Framing Divorce Reform: Media, Morality, and the Politics of Family

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No-fault statutes changed divorce from an adversarial system pitting victims against victimizers, with the state acting as enforcer of marital norms, to a private decision between unhappily married but legally blameless partners. Divorce reform following no-fault primarily focused on making divorce more fair for the parties involved. Over the last several decades, divorce reform has transitioned from making divorce better to making marriage healthier. The good divorce has slipped from policy attention, elevating the potential for restigmatization of divorced couples and their children. We trace the trajectory of media framing of divorce reform discourse in three general circulation newspapers from the start of the no-fault revolution, noting how media framing parallels and naturalizes the transition in divorce reform policy. We conclude by observing the prevalence of divorce and the related need for therapists to be cognizant of this naturalization process, thereby keeping the good divorce as a goal for those who desire to end their marriages.

Keywords: Divorce Reform; Marriage Reform; Divorce Policy; Family

Fam Proc 46:17–34, 2007

Public rhetoric suggests that we have entered a new era of divorce and marriage reform, but current public discourse bears a striking resemblance to earlier eras. Post-no-fault divorce reform efforts were intended to make it easier, more fair, or just plain nicer when marriage was no longer a viable option for spouses. Recent events, however, have conspired to change divorce reform discourse into marriage promotion discourse. As marriage reform has come to represent the contemporary approach to reforming divorce, creating ''better'' divorces has essentially dropped off the policy radar screen, and divorcing couples are increasingly at risk for being labeled as deviant and morally deficient.

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Family Process, Vol. 46, No. 1, 2006

As the organized Marriage Movement and the current White House administration enthusiastically promote marriage, divorce has been relegated to the margins of public consciousness. The movement's assumption that ''healthy'' marriage will make divorce go away sets up the two as polar opposites, associating the former with moral good and the latter with evil (see Lakoff, 2002). In the process, making divorce ''better'' for present and future unhappily marrieds and their children has taken a distant back seat to marriage education, premarital counseling, reducing marriage license fees, and proposing waiting periods for those who want to divorce (Brotherson & Duncan, 2004). Although denying their intent to stigmatize single mothers and their offspring, marriage promoters who insist that ''clearly, we are losing many marriages that could and should be saved'' (Waite & Gallagher, 2000, p. 149) may be inadvertently stigmatizing those who feel that their marriages cannot (and should not) last.

In this context, there are indications that divorce is once again becoming a venue for moral evaluation, and those desirous of ending their marriages, for whatever reason, including conflict and hostility, may find themselves subject to public and professional disapproval. To what extent are dysfunctional and unhealthy marriages ''saved'' when, for instance, a conflicted couple arrives on the doorstep of a counselor belonging to the National Registry of Marriage-Friendly Therapists, a group whose participating therapists must sign a value statement that says, ''Because as a marriage therapist *I believe that many and maybe even most marriages can be restored to health even when the spouses are unhappy, conflicted, or demoralized,* my first stance is to explore how the couple might preserve their marriage'' (Doherty, 2005; italics added)? Although this national registry and most marriage promoters explicitly deny trying to preserve violent or dangerous marriages (Doherty), their implicit message is that *all* marriages are good and *all* divorces are bad, and the burden of proof falls on the unhappily married couple to show otherwise.

In 1994, psychologist and family therapist Constance Ahrons introduced the phrase *the good divorce* as one in which families can stay together and interact harmoniously even after the parents dissolve their marriage (Ahrons, 1994). Her admonition that we lack a language to accommodate the concept of a positive divorce experience is instructive; linguists have for some time noted that without naming a concept, we have no recourse to thinking about or enacting it (Whorf, 1956/1998). As Ahrons observed, the negative language used to frame divorce has marginalized and stigmatized families for whom divorce is a fact. Today, the obliteration of the process of divorce (and its frequently positive aspects) from the discourse of family reform is once again threatening to restigmatize divorced individuals and their families. The concept of the ''good divorce'' has, that is, been replaced by the concept of the ''healthy marriage.'' Although coexistence of the two, side by side, in the marital relationship marketplace is, undoubtedly, something to be desired, we suggest that substitution of the former by the latter is problematic to the extent that it demonizes divorced individuals and precludes policy reforms to make divorce better for all involved, including children. Moreover, the push to ''reinstate'' a ''marriage culture'' over a ''culture of divorce'' implicitly overlooks the problems of the former, foremost among which is the assumption of gendered family arrangements that underlies the institution of marriage in the United States (see, for instance, Biondi, 1999; also Hackstaff, 1999).

In this article, we examine divorce reform over time, demonstrating how it is socially constructed within particular historical and moral contexts. We use archival

materials to discuss the broad historical outlines of divorce reform, and more focused content analysis to describe more recent media framing. We begin with a brief history of divorce in the United States, moving on to a closer examination of the social and political contexts of the no-fault divorce revolution and the ''healthy marriage'' counterrevolution. Following a discussion of media participation in framing social concerns, we examine divorce reform media frames in 89 newspaper articles extending from 1968 through April 2005. We discuss the implications of findings that illustrate the evolution of divorce reform discourse to ''healthy marriage'' discourse over the course of the study period, and we conclude by recommending that therapists take into account the socially and politically constructed nature of marriage reform as a substitute for divorce reform and, by so doing, continue to promote ways for their divorcing clients to have a good divorce.

DIVORCE IN THE UNITED STATES

Historical Background

In the early days of the American republic, divorce, tied metaphorically to the new nation's ''divorce'' from England, was essentially a symbol of social order, representing the ability of the community to enforce standards for marital (and other governing) contracts (Basch, 1999; Cott, 2000). The 18th- and 19th-century privileging of contract relations allowed lifelong marriage to coexist with the acceptance of divorce if one of the spouses failed to live up to the marital contract. Such thinking affirmed the nature of marriage as not only between marrying partners but also as an agreement with the state that marriage was to be conducted along certain socially understood lines and in accordance with agreed-upon family roles. Divorce, then, was the community's way of showing its disapproval when one spouse broke the marital contract. The evolution of fault bases for divorce corresponded to a showing that one spouse was no longer keeping up his or her end of the marital bargain, not only with the other spouse but also with the state in general. Early bases of fault were largely limited to adultery, sexual incapacity, and desertion (Cott, 2000), but by the 19th century, provisions for divorce were expanded and grounds were added. Although 19th-century family moralists decried the ''laxity'' in divorce legislation (see, for instance, Woolsey, 1869), in fact, the expansion of grounds was more indicative of the state's increased control over the marriage contract than it was of the absence of state involvement or concern (Cott). Although divorcing created significant social stigma and hardship, particularly for women (see Riley, 1991), it was not seen as antithetical to marriage and coexisted, therefore, with the ideal of lifelong marriage.

Nevertheless, as massive 19th-century economic, social, and demographic changes swept the United States, divorce was increasingly blamed for the resulting social disorder. The number of divorces did in fact increase over the course of the century, as did the perception that the family was in a state of crisis. Adding to the angst, women's rights advocates such as Elizabeth Cady Stanton began to promote divorce as a tool for women's emancipation from bad marriages (DuBois, 1998). An organized antidivorce movement arose by about 1870 (Grossberg, 1985), reacting both to the rise in divorce and to the campaign for women's rights (see Coltrane & Adams, 2003; also Faludi, 1991). The leaders of the movement, organized as the National League for the

Protection of the Family,[1] consisted largely of White male clergy, lawyers, judges, academics, and politicians. One of their primary tasks involved motivating an ''educational'' campaign to associate divorce with family breakdown and social disorder (Dike, 1888), a project that we might today view as akin to an antidivorce public relations campaign. As a result, divorce and marriage came to be seen as oppositional processes, and divorce was equated generally with social disorder. Envisioning divorce as a moral evil to be fought in America's homes and on the legislative front, the antidivorce crusaders focused on tightening state restrictions on divorce and promoting national uniformity in grounds and regulation.

Generally speaking, the 19th-century divorce reform movement is considered a failure by historians, who cite the movement's long-term inability to reduce divorce (O'Neill, 1967). Nevertheless, a number of states did move to limit access to divorce by reducing the number of available grounds, and states with omnibus clauses repealed them and reinstated definitive grounds for divorce (Grossberg, 1985). Although the 19th-century antidivorce movement was somewhat successful at encouraging uniformity across states, it was less successful in promoting uniformity in divorce regulation at a national level, although uniform divorce laws were introduced in Congress on several occasions (Grossberg; Riley, 1991). The present analysis suggests that, although that fight was ''lost'' in the early part of the 20th century, an analogous fight has resurfaced recently at the national level as the federal government, in alliance with marriage promotion advocates, has moved to make ''healthy marriage'' the standard for reform activity across the nation.

From Fault to No-Fault to "Healthy Marriage"

Over the next half-century, divorce laws remained relatively unchanged. The requirement that grounds be proved in court before a divorce could be granted necessitated an overtly adversarial judicial proceeding that pitted a ''blameless'' victim against a ''blameworthy'' victimizer (see Coltrane & Adams, 2003). Although divorces were often mutually desired, the legal requirement for blame mandated divorce actions filled with collusion between the spouses, their lawyers, and judges themselves (see Ellman & Lohr, 1997; Hill Kay, 2000). Revelation of (staged) trysts, replete with private investigators hired to ''uncover'' the adultery, consumed an undue amount of court activity and energy, increasing an atmosphere of legal hypocrisy that many felt demeaned the courts, the law, and the involved couple (Ellman & Lohr). Moreover, the mandated finding of blame was, in many cases, undeserved but required, and the animosity that resulted as couples debated who was to ''take the hit'' exacerbated acrimonious outcomes (see, for instance, Ahrons, 1994). In response to this divorce miasma, the legal community undertook divorce reform that moved divorce from a fault-based to a no-fault regime (Hill Kay, 1987, 2000).

No-fault divorce statutes, the first of which was enacted in California in 1969–1970, made divorce proceedings officially nonadversarial as the requirement to prove one party's guilt was eliminated (Hill Kay, 2000). Irreconcilable differences or incompatibility replaced, or was added to, the laundry list of grounds for which a divorce could be granted. This reform also did away with much of the hypocrisy embedded in a

[1] Organized in 1881 as the New England Divorce Reform League, the group went through two additional name changes, first to the National Divorce Reform League and, in 1897, to the National League for the Protection of the Family.

system that required collusion between the participants and the court (Bradford, 1997; Friedman, 2000). Other states followed California in quick succession and, by about 1985, all had some provision for no-fault divorce on their books (Singer, 1992). The decision for divorce moved from the state to the divorcing couple as the former moved from a regulatory to a procedural role. Most states, however, did not completely break from grounding divorce in fault, at the very least continuing to require a mandated waiting period before divorce could be granted (Butler, 2000).

A number of symbolic and conceptual shifts occurred with the implementation of no-fault statutes. Divorces were essentially privatized; couples could make their own divorce decisions without being subject to the public moralizing implicit in fault-based regimes. The state had ''abandoned its role as the moral arbiter of marital behavior'' (Singer, 1992, p. 1472). Severing the conceptual divorce relationship between victim and victimizer (generally conceived as wife and husband, respectively) also broke the implicit symbolic connection of divorce with social disintegration, which was embedded in the symbolism of divorce law since the late 1800s. Divorce became a process between ostensible legal equals rather than one that allowed the state to reinforce one spouse's legal dependency by conjuring up images of an injured and an injuring party (see Biondi, 1999). In this way, divorce could be seen, as early feminists had envisioned, as a mechanism for release from a bad marriage. Moreover, as sociologist Karla Hackstaff (1999) observed, a ''culture of divorce'' could serve as a negotiating tool for empowering women within the context of marriage.

Implementation of no-fault divorce initially created a number of financial problems for ex-wives because their property and support settlements were now premised on their legal status as equal marital partners. Some states continued to regard property as belonging to the person in whom title vested (generally the man); moreover, exactly what belonged in the realm of marital property was unclear. Alimony, previously considered a divorced wife's ''right'' based on her husband's abrogation of the marital contract, had been discontinued and replaced by a new ideal of spousal support premised on the notion that men and women were equally capable of supporting themselves (Brobeil, 2004). That women were disadvantaged by the gender pay gap was overlooked, and divorced women suffered financially as a result (Weitzman, 1985). Moreover, women continued to be the primary postdivorce custodians of children, a fact that further exacerbated their financial hardship (see, for instance, Arendell, 1986). For these reasons, early post-no-fault reform efforts, promoted largely by feminists, focused on such topics as financial awards (both spousal and child), the legal parameters of ''equity'' versus ''equality,'' and the types and extent of property to be distributed at divorce (Hill Kay, 1987). Although they had limited success in increasing divorced mothers' standard of living (see Arendell), feminists were able to increase the visibility of the problems in the system and slowly make the new divorce regime fairer for women (Hill Kay). A number of states passed equitable distribution laws, and many broadened the scope of marital property distributed at divorce (Burke, 1987; Hill Kay).

One area of increased concern for women was child support. Even before implementation of no-fault, noncustodial fathers rarely made court-mandated child support payments, and states found it difficult to force them to pay (Walters & Elam, 1985). Because of early problems with the no-fault system, custodial mothers found themselves shortchanged both by the presumption of equal partnership in distribution of assets and by fathers' continued nonpayment of child support. Although the

post-no-fault divorce standard of equality evaluated both mothers and fathers for their potential to pay, generally fathers were found to have the greater ability and were therefore most often obligated for the financial support of their children (Carbone, 2000). Although states had a difficult time persuading noncustodial fathers to pay, by the 1980s, the federal government had involved itself in ensuring and enforcing child support awards (Walters & Elam; see Coltrane & Hickman, 1992).

By the late 1970s, reacting at least in part to their responsibility for increased child support payments, noncustodial fathers organized around their perceived disadvantage in the no-fault divorce regime. Observing continued judicial preference for maternal custody (Carbone, 2000), a fathers' rights movement emerged to promote joint child custody, a new ideal that was institutionalized in some states' statutes (Coltrane & Hickman, 1992). Drawing on social science literature that portrayed fathers as necessary for a child's healthy development (Lamb, 1981), the fathers' rights movement constructed a cultural ideology that typified the ''new'' father as child centered and nurturing, and their children as deprived by divorce of their father's love and care (Coltrane & Hickman; Drakich, 1989). The fathers' rights movement was part of a larger men's rights movement that emerged during the 1970s, partly in reaction to the women's movement and to the privatization of family law that was reflected in no-fault divorce statutes. Both adopted a discourse of men's victimization that blamed women (and particularly feminists) for men's (and fathers') perceived loss of privilege (Messner, 1997).

Although fathers' rights advocates routinely lamented the ''raw deal'' that fathers got in terms of custody, visitation, and support orders (Coltrane & Hickman, 1992; Drakich, 1989), it was not fathers but children who were identified as the new ''victims'' of divorce (see, for instance, Marquardt, 2005; Wallerstein & Kelly, 1980; also Wallerstein, Lewis, & Blakeslee, 2000). With the reintroduction of a victim into the process, divorce once again came to be seen as a symbol of social disorder (Coltrane & Adams, 2003). Although a notable body of social science research (see, for instance, Ahrons, 1994, 2004; Hetherington & Kelly, 2002) contradicted that of Judith Wallerstein and her colleagues (Wallerstein & Kelly; Wallerstein et al., 2000), the latter resonated with emerging research and popular books reflecting the ''dire consequences'' of father absence on children (Blankenhorn, 1995; Popenoe, 1996). Combining fathers' rights rhetoric with the discourse of children's victimization, advocates of the new profatherhood campaign came down hard against divorce reform: ''Divorce is the problem. Pretending that better divorce is the solution amounts to little more than a way of easing our conscience as we lower our standards. As fatherhood fragments, children's well-being declines'' (Blankenhorn, 1995, p. 170). Thus, by the mid-1990s, the discourse of divorce reform began to merge into a discourse of divorce repeal as children's advocates admonished unhappily married parents to avoid divorce ''for the sake of the children'' (see Gallagher, 1996; Wallerstein & Kelly), and some fatherhood advocates claimed that divorced dads could not really be considered to be fathers at all (Blankenhorn; also Popenoe).

Divorce repeal rhetoric included arguments about how no-fault divorce ''harmed'' the ''innocent'' party (the spouse who did not want the divorce), shifted divorce acrimony from the divorce itself to child custody and support proceedings, and reduced marriage to a nonbinding contract (Schoenfeld, 1996). The rhetoric has been mirrored in state-level attempts to make divorce more difficult, including reinstating fault grounds, requiring mutual consent for application of no-fault, establishing

longer waiting periods between filing and final decree, and instituting other roadblocks to finalizing divorce, including parental counseling and parenting plans (Schoenfeld). Although many states have adopted one or more of these provisions, no state has completely abolished its no-fault divorce statute.

As divorce repeal rhetoric and policies multiplied, covenant marriage emerged as the beginning of a third phase of divorce reform. Although we date the third phase to the 2001 inauguration of President George W. Bush, covenant marriage got a somewhat earlier start, creating some overlap between the discourse of divorce repeal and that of marriage reform. This overlap reflects, we suggest, the ambivalence that Americans feel about repealing divorce or even making it more difficult. For instance, responding to a question on a recent Time/CNN poll (May 7–8, 1999), 59% said that government should not make it harder for people to get divorced; nevertheless, 64% agreed that people should be required to take a marriage education course before they could get a marriage license (Time/CNN, 1999).[2] The third phase of divorce reform discourse suggests that policy makers interpret such polls to mean that ''frontloading'' marriage is a more publicly palatable approach to divorce reduction than is making divorce less accessible.

Covenant marriage was perhaps the first attempt to make divorce harder to get by tapping into a couple's commitment level as they first approach the altar. Passed originally in Louisiana in 1997, covenant marriage is also currently available in Arizona and Arkansas. These statutes provide a voluntary alternative to ''regular'' marriage whereby partners commit to three primary practices: (1) mandatory premarital counseling; (2) a ''legally binding agreement'' that they will privilege preservation of the marriage; and (3) return to fault-based divorce provisions or an extended period of separation (up to 2 years) if divorce ultimately becomes necessary (Spaht, 2004). Although covenant marriage has been promoted extensively by conservative political and religious groups and has been introduced in a number of additional state legislatures, it has not taken hold of the public imagination and, to date, has been chosen by relatively few marrying couples (Feld, Rosier, & Manning, 2002; Zurcher, 2004).

Although covenant marriage has failed to mobilize a substantial following, it does illustrate a conceptual shift in the rhetoric of divorce reform, whereby reforming marriage (making marriage ''better'') has become the latest method for attempting to reduce what is considered to be an unreasonably high divorce rate. The conceptual and ideological shift represented by the ''strengthening marriage as divorce reform'' approach has occurred in the context of a conservative reaction to no-fault reforms and an increased political opportunity that has energized conservative evangelical groups to elect politicians holding traditional family worldviews (see Coltrane, 2001). Elements of the shift include focus on better marriage, often to the near total exclusion of fostering better divorces. This latest phase in divorce reform strategizing has been adopted by an amorphous grouping of academics, therapists, clergy, and others who call themselves the ''Marriage Movement.''

[2] Interestingly, responses to the divorce question depended on the wording. When asked, ''Do you believe it should be harder than it is now for married couples to get a divorce?'' 50% of respondents answered Yes. When asked, ''Should it be harder than it is now for married couples with young children to get a divorce?'' 61% said Yes.

The Marriage Movement was built on aversion to high divorce rates and fueled by a particular body of social science research connecting divorce to lifelong damage to children (see, for instance, Marquardt, 2005; Wallerstein & Kelly, 1980; Wallerstein et al., 2000) and marriage to unrealistic expectations for health, wealth, and social prosperity (see Nock, 1998; Waite & Gallagher, 2000). Originally organized in 2000 through the Institute for American Values, the Marriage Movement claims to represent a nonpartisan ''grassroots'' effort to ''strengthen marriage'' (Marriage Movement, 2004). Its Statement of Principles, created in 2000, and 2004 update set forth its determination to lead a ''marriage renaissance'' and create a ''marriage culture'' in the United States (Marriage Movement).

Although the organization is of relatively recent vintage, momentum has been building for some time, drawing strength from groups who have become disenchanted with the loss of male privilege associated with symbolic and material changes to family life (see Coltrane, 2001). For instance, Promise Keepers, an evangelical men's movement organized in the 1990s by former professional football coach Bill McCartney, filled football stadiums as it combined sports and religious metaphors to demand men's ''reinstatement'' as spiritual, physical, and moral family leaders (Janssen, 1994). A somewhat less spectacular, but more overtly political, organization, the National Fatherhood Initiative, was organized in 1994 as an advocacy group to ''counter what . . . activists saw as 'the growing problem of fatherlessness''' and promote ''responsible fatherhood as a national priority'' (Coltrane, p. 398). Ostensibly, this organization could be seen as a distant cousin to the (distinctly antifeminist) fathers' rights groups organized in the 1970s and 1980s. In a sort of cross-pollination between groups, David Blankenhorn, a leader of the organized Marriage Movement, and presidential appointee Wade Horn, who heads the Bush administration's Healthy Marriage Initiative, both presided over the National Fatherhood Initiative (see Coltrane). As president of the National Fatherhood Initiative, Horn pitted feminists against fatherhood in stating, ''Radical feminists trumpet the demise of in-the-home fatherhood as a victory for the independence of the modern woman, but fathers make unique and irreplaceable contributions to the well-being of children'' (quoted in Pear, 2001, p. 24).

The Bush administration's Healthy Marriage Initiative proposed to expend $1.5 billion over a period of 5 years on programs to ''strengthen marriage.'' Tied to reauthorization of the 1996 welfare reform bill, the initiative attempted to earmark those funds for marriage strengthening among the poor and encouraged ''faith-based'' organizations to develop programs for its implementation (see, for instance, Brotherson & Duncan, 2004). Although enabling legislation is still pending, administration officials have used loopholes in the budgetary process to distribute funds for the initiative's enactment, funding programs that promote marriage through marriage preparation, premarital counseling, reductions in marriage license fees, and other programs that ''jump start'' marriage. Because the ''official'' motivation for the initiative is the high divorce rate, the Healthy Marriage Initiative can be viewed as one form of divorce reform. In this sense, the Healthy Marriage Initiative organizes the marriage, fatherhood, and fathers' rights movement concerns about (no-fault) divorce into a broader concern about divorce's alleged connection with children and men as victims of (easy) divorce, and reinforces the symbolic image of divorce as social disorder.

The above discussion addresses divorce reform at the larger policy level and the discourse deployed by politicians, social scientists, and activists to influence policy

decisions. Below, we address how that discourse becomes part of the larger public conversation on divorce reform. For this discussion, we turn to an analysis of media framing of divorce reform that can help us better understand how politicized worldviews such as these become part of the public's taken-for-granted stock of knowledge.

MEDIA AND FRAMING

According to sociologists and media scholars, newspapers both reflect public opinion and contribute to its creation. A media frame, according to Gamson and Modigliani (1989), is a ''central organizing idea . . . for making sense of relevant events, suggesting what is at issue'' (p. 3). Media frames are not policy positions; media frames are interpretive structures broad enough to encompass ''disagreement within the overall frame'' (p. 4). In this respect, frames essentially provide the boundaries of reasonable discourse and the limits of rational argument. Accordingly, frames encourage particular ways of thinking by selecting out and highlighting certain ''aspects of a perceived reality . . . in such a way as to promote particular problem definition, causal interpretation, moral evaluation'' and problem solution (Entman, 1993, p. 52; see also Knight, 1999; Tucker, 1998).

Social scientists suggest that media framing is a ''central political activity'' (Baysha & Hallahan, 2004, p. 235) because the ''entrenchment of some terms, and the disappearance of others, is often a signal of political triumph and defeat'' (Callaghan & Schnell, 2001, p. 184). Thus, to the extent that certain frames appear or disappear from the mediated public discourse, intentional media framing can be seen as political practice, particularly because studies have found that decision makers frequently use the media as their primary information source (see, for instance, Featherman & Vinovskis, 2001). Moreover, selective (and decontextualized) use of social scientific statistics and findings can be seen as legitimating media frames that might otherwise be perceived as ''too opinionated'' to be objective fact (see Weiss & Bucuvalas, 1980; Weiss & Singer, 1987; also Crossen, 1994).

Contemporary Media Framing

This portion of our study examines popular news media framing of divorce reform between the time of implementation of the first no-fault divorce statute in California in 1968 and April 2005. Drawing on the literature on media frames and their political nature, we address two main questions: (1) What are the defining media frames that are used by news media in reporting divorce reform? and (2) How has deployment of those frames changed over time?

We use a content analytic approach to address these questions, focusing on articles from three popular newspapers available from two online news databases, *Lexis/Nexis* online and *Proquest Historical Newspapers*. Our general time period of interest is 1968 through April 2005, which encompasses the inception of no-fault statutes around the nation. Specifically, the data are taken from the *Christian Science Monitor*, the *New York Times*, and the *Washington Post*. The bulk of the analysis was drawn from the *Lexis/Nexis* database, which provided extensive coverage after 1980, but minimal coverage before. To include earlier media discourse relative to the burgeoning of no-fault divorce laws, we used the *Proquest Historical Newspapers* database to find articles from the *New York Times* prior to 1980. Using the search terms ''(divorce reform or marriage reform) or (healthy marriage and divorce),'' we uncovered a total of 127

articles in *Lexis/Nexis* and 65 articles in *Proquest Historical Newspapers*. We excluded all articles on same-sex marriage and those primarily concerned with divorce policy outside the United States. We also excluded articles with no clear divorce media frame. Our sample after applying these criteria incorporated 60 articles from *Lexis/Nexis* and 29 articles from *Proquest* (total $n = 89$ articles; 11 from the *Christian Science Monitor*, 63 from the *New York Times*, and 15 from the *Washington Post*). We chose these three news publications for both substantive and pragmatic reasons. Both the *New York Times* and the *Washington Post* are major national newspapers whose influence and circulation statistics—exceeding a total of 2.5 million subscribers (Audit Bureau of Circulations, 2005)—reach well beyond their regional boundaries. The *Christian Science Monitor*, distributed both nationally and internationally, is described by *Lexis/Nexis* on-line as ''one of the world's great newspapers.'' We believe that the quality, extent of readership, and level of influence of these three media sources combine to provide a good basis for analyzing the public presentation of the divorce reform debate. Moreover, our ability to access the full texts of articles from 1968 to 1980 (*New York Times*) and from 1980 to April 2005 for all three media outlets through *Lexis/Nexis* and *Proquest Historical Newspapers* provided us with enough contextual detail to enable categorization of each article by media frame.

Nevertheless, there are several limitations to this approach. For instance, additional representativeness might be achieved by including analysis of a greater number of newspapers and incorporating diversity in terms of region, size of community served, and rural/urban setting. A somewhat more nuanced comparison of media presentation of divorce reform could then be accomplished. An additional limitation, embedded in most textual analyses, involves the fact that our categorizations were based on our interpretation of reporters' meanings and might not perfectly reflect their intentions. Finally, although we generally approach the media frames in our analysis as if they are distinctly deployed in each of the articles, in fact, frame types sometimes overlap and thus may be less clearly defined than our analysis would suggest. Nevertheless, we believe that our analysis provides a good baseline for future research into the trajectory and evolution of divorce reform rhetoric.

Analytic Approach

Drawing on Gamson and Modigliani's (1989) definition of media frames, we examined each of the articles for presence of a divorce media frame. Preliminary reading of the articles suggested the involvement of three such frames, each engaging a different ''storyline'' about divorce policy. The *divorce reform frame* provides an organizing framework for answering the question of how divorce can be made easier or better for the participants (divorcing couple and/or their children). This frame engages a discussion of divorce, usually with the implicit assumption that access to divorce itself is good or at least preferable to not having such access. The *divorce repeal frame*, on the other hand, organizes the storyline of divorce itself as a bad (or morally evil) institution, for the participants and/or society. This frame is also about divorce but implies that divorce should be abolished entirely or should be made more difficult to obtain. The *marriage reform frame* co-opts and incorporates the divorce repeal frame and provides an interpretive structure whereby ''strengthening'' marriage is viewed as the ultimate way to eliminate divorce. This frame implies that frontloading marriage—through such programs as marriage education, premarital counseling, or

''healthy'' marriage incentives—will prevent divorce at some future time. We coded each of the 89 selected articles using the above frame definitions, keeping in mind the admonition that arguments both pro and con could fit into the context of each of these overall frames. We also coded for the date of the article and for the presence of reference to social science research regarding divorce or marriage.

FINDINGS AND DISCUSSION

The results of our analyses are shown in Figure 1. Results are divided into three time periods, as shown, each of which depicts the proportional composition of divorce policy media frames discussed above. Most articles were structured by one main divorce policy frame, although in four cases, two frames were given roughly equal play, so we coded for the presence of both frames used. Time periods chosen are subjective, reflecting our understanding of changing perceptions of divorce relating to larger cultural and political shifts.

The first time period includes articles dated from 1968 through 1995. At a policy level, during this period, no-fault divorce was developed and implemented throughout the country and, after implementation, statutes were reworked to ''iron out'' difficulties. At a social level, this period saw the rise of, and subsequent backlash to, second-wave feminism, the rise of pro- and antifeminist men's movements (Messner, 1997), and the rise of the conservative religious right (see Himmelstein, 1990). The large majority of divorce reform media frames were identified during this period ($n = 53$), with divorce repeal ($n = 4$) and marriage reform ($n = 3$) frames lagging well behind in use. Although the number of frames identified is an artifact of the extended time frame, yearly analyses (results not shown) indicate generally consistent use of the divorce reform frame over the period (interestingly, however, relatively few articles framing divorce reform appeared at all in the period from 1987 through 1996). The beginning of the second time period, 1996, marked legislative adoption of changes in welfare law that included language on strengthening marriage and family. The second time period extends through 2000, the year of G. W. Bush's election as president. During this second period, there was a marked reduction in media attention to divorce, and the coded frames reflect this reduction. Notably, although the divorce repeal and marriage reform frames remained relatively stable, use of the divorce

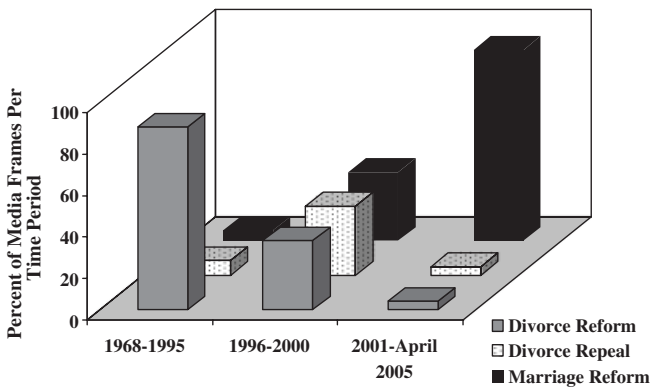

FIGURE 1. Divorce Policy Media Frames, 1968 through April 2005

reform frame dropped substantially, from 53 identified frames to only 3 during the second time period. Although this is undoubtedly an artifact of the uneven time periods, at least part of the reduced deployment of the divorce reform frame likely reflects the increased political organization of the religious right and the rise of the National Fatherhood Initiative, both of which tend to disparage divorce and call for policies that make it less accessible. Increasingly prevalent was discourse discouraging divorce but not yet explicitly promoting marriage reform.

The third time period, 2001 through April 2005, begins with the inauguration of G. W. Bush and parallels his administration's efforts to promote two-parent, married, heterosexual families. The political entrenchment of the religious right has, by this time, coalesced with the increased organization of the Marriage Movement to provide a united front in the war on divorce, and both have found a home with the administration and its promotion of ''faith-based'' programs. In the process, the divorce reform frame is essentially redefined as marriage reform, and the marriage reform frame assumes that the programmatic result will be elimination of future divorces. Thus, the marriage reform frame incorporates elements of the divorce repeal frame as well; that is, premarital counseling may be combined with longer waiting periods before divorce becomes effective. Use of the marriage reform media frame increases substantially over this time period ($n = 22$) even though the time frame analyzed is relatively short. Thus, the number of articles deploying the marriage reform frame in the approximately 4 1/2 years between 2001 and April 2005 is nearly half the number of articles deploying a divorce reform frame in the 27 years between the inception of no-fault and 1995. This analysis is, moreover, conservative, because our search frame precluded use of a strictly healthy marriage frame by requiring that articles refer to both ''healthy marriage and divorce.''

As suggested previously, the news media both reflect and inform public opinion. In this regard, Entman and Herbst (2001) suggested that public opinion is largely a myth constructed through media framing processes. Our analysis has illuminated the media framing that evolved over the course of the last several decades in terms of divorce reform discourse. Nevertheless, this framing has not been solely the product of the media; various claimsmakers, such as fathers' rights advocates and marriage promoters, have been involved in the construction and promotion of divorce as a social problem (Coltrane & Adams, 2003). Moreover, these claimsmakers, particularly those involved in the promarriage movement, have benefited from the pseudo-scholarly contributions of well-funded, often conservative, think tanks that sponsor public dissemination of the movement's political agenda. These think tanks (e.g., the Heritage Foundation, the Institute for American Values, and the American Enterprise Institute) help to establish and promote media ''experts,'' largely outside the peer review process, whose research and opinions may then appear as legitimating forces in the context of media frames (see Coltrane & Adams). Our analysis of divorce reform frames by time period supports the notion that a political opportunity for the promarriage/antidivorce movement agenda was created with the election and reelection of G. W. Bush in 2000 and 2004. An often symbiotic relationship has developed between the Bush administration and this movement, such that the policies of one support and legitimate the political agenda of the other (see Coltrane, 2001).

As a number of social commentators have reported, the contemporary business of media reflects a concentration of corporate interests (see Bagdikian, 1987), and a mutually influential relationship has developed between commercial media and our

business-friendly government (Herman & Chomsky, 1988; McChesney, 1999). Well-heeled media conglomerates are often heavily invested in politics (Bagdikian) while, on the other hand, government has also been known to exert pressure on the media. For instance, Croteau and Hoynes (2001) noted the political use of the commercial media to disseminate government-approved messages. This influence may be direct, illustrated by the 1997 agreement made between the White House and television networks to have antidrug messages shown during primetime programming (Croteau & Hoynes) and by the revelation that the G. W. Bush administration paid columnists such as Maggie Gallagher, a staunch marriage advocate, to support its marriage initiative in the print media (Kurtz, 2005). Or it may be more indirect, appearing generally as media resonance with government promarriage policy and thereby adding legitimacy to the media frame. Nevertheless, people continue to believe, according to Croteau and Hoynes, that ''the news media should serve the crucial role of informing the public'' (p. 203) and therefore expect the media's message to be informative at some level. Framed public opinion, as it were, is enveloped in the patina of media objectivity, increasing its power to influence not only the public at large but also educated professionals, such as marriage and family therapists, who draw on media accounts to inform their practice.

Of additional note is the increased use over time of social science research to legitimate journalistic accounts of divorce policy. Although only 10% of articles drew on social science in the first time period (6/60), the proportion climbed to 44 percent in the second time period (4/9). In the most recent period, two thirds (16/22) of the articles relied on social science to bolster their claims. We thus observed the blending of social science and moral claims about divorce and its repercussions. This finding resonates, moreover, with the increasing use of ''experts,'' discussed above, by conservative think tanks to legitimate claims of the promarriage movement.

Our analysis suggests that divorce reform policy is no longer about divorce reform, at least as presented through the context of the news media, but is instead about marriage promotion. In this regard, the news stories analyzed reflect the general trend over time for divorce reform to become less ''divorce centered'' and more concerned with frontloading marriage to forestall later divorce. Although we have identified three different media frames, the divorce reform and marriage reform frames are the dominant frames deployed. Perhaps divorce repeal could be seen as an interim frame, a sort of trial balloon allowing antidivorce policy makers to assess public reception to policies that make divorce less accessible. This notion engages the ambivalence about divorce that is often displayed in public opinion polls questioning whether divorce should be harder to get. Over time, such polls have consistently shown that, in the abstract, people typically want to maintain the moral high ground and insist that divorce be made less accessible; however, when considering divorce options for themselves or those with whom they are close, people generally want divorce to remain a viable option (see, for instance, Coltrane & Collins, 2001). The Times/CNN (1999) poll cited previously clearly reflects the aversion that respondents have to government involvement in divorce but also suggests willingness for respondents to engage in premarital activities that strengthen marriage. Because the general public tends to be less amenable to rolling back divorce per se, the divorce repeal media frame appears, then, to have less utility as an overall reflection of media discourse on divorce reform. The most useful frame appears to be the marriage frame, which essentially becomes the new approach to divorce reform.

IMPLICATIONS FOR THERAPY

As the fault-based divorce regime demonstrated, laws go only so far in restricting marital behavior; if one spouse wants out of a marriage bad enough, he or she is likely to find a way to ''escape'' regardless of whether such escape accords with extant divorce laws. No one can argue with the benefits of a healthy, stable family life, and few people try. But because the issue of family has become an increasingly political one, it behooves us, as researchers and therapists, to understand that the way the issue is framed can incorporate a particular politicized worldview. Moreover, it is important to be cognizant of the ways that the media, as a representative of the culture at large, transmits that worldview and makes it seem natural.

Cultural acceptance of marriage promotion can have important influences on clinical practice. Because men tend to be more reluctant than women to enter therapy, there is a possibility that marriage-promoting therapy could bring more men into marital counseling and provide them with the insight and emotional tools to become better partners. Having traced the connections between marriage promotion, fathers' rights, and the patriarchal roots of family law, however, we see this possibility as slight. Instead, to the extent that considering divorce again becomes grounds for moral evaluation, people in troubled marriages may be expected to face even more stress than they already do. By assuming that all marriages can and should be saved, marriage and family counselors can indeed contribute to a hostile attitude toward divorce, but we question whether this will serve the needs of most clients. If therapists judge their clients as having personal failings for not trying hard enough to ''save'' their marriages, it can easily undermine the goals of therapy. As noted above, we worry about the unintended likelihood that marriage-promoting counselors might preserve, or at a minimum prolong, violent, dangerous, or otherwise dysfunctional marriages. Such prejudgment might also be expected to increase feelings of guilt for a party desiring to dissolve a union that is not high in overt conflict. To assuage those feelings and justify leaving the relationship in the context of such moral condemnation from their therapists, individuals may feel inclined to aggravate their already-poor marital situation. Under these circumstances, if (or more likely, when) divorce does occur, postdivorce acrimony is likely to increase. For these reasons, we fear that prejudging all marriages as inherently savable will undermine many women's, and some men's, ability to lead healthy and happy lives.

Moreover, the movement to shift marital counseling from value neutrality to a promarriage standard of practice is potentially stigmatizing for therapists who believe that promoting their personal marital values may be detrimental to client well-being. This argument is embedded in the history of marital therapy, as 1950s-style ''save the marriage at all costs'' cultural models have moved over the years toward encouraging therapists to assume a more neutral focus on relationship health. These latter models support therapist impartiality on the question of whether a couple should stay married and are effectively institutionalized in the American Association for Marriage and Family Therapy code of ethics, which states that responsibility for relationship decision-making should remain the purview of the client rather than the therapist (American Association for Marriage and Family Therapy, 2001). This position of neutrality has been challenged by at least one proponent of the campaign for ''marriage-friendly'' family therapy, who suggests that value-neutral marital counseling leads to reduced marital commitment and ''therapy-induced marital suicide''

(Doherty, 2002, p. 15). The implication of this challenge is that a therapist is either ''for marriage and against divorce'' or ''for divorce and against marriage,'' with no middle ground. Thus, just as marriage promotion movements have the potential to restigmatize those who opt for divorce, marriage and family counselors should be aware that such movements also have the potential to restigmatize value neutrality and those who promote it as an effective therapeutic tool.

Like it or not, divorce is here to stay. Most estimates are that almost one half of all marriages will continue to end in divorce. What purpose is then served by routinely discouraging divorce and ignoring legal reforms that might make it less onerous and contentious? To the extent that we eliminate a discussion of ''good'' divorce, or a search for ways to have good divorces, we will be reducing the opportunities and life chances for those availing themselves of divorce and for their children. Because increasing the well-being of children is the alleged goal of the marriage reformers, we would hope that they would see the logic in keeping good divorce on the table as an option. Moreover, idealization of marriage implicitly stigmatizes those who do not, or cannot, marry. For instance, as Edin and Reed (2005) observed, the poor, a group specifically targeted for marriage by the profamily movement, are often desirous of marrying. Nevertheless, social and economic barriers tend to prevent them from doing so in spite of the high value that they place on marriage. Stigma and increased pressure to marry, in the form of reduced access to welfare benefits, often follow. Same-sex couples form another group stigmatized by the push for heterosexual marriage. To the extent that same-sex couples, many of whom are parents, are denied access to marriage, its idealization and promotion relegates them and their children to the status of second-class citizens. Finally, as suggested by Elizabeth Cady Stanton nearly 150 years ago and as our analysis of the gendered implications of divorce reform has reiterated, divorce is an option that empowers women in the context of marriage. Although marriage promoters suggest that abandoning the search for the good divorce benefits fathers (Blankenhorn, 1995) and, possibly, children (Wallerstein et al., 2000), we believe it would do little to increase women's marital well-being.

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