The threat of non-lethal

and lethal violence is increased during and after separation from an abusive partner.

Multiple studies on violence against women have found such a strong correlation

between the act of leaving an abusive partner and outbursts of violence that a special term

for this type of violence is now in use: separation violence. Further, women are more

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[143] Catherine Clark Kroeger and Nancy Nason-Clark, *No Place for Abuse: Biblical and Practical Resources to Counteract Domestic Violence* (Downers Grove, IL: IVP Books, 2010); Marie M Fortune, *Sexual Violence: The Sin Revisited* (Cleveland: Pilgrim Press, 2005).

likely to be victims of femicide at the hands of an abusive partner just after physically

separating from them.[144]

An ethic of divorce thus must account for violence in marriage as a primary

reason to protect access to divorce. Christian ethicist Traci West has also worked to

uncover and confront intimate violence, particularly that experienced by black women, in

her book *Wounds of the Spirit*. West employs the concept of resistance as an ethical

strategy both as a means for acknowledging and valuing the personal survival techniques

of victim-survivors of violence and for creating "broad-based transformation of cultural

values and practices."[145] West, like Fortune and Nason-Clark, is well aware of the

harmful Christian employments of the concepts of "healing" and "forgiveness" for

victim-survivors of violence. These concepts have often been used to dismiss or ignore

women's experiences and the real dangers women face especially when trying to leave an

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[144] Angela Browne, *When Battered Women Kill* (New York: Free Press, 1987); Douglas A. Brownridge et al., "The Elevated Risk for Non-Lethal Post-Separation Violence in Canada: A Comparison of Separated, Divorced, and Married Women," *Journal of Interpersonal Violence* 23, no. 1 (January 2008): 117–135; Douglas A. Brownridge, "Violence Against Women Post-Separation," *Aggression and Violent Behavior* 11, no. 5 (September 2006): 514–530; Ruth E. Fleury, Cris Sullivan, and Deborah Bybee, "When Ending the Relationship Does Not End the Violence: Women's Experiences of Violence by Former Partners," *Violence Against Women* 6 (2000): 1363–1383; Jennifer L. Hardesty, "Separation Assault in the Context of Postdivorce Parenting: An Integrative Review of the Literature," *Violence Against Women* 8 (May 2002): 597–625; Petra Ornstein and Johanna Rickne, "When Does Intimate Partner Violence Continue After Separation?," *Violence Against Women* 19, no. 5 (May 2013): 617–633; Aysan Sev'er, "Recent or Imminent Separation and Intimate Violence," *Violence Against Women* 3, no. 6 (December 1997): 566–566; Stanko E.A., "Should I Stay or Should I Go? Some Thoughts on the Variants of Intimate Violence," *Violence Against Women* 3, no. 6 (December 1997): 629–635; Margo I. Wilson and Martin Daly, "Spousal Homicide Risks and Estrangement," *Violence and Victims* 8 (1993): 271–294.

[145] Traci C. West, *Wounds of the Spirit: Black Women, Violence, and Resistance Ethics* (New York: New York University Press, 1999), 152.

abusive relationship. West writes, "Unlike healing, resistance involves any sign of dissent with the consuming effects of intimate and social violence. When a woman survives, she accomplishes resistance."[146] Thus resistance can come in many forms – from silence, to dissociative states, to compliant behavior toward the abuser – any of these techniques constitute resistance because they constitute the victim-survivor's path to survival.[147]

Resistance occurs not only in the acute moments of violent attacks, but also in the everyday lives of women. West writes, "[Survival resistance] work includes accessing whatever coping techniques are needed to survive not only the eruption of brutality, but also daily life under the constant threat of it."[148] West presents a range of techniques, based on the experiences of black women, as evidence for this work. She names physical combat – physically fighting back, even in the face of overpowering strength of the aggressor – as one technique.[149] Emotional and spiritual techniques are also crucial, such as belief in the salvific power of the divine in the midst of the experience where "women recognize divine power as definitively located on their side."[150] Anger is also a key technique, the use of which requires "negotiating with Christian notions of forgiveness."[151] Anger can serve a creative, generative function if it can be recognized as a technique for resistance and survival, rather than as a sinful, anti-Christian response.

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[146] Ibid., 151.

[147] Ibid.

[148] Ibid., 164.

[149] Ibid., 165–166.

[150] Ibid., 167.

[151] Ibid., 171.

Resistance techniques of all forms are also necessary in an ethic of divorce, particularly if the divorce occurs in the course of seeking safety for the self or for one's family. In this instance, divorce itself may be interpreted as resistance, but many forms of resistance through the course of the divorce, particularly the emotional and spiritual techniques West names as important in resisting violence against women, can facilitate the transformation of shame by resisting the shaming mechanism of white-supremacist, capitalist hetero-patriarchy.

Learning to recognize resistance methods also involves the recognition of shame as a powerful force in the lives of black women confronting intimate violence or in confronting the stigma of divorce. West uniquely interprets a generative possibility in shame – not a transformation of shame to pride, as is often the response to the question of how to prevent over-shaming – but instead, an acceptance that shame can promote a turn to the power of the self and a connection to the Divine that can strengthen further resistance. West writes:

> Women may even utilize the debilitating experience of shame in order to survive male violence. In the midst of the estrangement from other people that shame generates, an intensified, nurturing awareness of and bond with the divine or spiritual presence may emerge for some women. Here shame may serve as adaptive function of guardianship in the psyche. During a crisis, it can offer a defensive and protective psychic shield against a hostile environment.[152]

West reveals the complex and nuanced methods of survival employed by victim-survivors of violence. These methods are often discounted as pathologies, but West shows that even shame can be useful. However, a victim survivor cannot stay in the shame experience forever. As West argues, shame serves a greater purpose of connection

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[152] Ibid., 165.

to inner strength fueled by a connection to the Divine. While I agree with West's analysis of shame as possibly generative, in order for it to be useful, shame must somehow be used or transformed. One cannot stay in the experience of shame. Certainly shame ought not be regarded as a primary resource for resisting and de-stigmatizing violence; instead, as West points out, all avenues of survival should be considered resistance techniques. Shame happens and needs to be acknowledged, but it does not have to be interpreted as destructive. There is no right way to survive violence – survival itself is the right way.

Resistance methods are also importantly communal. Without some communal recognition and participation, violence as a pervasive norm in the lives of many women continues unchanged. Some of the community oriented techniques West mentions include intercessory support from friends and ancestors, which translates to community support in both a physical and spiritual sense. Women also need safe therapeutic and communal spaces for resistance and for vulnerability where their experiences can be discussed freely and not hidden. Finally, resistance includes breaking multiple silences around intimate violence. "Silence-breaking resistance" is necessarily done in community, where there is at least one other person to hear the experience, pain, and fear and to provide what West terms "intercessory witnessing."[153]

These methods for resisting intimate partner and sexual violence against black women help to show that resistance is an extremely useful ethical tool, especially when confronting systems of entrenched racism, sexism, and heterosexism. Resistance is often the only way to respond in the face of dominating power and abuse. Some who experience divorce are not personally confronting or fleeing form violent oppression, but

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[153] Ibid., 179.

many are.[154] However, when confronting the institution of marriage as a systemically

entrenched norm supported by a cultural narrative of marriage as the means to spiritual

wholeness and economic success, resistance strategies become crucial in this context.

Marriage itself is not likely to go away, but in examining it critically in terms of the

economic, gendered, and racial privileges it conveys, we can begin to uncover and work

to decrease its power to oppress. The opportunity for truth-telling about marriage that

becomes available via divorce is an opportunity for resistance and thus for liberation.


## Rethinking Failure and Crisis Language

For whom is divorce a "crisis"? Throughout this dissertation, my rhetorical

analysis has revealed deeply rooted political interests that shape what is publicly valued

about marriage and vilified about divorce. These interests include the need to maintain

capitalist, white supremacist heteropatriarchal norms, rather than a desire to protect the

vulnerable by promoting just relationships. Thus, the real "crisis" I have identified is that

a weakening of marriage norms threatens systems of gendered, racial, and economic

privilege supported by U.S. Christian institutions. A Christian ethic of divorce must thus

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[154] Based on data from a 2011 survey, the CDC estimates that the lifetime prevalence of physical violence by an intimate partner is 31.5% among women. Over the course of a lifetime, an estimated 22.3% of women experience at least one act of severe physical violence by an intimate partner, 9.2% of women are estimated to be stalked by an intimate partner, and an estimated 47.1% of women experience at least one act of psychological aggression by an intimate partner. Given the prevalence of intimate partner abuse of women, many women seeking divorce will also be fleeing psychological abuse or violence. Matthew J. Breiding, "Prevalence and Characteristics of Sexual Violence, Stalking, and Intimate Partner Violence Victimization — National Intimate Partner and Sexual Violence Survey, United States, 2011," *Surveillance Summaries* 63, no. SS08 (September 5, 2104): 1–18.

address and critique these unjust systems. One tool for such a critique lies in recent theoretical work on queerness.

Queerness may seem like a discomfiting category for a concluding chapter to a discussion that has focused largely on Christian ethical heterosexual divorce, but it is useful in this context for two reasons. First, the literature provides sophisticated theoretical analysis of constructions of shame, church and state hegemonic power, sex/gender norms, and resistance. Second, queerness and queer theory are fundamentally destabilizing to heterosexist norms, and can deliberately interrupt Christian divorce policies and theologies with heteronormative assumptions about marriage, divorce, and moral worth. The political and religious idolatry of life-long monogamous heterosexual coupling is so deeply ingrained that we need multiple ways to disrupt and critique its over-shaming cultural influence. Queerness is a helpfully disruptive concept for thinking about divorce because it provides language for critique and resistance of social norms that shape, affirm, or stifle human well-being and flourishing. But queerness itself is slippery, and as such I will define what I mean by "queerness" here, using the work of Eve Sedgwick. Then I will use Jack Halberstam's concept of "queer failure" as a means for critiquing heteropatriarchal, capitalistic state power and as a starting point for creating alternative models of individual and relational truth-telling and satisfaction.

Sedgwick links queer identity formation to the experience of shame. "Queer," according to Sedgwick refers to "those whose sense of identity is for some reason tuned most durably to the note of shame."[155] Note that queerness is not, therefore, based on sexual orientation or gender identity – though she highlights that lesbian women, gay

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[155] Sedgwick, *Touching Feeling*, 63.

men, bisexual people, and transgendered people may be more likely to also have a queer identity.[156] Sedgwick's interest in defining queerness in this way is to highlight its aspects of performance as a means for resisting shame. She uses the term "queer performativity" to denote "a strategy for the production of meaning and being, in relation to the affect shame and to the later and related fact of stigma."[157] The performance (which might simply result in an outright identification of oneself as queer) is a strategy that facilitates meaning-making in relation or response to shame.[158] Sedgwick warns against thinking that shame can be excised via pride practices, noting that the shame experience is so integral to the constitution of the queer self that it *cannot* be "excised." She writes that shame is "*available* for the work of metamorphosis, reframing, refiguration, transfiguration, affective and symbolic loading and deformation" but is "perhaps all too potent for the work of purgation and deontological closure."[159] Shame cannot be pinpointed, harnessed, and then purged. It is too powerful a force. Like West's argument about the shame black women face in dealing with intimate violence, Sedgwick takes shame seriously as a phenomenon that cannot be avoided, but that can be a resource, used to the benefit of those who experience it. For Sedgwick, shame can aid in the

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[156] Ibid., 61. Sedgwick is using Henry James, as she reads him in the *The Art of the Novel*, as a model of "queerness" or "queer performativity." She is careful to note that he himself is not gay, but his eroticism is queer.

[157] Ibid.

[158] Ibid., 38. "Shame, it might finally be said, transformational shame, is performance."

[159] Italics mine. Sedgwick, 63.

construction of an identity that critiques the very disciplining structures of normativity that cause the shame in the first place.[160]

The construction of queer identity in relationship to shame has parallels to the shame experience of divorce because of the relational norms associated with life-long, heterosexually monogamous marriages. This model of relational and economic success sets up many couples for failure because the heteronormative relational standards are too constrictive and do not acknowledge the vast variety in the ways people might achieve fulfilling, supportive relationships. The failure of divorce is established socially as both a failure of self and a failure of one's promises to one's partner, but more importantly it is a failure that is broadly social – in the language of marriage protection advocates, divorce is purported to weaken the very fabric of society.

Most political and religious rhetoric about divorce employs highly shaming language in an effort to maintain the norm of "successful" marriage as life-long and

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[160] In her essay titled "Around the Performative," Sedgwick briefly addresses the intuitional power of marriage. She writes about the marriage vows as performative speech that construct a relationship between the subjects and the state and church to whom they grant power. She notes that the statement of "I do" in the marriage vows is given meaning because the subject "I" is signaling his or her willingness (and in part, collusion with, complicity with) to be a part of a meaning-making system in which the individual citizens give the state and in some cases religious bodies, the power to recognize them or state that they exist and matter as a couple. The speaking of these particularly ritualized words constructs the relationship – not just the romantic partnership, but also the relationship among the powers that be (state and church) and the citizens/members who grant them power.

Sedgwick is aware of the conferring of a "blessing" as a construction of power relationships in cross-gender relationships. She notes that with the words "I do" a queer person is speaking some different iteration of power relationship into being. She defines "queer" in this essay as one "whose subjectivity is lodged in refusals or deflections of (or by) the logic of heterosexual supplement; in far less simple associates attaching to state authority and religious sanctification in far less complacent relation to the witness of others." "Around the Performative: Periperformative Vicinities in Nineteenth Century Narrative," *Touching Feeling*, 71.

monogamous. For example, the message in the marriage protection movement that

children are at risk for emotional and intellectual damage if their parents divorce employs

shame to suggest that divorcing parents are selfishly putting their own needs above their

children. Such a strategy aligns successful marriages with successful citizens and

societies. Cultural theorist Jack Halberstam argues in *The Queer Art of Failure* that:

"success in a heteronormative, capitalist society equates too easily to specific forms of

reproductive maturity combined with wealth accumulation."[161] Thus, when marriage

equals success, or when the accompanying offspring and economic benefits that are so

often associated with marriage equal success, avoiding or ending marriage in divorce

constitutes resistance to those norms of capitalist production. "Failure" is one means of

escaping what Halberstam calls the "punishing norms that discipline behavior."[162]

Relational failure in the form of divorce thus provides a means to transform shame by

resisting oppressive norms, even as shame is continually encountered by those who

attempt to resist it. Halberstam offers a theory of "queer failure" where failure is a way to

escape what Halberstam calls the "punishing norms that discipline behavior."[163] To be

"queer" is to fail at heterosexuality, but this failure also provides a means of resistance to

the controlling norms that accompany heterosexual, capitalist culture in the U.S.

Halberstam gives three suggestions for how we might be able to un-train ourselves away

from the prevailing success/failure logic. This means privileging different ways of

knowing…but in order to recognize different ways of knowing as useful and productive,

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[161] Judith Halberstam, *The Queer Art of Failure* (Durham: Duke University Press, 2011), 2.

[162] Ibid., 3.

[163] Ibid.

we have to learn how to pay attention to them. Her guidelines are: 1) Resist mastery, 2) Privilege the naïve or nonsensical (stupidity), and 3) Suspect memorialization.[164] Each of these is helpful in re-thinking divorce as a queer failure.

Divorce signals a lack of mastery of the heterosexual marriage relationship. Rather than privileging "mastery" as a means to knowledge, Halberstam suggests privileging conversation.[165] Mastery, after all, is never complete. Any sense of mastery simply masks its accompanying or preceding failures. Failure then, can be understood as "a refusal of mastery, a critique of the intuitive connections within capitalism between success and profit and as a counterhegemonic discourse of losing."[166] The "counterhegemonic discourse of losing" is a discourse of resistance. It provides a space from which to make different, non-shame based sense of divorce in which losing/mastery no longer hold the same straightforward meaning. Applied to divorce, privileging non-mastery means that those marriages that end in divorce do not have to be discarded as worthless because they end in "failure." Instead, we can value the relationship that preceded the divorce – perhaps the children that may have been created as part of the marriage, or the relational and individual emotional growth that happened in the relationship. These are morally worthwhile outcomes of the relationship that validate the lived commitments of the partners.

The desire for happiness and fulfillment in family life sought in choosing divorce seems naïve and morally suspect. Halberstam argues that the naïve and the nonsensical be

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[164] Ibid., 11–15.

[165] Ibid., 12.

[166] Ibid., 11–12.

privileged.[167] In her work this means paying attention to low-culture sources to construct theory. But even in her low-culture sources, she pays special attention to the characters that appear to be stupid or naïve as they are often the most truth-telling characters. This attention on what appears to be nonsensical helps lead to a different set of knowledge practices, away from the systemic, sense-making ones. Halberstam connects the effects of resisting sense-making to pedagogical practices: "When we are taught that we cannot know things unless we are taught by great minds, we submit to a whole suite of unfree practices that take on the form of a colonial relation."[168] In order to resist hegemonic systems of oppression, we must think outside of the knowledge production and transmission sources used by that hegemonic system. In terms of divorce, this means privileging the self's own desires, even as religious and political norms for behavior suggest that the self should align with hegemonic norms for social behavior.

The movement to "protect" heterosexual marriage from the threats of divorce and same-sex marriage rights is an attempt to memorialize marriage as life-long, monogamous, and heterosexual. Halberstam urges us to "suspect memorialization" because of its "tendency to tidy up disorderly histories." Such "tidying up" dismisses complexity and helps to create a *false* memory. The opposite of memory is forgetting, which itself can be a resistance technique – to forget is to fail at remembering. Halberstam writes that forgetting "unleashes new forms of memory that relate more to spectrality than to hard evidence, to lost genealogies than to inheritance, to erasure than

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[167] Ibid., 12.

[168] Ibid., 14.

to inscription."[169] Historians and sociologists of the family such as Nancy Cott and Stephanie Coontz have already begun to dismantle the myth of the heterosexual nuclear family as an historical norm in the United States. This de-mythologizing also disrupts the ideas of marriage as an ahistorical, static institution. Divorce is perceived as shameful because of the narrative that life-long heterosexual coupling is a natural, God and state ordained norm for relationships and that this arrangement matters for survival of society. If we are suspicious of "memorialization" of marriage as an institution, it loosens the ethical assessment of divorce as a failure because marriage is no longer so strongly and obviously related to moral worth and economic success.

### Practices for Change: Supporting the Choice of Divorce as Life-Affirming

The tactics of truth-telling, witness, and resistance explored above help to voice the conceptual shifts required to shift moral assessments of divorce as always representative of relational failure. Specific practical action is necessary to manifest these conceptual shifts. I advocate practices of change in four categories: 1) cultural attitudes around family, 2) public policy changes to make divorce a less punitive process, 3) changes in theology, both that embodied in Christian communal and pastoral practice and that constructed by theologies and ethicists, and 4) specific rituals or liturgical additions that sacralize the experience of separation and divorce and add spiritual depth to Christian responses to divorce for individuals, families, and communities.

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[169] Ibid., 15.

Change in Cultural Attitudes to Value All Families

Divorce is often understood as the "death" of a marriage. Grief and loss are hallmarks of the experience for many. However, the experience of freedom and relief are also part of the experience for many. As I examined earlier, divorce is often perceived as particularly harmful for children as they lose a sense of family and economic stability. However, sociological research differs widely on actual negative effects of divorce on children, with recent studies suggesting that if parents are still able to maintain a co-parenting relationship, children are not adversely affected by divorce and show great emotional resiliency in the face of a changing family dynamic. Constance Ahrons, author of *We're Still Family*, argues that many members of divorcing families experiene stronger bonds as a result of needing to construct new family dynamics, schedules, and rituals together. This emerging research helps to demonstrate that divorcing parents may in fact be creating *better* family lives for their children. A separation or divorce can alleviate the tension caused by an unhappy partnership and can ultimately model for children the value of deliberately choosing a path of personal happiness, romantic fulfillment, or emotional or physical safety. Rather than modeling selfishness, I argue that an emotionally conscious divorce can demonstrate parental self-worth, which can contribute to the self-worth of children in the family. So, divorced families should not be referred to as "broken homes." Instead they simply represent another non-normative type of family unit that should be valued and not shamed.

Divorced families are not the only families thought of as "broken." Poor single parents, whether they have ever married or not, are stigmatized, shamed, and not well supported. Support, both economic and cultural, for a variety of family configurations

would help to disrupt the still strong model of the nuclear family as the best kind of family. Feminist Christian ethicists have worked to critique and change Christian ethics of family life by calling attention to sexism and heterosexism inherent in institutional and traditional family life as well as its attenuating social structures. A feminist ethic of valuing all families as put forth by Christian ethicist Gloria Albrecht in *Hitting Home: Feminist Ethics, Women's Work and the Betrayal of 'Family Values',*" requires continuing the work for women's equality in new ways, the valuation of stereotypical feminine work in the political economy, and the valuation of diverse family forms. "Value" in Albrecht's work indicates both symbolic and economic capital. Albrecht is critiquing a nuclear family model and the "family values" that this model represents as a tool that supports exploitative capitalism.

In order to fully achieve gender equality, Albrecht argues a political economy that only symbolically includes women must be critiqued and modified so that it becomes "shaped by and accountable to women's dignity and livelihood."[170] At the same time that women should be valued regardless of their heterosexual relationships or whether or not they contribute to the project of bearing and raising children, the work of childbearing and rearing must become an essential part of the measurement of the economy. "The equality of women requires a political economy in which being an actual or potential mother, being in need of care, and being responsible for the care of others, are the human norm."[171] Such an approach disrupts the norm of hyper individualism and independence.

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[170] Gloria H. Albrecht, *Hitting Home: Feminist Ethics, Women's Work, and the Betrayal of "Family Values"* (New York: Continuum, 2002), 148.

[171] Ibid.

Albrecht employs a general hermeneutic of suspicion about the unquestioned acceptance of family as always representing a universal good. Family is at once "an important site in the struggle for gender, racial, and economic justice" as well as a "school of justice/injustice" where norms of interpersonal treatment, responsibility, and fairness are dispersed.[172] The values education constructed and received in the family can either support and replicate oppressive social structures or it can disrupt and transform those social structures, constructing a just model of interrelationality. She states, "In an unjust society divided by racial, class, and gender inequalities, any socially constructed ideal form of the family is likely to be based on privileges of race, gender, and class."[173] Albrecht critiques a narrow use of the term "family values," arguing that Christian family values should not simply uphold one static form of family life, but provide a space for the liberative ethics of Jesus, whose attention to the socially and economically marginalized is central. She argues, "In marginalized communities today…family values are those that make survival possible for families who lack race and income privilege; who are not 'ideal.'"[174]

Families who have experienced divorce or are in the midst of separation are often accused of contributing to a "decline in family values." But Albrecht's revision of the term, echoing what she calls the "the family values of Jesus" provides a Christian ethics tool for understanding divorced families as every bit as capable of communicating transformative values as non-divorced families. Christian ethics can facilitate a

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[172] Ibid., 151.

[173] Ibid., 154.

[174] Ibid., 152.

"conversion" to a new way of understanding family values and family value when we engage in work that "provides a social analysis that reveals our fundamental human interconnectedness, destroys the innocence of the privileged, and works to exhibit and reestablish the social power of relationship by which we can choose to co-create one another for the better."[175]

<u>Policy Changes</u>

Broad policy changes that resist shaming poor families, especially when seeking government assistance, are needed to ensure that all families can thrive. But more specially, the process for obtaining a divorce needs to be less complex and less expensive. Divorce is often an expensive endeavor because it requires complex legal paperwork and the payment of a lawyer.

As I explored extensively in Chapter 3, a network of "divorce reformers" are advocating both in terms of a cultural message and political lobbying for policies that "protect marriage" by making divorce even more difficult to obtain. Often these initiatives themselves are shame-driven, particularly for poor families with children as the reform movement is easily linked to social safety net services. The first order of promoting fair divorce policy, then, is to pay attention to state and local legislative action to "protect marriage" by making divorce more difficult. Rather than assuming that the stated goal of protecting marriage is the true goal, critical ethicists must read between the lines to uncover the homophobia, classism, and racism that are driving these so-called "protections." One piece that my dissertation project adds to the goal of critical

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[175] Ibid., 154.

evaluation of the marriage protection movement generally, is the uncovering of the web

of connection between pro-marriage organizations like the National Marriage Project and

the Institute for American Values. While the variety of organizations on the landscape of

"marriage reform" is quite wide, the funding organizations and the scholars associated

with the work produced represent a small, tightly networked group. The message about

divorce as a threat to the stability of the family and to the safety and health of children is

being manufactured by a relatively small group of people and then projected to a wide,

willing audience.

Beyond uncovering the work of anti-divorce organizers, constructive policies that

protect the right to choose divorce and that maintain access to divorce for all are needed.

Greater support for mediation processes and for community based models for managing

divorce would help to minimize adversarial conflict between the divorcing parties.

Mediation services are already widely available, though perhaps not as well known or

available in all areas of the country.

The expense of divorce is also an area for policy change. While a marriage license

is incredibly easy and cheap to obtain (for heterosexual couples who are not presently

married or related to one another), the cost of divorce is often exponentially greater,

including the fee to file the divorce request and the costs of a lawyer (or two) in most

cases. When children are involved, especially if there are contentions regarding child

custody agreements or property division, costs of divorce rise even higher.[176] The cost

associated with paperwork for divorce is much higher because the stakes of divorce are

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[176] For example, the cost of a marriage license in New Jersey is $28. The minimum fee to file divorce paperwork in New Jersey is $250, without the aid of an attorney.

higher for the state – they are called upon to certify that any children are being cared for appropriately and that shared property is fairly divided.

Theological Changes

Theological reform around divorce is already in action in two arenas: first, at the level of practical theology in the practices that provide care for divorcing members and their families, and second, the production of new Christian theologies of family.

Christian communities representing many denominations provide divorce care and support to divorced members. Furthermore, many pastoral caregivers are the primary source of spiritual and emotional support for those divorcing. The spirit of welcoming and/or shame associated with divorce can vary across these initiatives, and many divorce support groups are organized around a theme of "healing." These support groups a constructing their own theologies of divorce, both in the way the group support is enacted in the community, and in how divorced community members are treated. Many religious organizations, whose official policies regard marriage as a lifelong project where divorce is an option only for the most dire of circumstances, display a practical and moderate position toward divorce of the actual members of their community. For example, while the Catholic doctrine on divorce clearly denounces it, a national Catholic Divorce Ministry exists, along with smaller support and healing groups in individual parishes.[177]

In the realm of production of academic theology, Catholic feminist ethicist Margaret Farley addresses one aspect of the theology of marriage by presenting a careful case for evaluating the problem of competing commitments. She argues that a rigid

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[177] "Catholic Divorce Ministry: The Ministry of the North American Conference of Separated and Divorced Catholics", 2015, http://www.nacsdc.org/.

policy of "no divorce" does not honor the many competing commitments that individuals might make in their lives. Her work gives theological language and structure to the pastoral and community practices often made instinctually. The concept of competing commitments and the idea that divorce may in fact be a good solution for the individual and the family makes sense when the lived experiences of Christians are taken seriously. Farley writes, "Institutional frameworks for commitment in human relationships ought to be subject to norms of justice."[178] Marriage and divorce are not morally neutral institutions, nor do they exist solely in the realm of the personal – they must be the subjects of Christian ethical analysis, which will impact Christian theology.

"Just love" is Farley's term for the norm by which love can be judged to be more or less ethical. According to Farley, love is just when it fully honors the "concrete reality" of the beloved. Farley provides a range of "actions" related to this concrete reality; she writes that the lover should "aim to affirm truthfully the concrete reality of the beloved"[179] and that a just love commitment must be made in a way that "does not violate the concrete reality either of myself or of the one I love."[180] Just love is thus a helpful category for determining how to behave in an interpersonal relationship, but also helpful at a structural level for evaluating the responses of Christian communities to their divorced members.

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[178] Margaret A Farley, *Just Love: A Framework for Christian Sexual Ethics* (New York: Continuum, 2006), 260.

[179] Farley, *Personal Commitments*, 103.

[180] Ibid., 105.

Within this just love framework, Farley turns specifically to the question of commitment, asking what criteria must be present in order for a commitment to be released in an ethical way. Her criteria for when it is acceptable to give up on or break a commitment can help disrupt the shame usually associated with failure or breaking a promise. When a marriage commitment is broken, often it is being done so in order to honor another commitment – one to care for the self, for example. Thus, the choice made may indeed be about the self and its own preservation and happiness, but that is not to be interpreted as "selfish" because it is part of what Farley interprets as God's call for our lives.

In the 2012 revision of *Personal Commitments: Beginning, Keeping, Changing*, Farley offers three criteria for determining whether the obligations of commitment can be released, using her definition of just love to frame the criteria. She writes that commitment can be released:

> (1) when it truly becomes impossible to sustain the commitment-relationship, (2) when a specific commitment-obligation no longer fulfills the purposes of the larger commitment it was meant to serve; and (3) when another obligation comes into conflict with, and supersedes, the commitment-obligation in question.[181]

Commitment is not a static rule of obligation. Commitment involves obligation, but to understand commitment in terms of just love is to allow for a dynamic and discerning approach to commitment, attending to the changing concrete realities of those who love and commit to each other.

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[181] Ibid., 106.

Ritual Additions and Changes

Religious ritual is the means by which Christian communities pay witness to and sacralize major life events. The religious rituals of marriage, baptism, confirmation, and funerals all serve as markers of significant changes in the personal and communal lives of church members. Rituals not only help to make sense of major life-changes, but they also provide a structure and sacralization for every day life. The weekly service of Eucharist, for example, marks a moment of pause and reflection for church members, regardless of the content of the week. Ritual imbues all aspects of life with a feeling of connection to community and to the sacred. Divorce is particularly in need of such sacralization as it represents a significant life change, sometimes even experienced as a cataclysmic trauma. But its effects also play out in the mendacity of the every day experience, as any other major grief experience might.

As divorce has become more prevalent in Christian communities, some communities have responded by constructing their own rituals according to need. Few of these have been included in official publications, but there are multiple examples of divorce rituals circulating among informal networks of pastors and lay people. The United Church of Christ has published an official resource, for example, but as the UCC is congregational, individual communities already have the ability to construct their own liturgies on a weekly basis. Institutionalization of ritual is more difficult in church communities where the liturgy is more formal. I have found examples of separation and divorce rituals to be similar in format to the liturgies used for marriages. Often the marriage liturgy is utilized as a template, providing an opportunity for the couple to speak to each other in the form of a release of vows. Some elements found in these services

provide liberating, anti-shaming language that facilitates the major life process of

divorce, bearing witness to both the pain and the opportunity for growth. These liturgies

constitute acts resistance to prevailing understanding of "marriage success" in Christian

communities.

One Episcopal service, "A Service of the Holy Eucharist and Healing: The

Liturgy of Healing and Wholeness and Blessing of Singularity," provides language that

values the work of the relationship and does not devalue the choice to divorce. In the

"Litany of Healing" the following statement is included:

> When wholeness is only possible with the unbinding of lives, let us believe that nothing shared that was good will be lost, and that all we were takes its honored place in our life's journey; that nothing is canceled but some things settled and concluded; that much that cannot be said or communicated nonetheless still abides and endures.[182]

The good of the relationship is validated by community. The "conclusion" of

relationship, while it may entail loss, does not negate the work of the relationship up to

the point of its end. This language does not suggest that ends are automatically failures.

A liturgy from the United Church of Christ, "An Order for Recognition of the End

of Marriage," bears witness to its purpose in the title. "Recognition," rather than

condemnation, confession, or healing, establishes that the role of the community is to

witness the life event – to see it as it is, and then to offer support.  The introduction to the

service includes the following statement:

> We are here to witness an end and a beginning and to share the making of new commitments. [NAME] and [NAME] have decided, after much effort, pain, and

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[182] Phil Penningroth and Barbara Penningroth, *A Healing Divorce: Transforming the End of Your Relationship With Ritual and Ceremony* (Bloomington: 1st Books, 2001), 307.

anger, that they will no longer be wife and husband [sic], but they wish to respect and be concerned for each other.[183]

The language of witness is highlighted here. But this passage also includes the recognition that the liturgy marks a transition – it bears witness to both an ending and a new beginning, and acknowledges that the relationship has impacted all parties.

Another important language choice in divorce liturgies is that of "release." If the ceremony/liturgy mirrors a wedding ceremony, the "release" mirrors the making of vows. The UCC service utilizes the language of release:

> O God, make us aware of your presence. You have blessed us in all our moments: of joining, of relating, of intending, and of beginning. Be with us in our times of separating and of ending, releasing us from those vows we can no longer keep; we ask in Christ's name.[184]

Here the theological significance of commitment is acknowledged, with supplication to the Divine to also release the couple as they release each other. The language of release could also be useful in the case of a ritual performed by or for only one member of the couple. The partner need not be present (or on good terms) in order to acknowledge release by one of the parties.

While some familiar Christian liturgical symbols and language provide comfort and highlight the spiritual dimension of divorce, others serve to highlight shame and should be avoided. For example, the theological language of "brokenness," particularly in regard to a "broken family" or "children of brokenness" taps into shame. The language of sin may be usable in a manner that does not promote over-shaming, but the ritual must be careful to name sin appropriately. One may sin or participate in sin without being

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[183] Ibid., 315–316.

[184] Ibid., 316.

fundamentally broken. Brokenness is a shame inducing term. As noted previously, shame is a universalizing experience – shame indicates that the individual, couple, or family is *essentially* bad or broken. Some parties may in fact be more responsible for blame than others, and undoubtedly mistakes have been made, but stressing the brokenness of those who divorce, especially over the brokenness of all the rest of humanity is over-shaming. The Episcopal service quoted above also employs brokenness language in its "Litany of Healing," stating "Bless the children of brokenness, that they may continue to know the love of both their parents, and above all to know your heavenly love, so that they may also share in your recreative newness."[185] The use of brokenness is especially harmful when used in relationship to children, who are not responsible for the relational situation of their parents.

Yet other liturgies are intentionally mindful about including children in ways that affirm their own experiences as members of a changing family. Some offer opportunities for children to speak if they wish. Others simply acknowledge that the parenting relationship between the divorcing individuals will continue. Affirmations and promises that this relationship will be sustained by love and a commitment to the well-being of the child or children is a helpful reminder of how family life continues after divorce in changed ways.

Religious ritual can be a mechanism for resisting the over-shaming responses of institutional Christianity toward divorce. But Christian rituals that sacralize divorce can also impact wider social and political responses to divorce by creating an opportunity for moral response that does not reinforce the moral analysis of divorce as spiritual failure. A

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[185] Ibid., 308.

religious response that does not over-shame provides a justification for a political response to divorce that also does not rely on shame. Christian communal responses to divorce can change the way divorce is perceived on a wider public scale, impacting the policy makers who aim to restrict divorce.

## Conclusion

Divorce can be a terrible experience of loss, worsened by a sense of failure and shame. However, divorce is experienced by many as a liberation from a marriage marked by dissatisfaction, anxiety, and in some cases abuse. Divorce can represent a liberation of the self and the family into truth-telling witness both to mistakes that have been made and to the possibility of fulfillment and happiness when one freely chooses a new path.

Feminist Christian ethicists have laid the groundwork for questioning the centrality of marriage in assessing the value of families and individuals. Shifting the association of divorce away from failure and shame contributes to the effort to de-center marriage as a marker of spiritual and economic worth. Such a de-centering also contributes to the effort to resist the power of uncritically examined social institutions that serve the needs of the privileged. Christian ethicist Gloria Albrecht writes, "The ideals of privilege should never be mistaken as Christian ideals."[186] Christian ideals must instead support the flourishing of all people, valuing the courage that truth-telling takes and cultivating an ethic of resistance toward all institutions that systemically privilege the rights and experiences of some over others.

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[186] Albrecht, *Hitting Home*, 154.

Divorce, like marriage, is a social and a theological institution that communicates social and moral norms. In this dissertation, I have worked to show that the theological history of divorce in Christianity and in the U.S. cultural context matters for understanding the current moment. Christian ethicists contribute to the cultural context in their moral stances on divorce as an indicator of social change or as a mark of deep human sin and brokenness. I have used the case studies of Christian policy statements on divorce and marriage protection lobbying organizations to highlight the ubiquity of shame in the common understanding of divorce as failure. This understanding and the over-shaming it inspires counter the experiences of many divorcing couples who are making intentional and thoughtful choices for themselves and their families. I argue that the choice to divorce can be rooted in Christian values of truth-telling and witness, and as such should be supported by Christian community. Furthermore, divorce can be a means for resisting damaging norms regarding the moral worth of human beings – the association of marriage with proper, financially stable citizenship and with spiritual goodness is damaging for all people. Finally, I have offered conceptual and practical shifts that can support resistance and the moral obligation to make choices on behalf of the self's own flourishing. The work of developing and implementing these changes continues in lived Christian communities and in the lives of families who experience divorce.

**Table 1 Marriage Protection Organizations**

| Organization Name | Mission | Director and Key Staff | Associated Documents |
|---|---|---|---|
| National Marriage Project (NMP) | From the website: The National Marriage Project (NMP) is a nonpartisan, nonsectarian, and interdisciplinary initiative located at the University of Virginia. The Project's mission is to provide research and analysis on the health of marriage in America, to analyze the social and cultural forces shaping contemporary marriage, and to identify strategies to increase marital quality and stability. | Brad Wilcox (director), David Popenoe and Barbara Dafoe Whitehead (founders) | Facilitating Forever, State of Our Unions |
| Institute for American Values (IAV) | From the website: To renew civil society and end the culture wars. Currently focused on four topics: Marriage, Thrift, Gambling, Shared Values. | David Blankenhorn (director and founder), Barbara Dafoe Whitehead (director of civil society initiatives, member of the board of directors), Jonathan Rauch (member of the board, fellow at Brookings Institution) | Second Chances, Propositions Newsletter, Link to State of Our Unions |
| Coalition for Divorce Reform | From the website: The Coalition is a non-partisan coalition of divorce reform leaders, marriage educators, domestic violence experts, scholars, and concerned citizens dedicated to supporting efforts to reduce unnecessary divorce and promote healthy marriages. | Beverly Willett, Chris Gersten (co-chairpeople) Advisory Board includes Mike McManus (founder of Marriage Savers), Janice Shaw Crouse (Director and Senior Fellow, The Beverly LaHaye Institute, Concerned Women for America), Harville Hendrix (Author; Co-Founder, Imago Couples Therapy), Nisa Muhammad (Founder, Black Marriage Day; President, Wedded Bliss Foundation) | Link to Facilitating Forever (NMP document), Legislation builds on information cited in Second Chances |

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