Divorce Australian Style: A Demographic Analysis

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INTRODUCTION

The Family Court of Australia, in recently revising the form on which it transmits case by case divorce data to the Australian Bureau of Statistics, has deleted the items 'Marital status of wife at marriage' and 'Marital status of husband at marriage'. Overnight, a capacity dating from 1961 to routinely monitor both the extent to which first marriages end in divorce and differentials in the propensity to divorce among first marriages, remarriages following widowhood and remarriages following divorce was lost. With this serious data limitation effective from 1996, the time is opportune to take stock of Australia's divorce experience. This paper does so by drawing on both unpublished work undertaken some years ago by the first and third authors and an updating and extension of that work to 1994 for which the second author was responsible.

In broad terms the likelihood of a marriage ending in divorce in Australia has risen from around 10 per cent in the 1950s and early 1960s to around 40 per cent in the 1980s and 1990s. After briefly tracing the history of Australian divorce legislation, this phenomenon is explored through the presentation and discussion of trends in several more refined measures of the incidence of divorce. Explanation of detailed features of these trends is largely integrated with description, but a separate discussion section summarizes the main findings from the data, reviews the broader forces underpinning the higher divorce rates of the past two decades, and extends the analysis of particular findings. Measures of divorce examined are marriage duration-specific and cumulative rates of divorce for both real and annual synthetic marriage cohorts. They are calculated both for entire cohorts and for cohorts of first marriages and remarriages following widowhood and divorce, analyses mostly being refined by sex and at some points also by age at marriage. Entire cohort figures cover 1938-39 to 1989-90 (July-June) real marriage cohorts and 1946-94 synthetic cohorts; those for first marriage and remarriage cohorts cover 1960-61 to

The 'reduced events' approach to the analysis of demographic processes is employed. It is applicable to processes (such as fertility, nuptiality and divorce) which 'do not exclude members of [a] cohort from [future] observation' (Wunsch and Termote, 1978, p.45) (as, for example, mortality and emigration do). At its core in a study of divorce is a matrix of annual ratios of divorces at each single-year duration of marriage to the initial size of the relevant marriage cohort; in other words, becoming divorced does not remove an individual from the denominator of ratio calculations at longer marriage durations. However, other processes, labelled 'disturbances' by Wunsch and Termote (external migration and mortality), which alter the sizes of marriage cohorts over time by physically augmenting them or removing cohort members from further observation, do require duration by duration adjustment of ratio denominators. The manner of accomplishing this in this study is discussed in the Methodological Appendix, which also details more fully reduced events principles. The matrix of divorce ratios produced yields the cumulative experiences of synthetic marriage cohorts summing vertically from marriage duration 0 years, and of real marriage cohorts summing diagonally, the latter (but not the former) being likely to approximate well results a life table analysis would yield (see Methodological Appendix). The adjustments made for 'disturbances' mean that reported cumulative rates of divorce by exact marriage duration years measure likelihoods of having divorced assuming both parties remained alive years after marrying.

DIVORCE LEGISLATION

Before 1961, legislation governing divorce in Australia was the preserve of State (or, prior to 1901, Colonial) parliaments. Divorce laws first were enacted in South Australia, Tasmania, Victoria, Western Australia, Queensland and New South Wales in 1858, 1860, 1861, 1863, 1864 and 1873 respectively. All were modelled on England's Divorce Act of 1857, which instituted matrimonial wrongdoing as the fundamental principle determining when divorce should be permitted and specifically provided for it only on the grounds of a wife's adultery, a husband's adultery combined with incest, bigamy, serious cruelty or desertion for two years, and a husband's being guilty of rape, sodomy or bestiality. An attempt in the original Victorian bill to add desertion for four years and simple adultery by the husband was refused Royal Assent.

The range of matrimonial offences accepted as grounds for divorce later widened in all States, although there was no uniformity in the timing of changes to laws, in criteria used to establish particular offences, or in the specific offences ultimately recognized (Joske, 1952). Among offences added over the years in one or more jurisdictions were simple adultery by the husband, desertion, habitual drunkenness, habitual failure to support one's wife, habitual cruelty, habitual neglect of domestic duties, imprisonment for serious crime, repeated imprisonment, conviction for the attempted murder of or serious assault upon one's spouse, incurable insanity, failure to comply with a Decree for the Restitution of Conjugal Rights, being pregnant to another man or responsible for another woman's pregnancy at marriage, and habitual failure to pay maintenance. The first semblance of 'no-fault' divorce came with the admission of separation for five years as a ground in Western Australia in the late 1940s. Into the 1960s adultery and desertion were everywhere by far the most frequently cited grounds for divorce, but the specifics of State laws varied appreciably.

The Matrimonial Causes Act 1959 established, from 1961, a single, uniform divorce law for Australia. Previously the only Federal involvement in divorce had been to specify who had jurisdiction in cases of uncertainty (e.g. cases involving deserted brides of American servicemen after World War 2 (Moore, 1981)). Essentially the new Act perpetuated existing grounds for divorce but set standard criteria for determining that each had been established. It also extended Australia-wide the possibility of divorce once separated for five years. Adultery and desertion, however, remained the favoured grounds, separation ranking a distant third. Though more dignified, the lengthy qualifying period discouraged its use, as did its being seen as for those unable to prove misconduct by an estranged spouse. One could divorce (and
remarry) much more quickly if able to establish adultery or desertion for two years.

The Matrimonial Causes Act governed divorce proceedings for 15 years, but by the early 1970s pressure was building for legislation which did away with fault and would impart to the divorce process 'the maximum fairness, and the minimum bitterness, distress and humiliation' (Stewart and Harrison, 1982, p.1). The Family Law Act 1975 came into force in January 1976, introducing irretrievable breakdown of a marriage as evidenced by separation for one year as the sole ground for divorce and establishing a separate Family Court. A major short-term increase in the number of divorces and heated criticism of legislators for liberalizing the divorce process to the point of encouraging its use were inevitable. Subsequent amendments to the Act have sought to streamline Family Court operations, have modified provisions for dealing with ancillary matters of custody, access, maintenance and division of property, and have attempted to promote counselling and mediation, but have not altered the single ground for divorce.

DIVORCE TRENDS

Late last century the divorce rate in Australia was negligible - closer to zero than to one divorce per 1000 married women. By the early 1940s it had risen to just over two per 1000, and it then climbed rapidly to five per 1000 in 1947 as married wartime marriages and marriages undermined by wartime separations and trauma founndered. Thereafter the divorce rate fell, reaching 2.8 per 1000 in 1961. It then rose again to 4.2 in 1971 and 7.4 in 1975, before soaring to 18.8 in 1976 with the advent of 'no-fault' divorce under the Family Law Act. Much of this increase was a short-term response to a reduction in waiting periods between separation and becoming eligible to file for divorce; in 1976 56 per cent of Family Law Act divorces (outstanding Matrimonial Causes Act cases also were finalized in that year) involved petitioners separated for more than 2 years when filing for divorce, whereas by 1978 the figure was only 33 per cent.

Over the next three years the divorce rate fell, reaching 12.2 per 1000 married women in 1979. It recovered to 12.5 in 1982, then declined again to 10.6 in 1986 and 1987 before rising hesitantly to 10.9 in 1990 and more strongly to 12.1 in 1993. Essentially, though, the era of the Family Law Act has seen a new plateau in the incidence of divorce become established in Australia.

Rates of Divorce for Synthetic and Real Marriage Cohorts

Figure 1, showing cumulative divorce rates per 1000 marriages to selected exact marriage durations for 1946-94 synthetic marriage cohorts, confirms this observation. These rates indicate what levels of divorce by the nominated marriage durations would be in (real) marriage cohorts that happened to experience the marriage duration-specific rates of divorce observed cross-sectionally in each calendar year. Early synthetic cohorts show evidence of the decline in divorce from its immediate post-war peak. By the mid-1960s 3-4 per cent of married couples could expect to divorce within 10 years, 8-9 per cent within 20 years and 10 per cent within 30 years. Rates of divorce then began to climb, the trend accelerating in the lead-up to the Family Law Act. This is an important point given a tendency to blame the Act for the rise in divorce. By 1975 chances of divorving within 10, 20 and 30 years stood at 9, 19 and 25 per cent, double and more the levels of a decade earlier. The Family Law Act did not suddenly materialize in January 1976; the debate surrounding it probably affected the social acceptability of divorce earlier than this. But such major legislation is not initiated in the absence of demand, and the massive early response to it confirms that demand.

Cumulative divorce rates for 1976 implied that 25, 47 and 62 per cent of marriages would end in divorce within 10, 20 and 30 years, and 71 per cent would be dissolved within 50 years. There is no foreseeable prospect of any actual marriage cohort being so dismembered, but during 1978-94 the synthetic cohort evidence placed the risks of divorcing within 10, 20, 30 and 50 years on average at 18, 30, 37 and 41 per cent. Moreover, the fact that Figure 1 shows relative stability at about these levels throughout the period suggests that these synthetic cohort risks of divorce approximate well the likely experience of real marriage cohorts formed during that time. Stable synthetic cohort demographic experience over an extended period implies similar real cohort experience.

Prior to the Family Law Act the percentage divorcing at marriage durations 0-4 years ranked
These declines did not persist, however. Through the late 1980s and the 1990s the balance of forces for change in the divorce rate altered again. Despite greater circumspection in the marriage market, more frequent testing of relationships through prenuptial cohabitation (Australian Bureau of Statistics, 1993, 1995) and falling rates of formal remarriage after divorce (Australian Bureau of Statistics, 1995; McDonald, 1995), forces for greater personal autonomy in intimate relationships (McDonald, 1988) held not sway. They may have been supplemented by a build-up in the proportion of marriages in which at least one partner had prior experience of divorce, by rapidly escalating mortgage interest rates and the ensuing recession which from 1990-91 generated high unemployment, and by initiatives to improve compliance with and consistency between Family Court maintenance orders (Harrison et al., 1990).

Figure 2 shows that this latest uptum in the cross-sectional incidence of divorce phased in earlier and more emphatically at shorter marriage durations. Perhaps younger couples led the way in setting still higher standards of expected personal fulfillment within marriage, although it is also pertinent that until 1991, post-Family Law Act remarriages following divorce all were of less than 15 years' duration and that the issue of child maintenance was most pressing at these durations.

Figure 3 shows cumulative rates of divorce for financial year real marriage cohorts. It reveals that while recent synthetic cohort rates have pointed to lifetime risks of divorcing exceeding 40 per cent, as of 1994 no actual marriage cohort had yet been depleted by as much as 30 per cent. Higher depletion levels are, however, inevitable. Divorce trajectories for recent marriage cohorts (Figure 4) are so steep it is inconceivable levels will not rise well above 30 per cent.

Marriage cohorts of the early 1940s, affected by the Family Law Act only beyond marriage duration 35 years, lost about 15 per cent of their members to divorce. Those of the 1960s and early 1970s, formed over a period when ages at marriage were historically low (McDonald, 1974; Carmichael, 1987, 1988) and marriage often was accompanied, if not precipitated, by pregnancy (Refshauge, 1982; Carmichael, 1996b), were by the mid-1990s closing on a dissolution rate twice as high, and likely to significantly exceed it in the future. The indication from Figure 3 is that new equilibrium levels of divorce by given wedding anniversaries are being established by marriage cohorts formed during and after the late 1970s - essentially those
whose entire divorce experience has been governed by the Family Law Act. Thus the typical rate of dissolution within five years has stabilized at 7-8 per cent and that within 10 years at around 16 per cent, with tentative signs that the figure to duration 15 years will be about 25 per cent. These real cohort figures match closely recent synthetic cohort rates of dissolution to the same marriage durations, again suggesting that the latter provide a very reliable indication of the extent to which marriage cohorts of the last 15–20 years ultimately will be affected by divorce.

The already noted period nature of the upsurge in divorce is clear from Figure 3, which features time lines identifying the dates 1:1:68 and 1:1:76. The former marks the approximate date from which cohort rates of divorce began to rise; the latter coincides with the introduction of the Family Law Act and a marked steepening of most trend lines. Were further evidence needed that the Family Law Act ushered in higher divorce rates at all marriage durations it is provided by real cohort marriage duration-specific divorce rates (not shown), all of which rose sharply for cohorts passing through each duration interval when the Act came into force. That save at duration 0-4 years all subsequently fell again attests to the backlog of unhappy marriages that were cleared. The exception reflects the substantial removal of the previous legal impediment to early divorce.

Figure 4 also affirms the period nature of the post-Family Law Act upsurge in divorce. Divorce trajectories for marriage cohorts formed between 1941-42 and 1970-71 steepen noticeably beyond marriage durations reached as of 1976. It further supports, as well, the proposition that recent synthetic cohort divorce trajectories match closely those of real marriage cohorts whose attrition to divorce has occurred exclusively under the Family Law Act. The 1994 synthetic cohort trajectory and that of the 1986-81 marriage cohort track one another closely, and there seems every prospect that the former will prove a good predictor of that portion of the latter yet to be determined.

Divorce Rates for First Marriage and Remarriage Cohorts

How have divorce trends for persons in first marriages and in remarriages following widowhood and divorce compared? Tables 1 and 2 show synthetic cohort cumulative rates of divorce after 10, 20, 30 and 50 years for females and males in these groups during 1961-94. Basic trends have been not dissimilar. Divorce levels increased steadily, if a little irregularly, through the 1960s and early 1970s, leapt in 1975 and 1976, then fell steeply again. For first marriage cohorts these declines lasted until 1979, but for remarriage cohorts they lasted a year or two longer. First marriage cohorts also mirror entire cohorts in that rates of divorce declined again after 1982, before beginning to rise once more after 1986 or 1987. The pattern is similar for remarried divorcees, except that the most recent upturns began a year or two later. For remarried widows and widowers peak rates during the 1980s were recorded in 1983 or 1984, and the latest upturns also were delayed, commencing in 1989 or 1990.

The more interesting aspects of Tables 1 and 2 are relative rates of divorce by prior marital status and changes therein. Through the 1960s divorce rates for those in first marriages and for remarried widows and widowers were similar, although the former began to exceed the latter in the early 1970s. Apparently remarried widows and widowers hesitated over joining the pre-Family Law Act rise in divorce, being older and consequently undoubtedly more conservative in such matters. Throughout 1961-75, however, divorce rates for remarried divorcees were clearly the highest. Subsequently a different pattern has emerged. Rates have remained higher for remarried divorcees than for those in first marriages, but the latter have been much closer to the former than to rates for remarried widows and widowers. These nowadays are easily the lowest, with in the 1990s around a fifth of remarriages following widowhood likely to end in divorce within 30 years compared to around double that fraction of first marriages and remarriages following divorce.

What explains this change? The ages of persons remarried following widowhood again could be significant, having generated more resistance to new attitudes to divorce. Their marriages also may all along have been inherently more stable owing to both their maturity and a tendency
to remarry cautiously. Comparing new and deceased spouses is a potential destabilizing force in remarriages following widowhood, but if a widely recognized danger may serve to promote extra care in choosing remarriage partners. The other interpretation to be placed on movement of the risk of divorce in first marriages away from that in remarriages following widowhood toward that in remarriages following divorce is that it shows the extent to which first marriages previously were kept intact by social conventions that stigmatized divorce. Remarried divorcees never were as constrained by those conventions, but now that they are widely rejected the two groups exhibit quite similar patterns of divorce behaviour.

Figure 5 shows female synthetic cohort percentages divorcing in particular marriage duration intervals by prior marital status; equivalent graphs for males (not shown) exhibit similar patterns. The shift in the risk of dissolution of first marriages away from that of remarriages following widowhood towards that of remarriages following divorce either side of 1976 is clearly evident within most duration intervals. Differences by marital status in percentages divorcing at marriage durations 0-4 years have not been huge, although under the Family Law Act remarriages following widowhood have negotiated this period more successfully than other marriages. This greater stability is, however, more clearcut at longer marriage durations, over which the chief point of interest is the varying relative positions of the lines for women in first marriages and remarriages following divorce. Greater overall instability of remarriages following divorce has been due principally to greater instability at marriage durations 5-14 years. Indeed, at durations 20-29 years the differential since 1980 has been reversed. This evidence points to a more rapid tempo of dissolution among those remarried following divorce than among those in first marriages, even after allowing for the former’s higher overall propensity to divorce.

Table 1 and 2, is apparent in rates of depletion to give exact marriage durations of first marriage and remarriage cohorts formed during and after the late 1970s. This stability is less in evidence for cohorts remarrying following widowhood, but smallish numbers of cases are conducive to some volatility here. A distinctive feature of trend lines for cohorts of both sexes remarried after divorce is the series of V-shaped notches coinciding with the 1975-76 cohort. Technical uncertainties surround estimation of the size of this cohort and the allocation of divorces to it because of the huge increase (a doubling) in remarriages following divorce between 1975 and 1976. However, the notches need not reflect these; they could mean that remarriages facilitated by the earliest Family Law Act divorces disproportionately involved very committed couples. To a greater extent than was usual they may have involved persons who had left previous spouses to live with new ones, and who hence under the Matrimonial Causes Act could petition for divorce only once separated for five years. With the new law overnight reducing this period to twelve months, a sudden, temporary, demand for divorce by persons long anxious, but hitherto legally unable, to formalize new relationships may have been released. Through tending to be associated with especially strong commitment to the new spouse and/or with the new relationship having already endured for several years, it could easily have been conducive to greater stability in remarriage.

Age at Marriage and Divorce

Extreme youth when marrying invariably has been found to elevate the risk of dissolution of first marriages (see, for example, the long list of studies cited by Carmichael, 1982, pp.367-368). Data for Australia (Figure 7) reaffirm this finding. For both males and females cumulative divorce rates for 1977-94 synthetic first marriage cohorts have been far higher for those married as teenagers than for those married when older. First marriage at ages 20-24 also has more often been followed by divorce than first marriage at ages 25-29, 30-34 and 35-39, especially among males, but the immaturity and other destabilizing factors (lack of a sound economic base, frequency with which pregnancy is a precipitating factor, etc.) that regularly accompany teenage marriage cause it to stand apart. In the case of males Figure 7 shows divorce within 30 years to be well nigh universal among those married in their teens, while for those
married at ages 20-24 and at older ages the risks are respectively 40-45 per cent and 25-30 per cent. Risks for females are lower. Teenage marriage is less aberrant, but still two-thirds or more of such marriages do not last 30 years, while the figures for those marrying at ages 20-24 and at older ages are of the order of 30-35 per cent and 20-25 per cent.

The period over which data on divorce by age and marital status at marriage are available is not sufficiently long for the experience of real first marriage cohorts by age at marriage to be tracked far. However, Webster (1995) shows levels of depletion to exact marriage duration 15 years for cohorts formed between 1975-76 and 1979-80 of around two-thirds and 40-45 per cent for males and females married as teenagers, 25 and 20 per cent for those married when aged 20-24, and 17-20 and 15-18 per cent for those first married at ages 25-39. These figures are similar to synthetic cohort rates of divorce after 15 years recorded during the 1980s, but more recent synthetic cohort rates have been higher, possibly heralding higher real cohort rates by age at marriage in the near future. This pattern is especially noticeable for persons of both sexes married at ages 15-19 and 20-24, and may owe a good deal to the economic recession of the early 1990s, perhaps in interaction with later and less universal marriage having since the early 1970s made youthful marriage an increasingly select group.

Age at marriage also affects the likelihood of divorce among those remarrying following widowhood and divorce. Figure 8 shows cumulative rates of divorce after 10, 20 and 30 years for synthetic cohorts remarried when aged 40-49 and 50 and over after being widowed, while Figure 9 shows comparable rates for synthetic cohorts remarried at ages 30-39 and 40-49 after divorce. In both cases for both sexes the incidence of divorce to any exact duration of marriage is higher for the group remarrying younger. Differential competition from mortality as a force for marital dissolution is not a factor, divorce rates presupposing joint survival of husband and wife to each marriage duration. Those who marry younger might tend to do so more rapidly and thus less carefully following termination of their previous marriages. They also subsequently reach any marriage duration with more of their lives still to live, whence if their remarriages are unfulfilling they may be more inclined (and in the case of women, economically better able) to seek renewed happiness, or at least to reject persisting in their current relationships, via divorce. With remarriages following divorce, moreover, 40-49 compared to 30-39 year-olds could be selected for greater commitment to marriage, having on average persevered longer in their first marriages. Any of these propositions might help explain the differentials observed.

Among remarrying divorcees it is notable that the divorce rate differential by age at marriage is small at exact marriage duration 10 years, particularly for males (Figure 9), but widens appreciably by duration 20 years. This could well constitute evidence supportive of the second proposition just advanced, for it suggests that retirement reduces the likelihood of divorce. Economic dependency could blunt the ability of women to end unfulfilling marriages in retirement; a sense that one's capacity to establish new relationships is waning may be common about this time; deteriorating health could increase spousal dependence and decrease attractiveness to alternative partners; and the opportunity to spend more time together might even reinvigorate some marital relationships. A point of interest in Figure 8 is how little divorce rates increase between exact marriage durations 20 and 30 years. These durations take even those remarried in their forties to retirement age and beyond, and the factors just listed, albeit speculatively, may again be implicated.

As with first marriages, divorce rates refined by age at marriage are available for only a few real cohorts of remarrying widowed and divorced persons, and only to shortish marriage durations (Webster, 1995). They largely confirm differentials just discussed. Cohorts of divorcees remarrying at ages 30-39 between 1976-77 and 1984-85 had been depleted by around 19-20 per cent (males) and 18-19 per cent (females) after 10 years, with figures for cohorts remarrying aged 40-49 lower on average only by about two percentage points. By exact marriage duration 15 years, however, these differentials by age at marriage had widened considerably for the five cohorts (1975-76 to 1979-80) able to be tracked that far. Real cohorts of remarried widows and widowers, on the other hand, though recording lower divorce rates than cohorts remarried following divorce, were distinctly more divorce-prone (about 40 and 50 per cent more within the
first 10 years for widows and widowers respectively) if remarried in their fortieths than if remarried at an older age.

DISCUSSION

The foregoing analysis has yielded a number of findings concerning Australia’s participation in the upsurge of divorce in more developed countries over recent decades. In summary:

- The risk of a marriage ending in divorce has risen from about 10 per cent in the 1950s and early 1960s to a new plateau at about 40 per cent in the 1980s and 1990s.
- The increase in divorce was a period phenomenon, with marriages of all durations simultaneously affected.
- While real marriage cohorts have yet to be depleted by divorce to the extent indicated by cross-sectional cumulative divorce rates for synthetic marriage cohorts, the stability of these rates over an extended period gives them predictive credibility, as does the steepness of cumulative divorce trajectories for real marriage cohorts formed since 1980.
- Within the relative stability of cross-sectional divorce rates since the late 1970s, shifts in the balance between forces tending to raise and lower the level of divorce have produced distinct fluctuations.
- In shortening appreciably the interval between separation and becoming eligible to file for divorce, Australia’s Family Law Act, aided by conducive socio-demographic trends, greatly increased the prominence of marriage durations 0-4 years in the distribution of divorces by duration of marriage.
- Reflecting the marked liberalization of attitudes to divorce in Australia, the risk of divorce in first marriages has assumed a level slightly below that in remarriages following divorce and well above that in remarriages following widowhood, where previously it lay distinctly below the former and only marginally above the latter.
- The tempo of marital dissolution by duration of marriage is more rapid in remarriages following divorce than in first marriages.
- Those marrying very young, especially as teenagers, have been especially susceptible to divorce.

- Differentials by age at marriage in divorce rates and in the tempo of divorce by duration of marriage for persons remarried following divorce and following widowhood suggest that post-retirement circumstances restrict divorce activity among these groups.

A natural inclination of lay observers of higher divorce rates in Australia has been to blame the Family Law Act. The divorce rate was, however, rising before the advent of ‘no-fault’ divorce; and the spate of divorces immediately the Act came into effect points to substantial preexisting demand for it. Chester (1977) distinguishes between the formal availability of divorce (whether or not it is legally possible), its effective availability (taking in matters like cost, access to courts and the efficiency of the legal process) and its normative availability (determined by individual and societal attitudes to its legitimacy as a response to marital disintegration). The Family Law Act did not extend the possibility of divorce to anyone previously denied it. It did, though, enhance its ‘effective’ availability, by enabling it to occur more quickly, preventing aggrieved spouses from resetting it, making the process more efficient, cheaper and less intimidating, and ridding it of the need to air publicly details of marital conflict and misdeeds.

Undoubtedly the new law also promoted greater acceptance of divorce, but the size of its contribution defies measurement and it is impossible not to see the political process involved as a product of changing attitudes as well. The Family Law Act, in other words, accelerated a trend that it grew out of. Moreover, attitudes to divorce did not change in a vacuum, but as part of a major liberalist thrust that also embraced issues like prenuptial sexuality and nonmarital cohabitation, abortion, papal rejection of oral contraception, and the appropriateness of women having careers. Divorce laws do not undermine sound marriages. At most, by altering perceptions of the public acceptability of divorce and making the divorce process briefer and less intimidating, the Family Law Act helped reduce the amount of marital disintegration some would tolerate.

Several demographic and social trends laid the groundwork for higher divorce rates. By the 1960s marriages potentially lasted longer than in earlier generations (they occurred younger.
and expectations of life had increased), and prospects were that more of married life would be spent as a twosome (childbearing ended earlier and many children left home in late adolescence). The meaning of 'till death us do part' had changed, and partly in recognition of this the quality of marital relationships began to assume new importance. But the significance of the post-war marriage boom (McDonald, 1974; Carmichael, 1987, 1988) extends beyond its lengthening of the durations of 'lifelong' marriages. The post-war period brought appreciable decline in parental influence over mate selection and courtship in Australia (Carmichael, 1995b), and the more frequent assumption of family responsibilities by relatively immature couples, often in response to unintended pregnancy, was bound to increase the potential for marital disharmony. So, too, was near-universal marriage, for almost certainly some who were 'not the marrying type' were swept along by the tide.

Another important set of factors behind higher divorce rates has been women's growing economic independence and their demands for more egalitarian, role sharing and emotionally fulfilling marriages. Evidence from an Australian study of property and income distribution in divorces granted in the early 1980s (Harrison, 1986) is that wives were the major decisionmakers in 60 per cent of separations leading to divorce, with men taking this role around 25 per cent of the time and the remainder being joint decisions. Arising out of the harshness and male dominance (including numerical dominance) of nineteenth century life, women's expectations of marriage in Australia historically were not lofty. Considerable potential for marital conflict long had lain dormant, and began to be realized as principles enunciated by the Women's Movement struck a responsive chord. Hitherto idealistic hopes of what marriage would offer became requirements. Men whose marriages had for years operated under one set of rules faced demands that the rules change; younger men found their wives unwilling to become clones of their mothers. Friction and casualties were inevitable as the sexes renegotiated marriage.

A major stimulus to this process was a newfound ability of women to live independently. It had two obvious dimensions: large post-war, and especially post-1960, increases in married female labour force activity (Young, 1990); and the introduction in 1973 of the Supporting Mother's Benefit (SMB). These developments greatly increased the feasibility of women opting out of unsatisfactory marriages, perhaps also signalling to men that one's wife could be deserted with a clearer conscience. The SMB extended reasonable welfare support to deserting wives, albeit (until 1979) after a six month qualifying period. Previously only deserting wives had been eligible for Federal assistance, again after waiting six months, while minimal State provision for deserting wives was characteristically 'austere, stigmatised and paternalistic' (Jones, 1980, p.90). The economic disincentive to women ending unsatisfactory marriages also has been loosened by increased recognition of their non-financial contributions to their marriages in divisions of matrimonial property and, as previously noted, by initiatives to ensure the enforcement and adequacy of maintenance orders. The latter saw the establishment in 1988 of a Child Support Agency charged with collecting court-ordered maintenance (primarily through automatic withholding by employers of monies owed by liable parents), and the introduction in October 1989 of a formula for assessment of maintenance which takes account of fluctuation in taxable income and family composition via an annual review (Harrison et al., 1990).

Individualistic ideals now permeate marital relations in a way they formerly did not. Qualities like personal happiness, individual autonomy and self-realization feature prominently in Australia's value structure. The rise of individualism, observed in most developed countries (Lasch, 1992), is a major reason for the increased social acceptability of divorce; the reason, it has been argued, that attitudes to divorce changed was that society rejected the suppression of self entailed in keeping unhappy marriages intact (McDonald, 1984). Individualistic values stress idealism at the expense of the pragmatism that governs value systems based on conformity and obligation. Marriages in Australia thus have acquired an inherent instability formerly not present to the same degree. Tensions inevitably arise if a marriage is expected to serve both the collective interests of a family and the aspirations of individual partners.

Other arguments also can be advanced to help explain why divorce rates rose rapidly.
Widening of the first birth interval consequent upon introduction of the pill in 1961 (Ruzicka and Choi, 1981) and a sharp fall in bridal pregnancy after 1971 (Carmichael, 1995b) had two implications for divorce rates. Because the early years of marriage more often were spent childless and with the wife still employed full-time, opting out became easier; and as a dual income start to married life became the norm, a new point of potential marital conflict emerged - the decision to interrupt the wife's career to have children. Another adverse influence on divorce rates may have been unfavourable economic conditions after 1970. Rising unemployment and rapidly increasing housing costs (Burke et al., 1984) could have undermined some marriages. Married women's movement into the labour force also increased opportunities for both sexes to meet new partners. Finally, declining respect for religious morality very likely helped lift social sanctions against divorce.

These, then, have been the broad forces that generated the demand for more liberal divorce legislation and have underpinned the quadrupling of the likelihood of a marriage in Australia ending in divorce. That the more influential of them have been society-wide is apparent from the period nature of the increase in divorce rates. This characteristic, suggesting that backlogs of unfulfilling marriages were being terminated across all marriage durations, led briefly to optimism that clearing of those backlogs would leave more stable residues of intact marriages and result in a decline in cross-sectional divorce rates. The exercise of greater circumspection in the marriage market, manifested in marriage at older ages, also seemed conducive to such a development. Through the mid-1980s the optimism seemed well-founded; the synthetic cohort cumulative rate of divorce to exact marriage duration 30 years fell from 406 per 1,000 marriages in 1982 to 342 per 1,000 in 1987, and that to exact duration 50 years fell from 444 to 376 per 1,000, all durations of marriage contributing to the trend. But these declines not only were not sustained, they were reversed.

The contemporary trend to later marriage dates from the early 1970s, and its strongest impact on the inherent stability of marriage cohorts was exerted during that decade at a time when that impact was swamped by opposing forces - a greatly liberalized legal environment for marriage dissolution, the demise of previously strong normative sanctions against divorce, and emergence of a much more individualistic value orientation. Analysis above has shown the major differential in divorce rates by age at marriage to be between those who marry in their teens and those who marry when older, with those (especially males) marrying in their early twenties also more divorce-prone than those first marrying in their mid-twenties and beyond. Most of the desertion of high-risk very young ages at marriage in Australia occurred during the 1970s, particularly in conjunction with the emergence of new options for dealing with unintended nonmarital pregnancy - freer access to abortion after a late-1971 legal ruling in New South Wales; the 1973 introduction of the SMS; and a rise in community acceptance of consensual partnering (Carmichael, 1995b). Thus, while on the basis of 1971 first marriage ratios 33 per cent of Australian females could expect to marry as teenagers and 29 per cent of males before age 22, by 1982 both figures stood at 13 per cent. They continued to fall, reaching 7 per cent apiece in 1987 and 4 per cent by 1993, so that the end of the trend may have been a factor in the divorce rate declining in the mid-1980s. But as ages at marriage continued to rise through the 1980s, increasingly they did so within an older range of ages over which little variation in the propensity to divorce occurs, the impetus for divorce rate decline consequently slackening.

Lately counterforces to those for decline have dominated, an important one perhaps having been an ongoing trend to greater insistence on personal autonomy. Recent marriage cohorts may well have followed objectively sounder mate selection and marriage timing practices, including often prefacing marriage with periods of cohabitation, but they also have been formed over a period of significant lowering in levels of tolerance of marital disharmony. Whether difficult economic circumstances in the early 1990s and/or establishment of the Child Support Agency have been factors of moment in the divorce rate rising again is hard to assess, but they should not be discounted. With divorce rates seeming to have established something of a new equilibrium, such factors may well be the major determinants of future annual fluctuations.

The emergence of a new equilibrium in Australian divorce levels is, however, the key feature of the country's recent divorce experience. That the new regime has seen normative sanctions which once discouraged divorce greatly weakened is evident not only in the scale of the
increase in divorce but in the convergence of the level of divorce in first marriages toward that in remarriages following divorce. With fear of social disapproval greatly diminished, determination to act in one’s own best interests more widespread and the view now common that a clean break better serves children’s interests than does prolonging a disharmonious marriage ‘for their sake’, first marriages have lost much of the ideological support for survival in the face of friction that formerly they enjoyed in greater measure than marriages in which previous divorce had substantially dissipated that support. The notions of a new equilibrium in divorce levels and of convergence of levels of divorce in first marriages and remarriages following divorce do, though, raise questions concerning consensual unions and the degree to which their proliferation may have influenced divorce trends. While not in the same league as Sweden and Denmark, Australia has participated decisively in the emergence of consensual partnering in the more developed countries since the mid-1960s (Carmichael, 1991, 1995a; Santow and Brascher, 1994; Australian Bureau of Statistics, 1995), and a substantial, if difficult to precisely quantify, minority of the nation’s childbearing now takes place within consensual unions (Carmichael, 1995b).

To what extent has the divorce rate been kept in check by the increasingly informal nature of unions and hence union dissolution? Might closing of the differential in divorce levels between first marriages and remarriages following divorce be to some degree attributable to increased informal repartnering among divorcées? Australian evidence is lacking, but overseas studies (e.g. Trosset et al., 1992; Martling, 1994) suggest that consensual unions are less stable than marriages. Whether divorce rates would be higher in the absence of consensual partnering is, however, difficult to judge; consensual unions are not universally ‘de facto marriages’, and hence dissolution of such unions are not all informal divorces. Clearly more widespread consensual partnering has delayed marriages, but it has also eaten backward into the courtship process. Consensual unions often feature less than marriage-like commitment and are entered in circumstances in which marriage would not be contemplated; in many instances their dissolution is better likened to breaking off an engagement or ending a ‘going steady’ or even an experimental dating relationship than to a divorce. On the issue of repartnering following divorce, male and female rates of remarriage following divorce fell by almost two-thirds between 1976 and 1993 (Australian Bureau of Statistics, 1995), and there is little doubt that a major reason was the increased popularity of consensual repartnering, as both a prelude and an alternative to remarriage. Conceivably this repartnering has selected those who would have been higher-risk had they remarried and/or has performed a particularly strong ‘winnowing’ function in respect of relationships with the potential to result in remarriage following divorce. Consequently, although the divorce rate for remarriages following divorce rose sharply, its increase may have been restrained relative to that for first marriages.

CONCLUSION

This paper has sought to take stock of Australia’s experience of divorce at a time when the main data source for doing so has recently been significantly impaired. It is to be hoped that the Family Court of Australia will soon see fit to reinstate the crucial data items, and thereby the capacity for ongoing monitoring of divorce trends at an appropriate level of detail. The other challenge for the future is to integrate into the picture an understanding of dissolutions of consensual unions and the extent to which they represent divorces that escape the official divorce statistics. As has been indicated, this is not a straightforward task. Consensual unions have a variety of meanings to those who live in them; meanings which range across levels of commitment typical of the varying stages of traditional dating and courtship as well as of marriage (Carmichael, 1995a). It follows that their dissolution can be the equivalent of anything from ‘dropping’ a casual boyfriend or girlfriend to divorce. Carefully designed, ideally longitudinal, survey research is needed to make these sorts of distinctions. Recent research into consensual partnering has relied heavily on retrospective event histories gathered in nationally representative surveys. It has made a valuable contribution, but has tended to invest the events of entry to and exit from consensual unions with statuses akin to marriage and separation prior to divorce respectively. There is a need to build into an understanding of consensual partnering and its relation to patterns of marriage and divorce an appreciation of the varied and changing perceptions partners may have of their relationships.
The Method of Reduced Events
The reduced events approach to the analysis of demographic processes is discussed in detail by Wunsch and Termote (1978: Chapters 1 and 2). It is applicable to processes (such as fertility, nuptiality and divorce) which "do not exclude members of [a] cohort from [future] observation" (as mortality and emigration do) (Wunsch and Termote, 1978: 45). At its core are annual ratios of events at each single-year duration i since 'event-origin' (the event initiating exposure to risk - marriage in a study of divorce) to the population at duration i who were at risk before the process began (i.e. who were original members of the relevant 'event-origin' cohort).

In an analysis of the divorce process these ratios are ratios of divorces at marriage duration i in year t (symbolized by $D(i,t)$) to the size of the affected (year t) marriage cohort in year t after adjustment for intervening mortality and migration (which physically remove people from, or expose them to, observation), but not divorce (symbolized by $M(i,t)$). Summing such ratios (reduced events) over all durations i or specified duration intervals yields measures of the intensity of a process (in this case the process of divorce); its tempo (timing) may be measured by computing from the distribution of reduced events by duration mean, median, etc. durations at which the event occurred. Both types of calculation can be made either cross-sectionally for synthetic cohorts (i remains constant for all values of t) or for real cohorts (t-i remains constant).

The present paper utilizes only measures of intensity, either:

$$R = 1000 \sum_{i=0, i \neq 1; \text{or } i \text{-constant}} D(i,t)/M(i,t)$$

or:

$$r = \sum_{x,y, t \neq 1; \text{or } t \text{-constant}} D(i,t)/M(i,t)$$

where R is an estimate of the cross-sectional (t-constant) or real cohort (t-constant) cumulative rate of divorce to exact marriage duration i, assuming both husband and wife survive a years after marrying.

r is an estimate of the cross-sectional (t-constant) or real cohort (t-constant) proportion divorcing between exact marriage durations x and y, assuming both husband and wife survive y years after marrying.

In cross-sectional (or period) calculations identifies the year, or synthetic cohort, to which a calculation pertains.

t-in cohort calculations identifies the year (ended June) real cohort to which a calculation pertains.

Applied in respect of real 'event-origin' cohorts to a process involving a non-renewable event the reduced events approach has the properties of a life table for measuring tempo and intensity, provided two conditions are met. Demographic processes are affected by 'disturbances' - other processes (mortality and migration) which remove people from a cohort or add them to it. The condition of independence (impossible to test for, but assumed to hold in the calculation of life table probabilities too) requires that persons subjected to a disturbance would thereafter have experienced the principal process in the same way as those not subjected to it. The condition of continuity requires that any disturbance affects identically persons who have and have not already experienced the principal process. Thus, in a study of divorce, mortality and migration are required to be non-selective both of those who will and will not divorce in future, and of those who have and have not already divorced. 

Divorce could increase the risk of death through, for example, suicide or a lifestyle rendering drug abuse, road accidents, etc. more likely. Deaths due to domestic violence and some lifestyle causes also may be apt to preemp divorce, but as mortality in Australia is low at ages where most divorces occur consequent biases should be minimal. Migration potentially is a more serious problem. Marital discord or divorce might prompt it; persons prepared to migrate and to consider divorce could tend to share personal qualities; immigration policy might recruit from cultures more or less divorce-prone than the host population; and so on. The net impact of such factors in Australia is difficult to assess, but given the dramatic nature of recent divorce trends biases introduced seem unlikely to be more than aberrations of numeric detail. Additional comfort can be taken from the fact that 'The method of reduced events is quite adequate as long as the conditions of independence and of continuity are more or less fulfilled' (emphasis added) (Wunsch and Termote, 1978: 45).
Applied cross-sectionally, reduced events principles underlie such familiar measures of intensity as the total fertility rate and total first marriage rate. In this application to a non-renewable event process they do not, however, routinely yield an approximation of a life table. This can perhaps best be appreciated using the example of the process of first marriage, because its often near universal experience can give rise to a seeming absurdity which proves the point. When conditions are especially conducive to marriage and/or ages at marriage are declining the total first marriage rate may take on values consistent with more than universal marriage (McDonald, 1974; Wunsch and Termote, 1978; Carmichael, 1988). A period (cross-sectional) nuptiality table does not allow this to happen, its method of construction precluding more than its initial radix population from ever marrying. This, of course, raises the question of whether reduced events or life table principles are the preferable option when undertaking period analysis. In the authors' view the former have distinct advantages.

Ryder (1966) coined the phrase 'distributional distortion' to describe the tendency for period measures of the tempo and intensity of demographic processes to depart from equivalent cohort measures, but distributional distortion can also follow from the application of life table principles to period data (Carmichael, 1990). They will, for example, suppress the fact that first marriages hesitated in a given year at a level consistent with more than universal marriage, a perfectly plausible occurrence which simply says that the underlying schedule of age-specific first marriage ratios (reduced events) is unsustainable in the longer term. They can also distort the age distribution of first marriages because the number of marriages a given probability of first marriage at age \(i\) implies in a period nuptiality table depends totally on probabilities at younger ages. If the latter are relatively high, survivors at exact age \(i\), and hence this number, will be lower than if they are relatively low. In contrast the number of reduced first marriages at age \(i\) is independent of numbers at younger ages during the year in question.

Spencer (1971: 268) and McDonald (1974: 203) both alluded to these principles in respectively describing period nuptiality tables as 'not the only or even the best measure of nuptiality' and commenting on 'the large possibility of error involved in the use of transverse nuptiality tables.'
currently married population by single years of age available from the Australian National University's Australian Demographic Databank. When applied to first marriage and remarriage cohorts separately it was assumed that at a given age the risk of having one's spouse die was unaffected by one's marital status before marriage.

As already intimated the procedures just described could be followed separately for males and females. When dealing with first marriage and remarriage cohorts it was necessary to consider cohorts of men and women separately. Thus divorce rates were calculated using $M(t|f)$ values adjusted on the basis of data for males or females as appropriate. When dealing with entire marriage cohorts, however, values of $M(t|f)$ could be adjusted using data for either sex. Disparities between the two sets of results were inevitable but not great, and given that changes in divorce rates are determined mainly by changes in divorce ratio numerators (Or($f|f$) values), either set could have been used. In fact calculations were based on averages of $M(t|f)$ values obtained using data for males and females.

REFERENCES


NOTES

1 This series is based on data for real marriage cohorts commencing with that of 1921. Hence synthetic cohorts for the late 1940s are constructed to marriage duration 25 years, those for the 1950s and 1960s to durations 30 and 40 years respectively, and those for the 1970s, 1980s and 1990s to duration 50 years.

2 Adjustments for death and death of spouse built into these indices render them comparable across marital status categories. As noted in the 'Introduction', they assume joint survival of both parties to a marriage to any relevant exact marriage duration.

3 This paper relies on Lexis diagram principles in estimating the size of financial year marriage cohorts and allocating divorces to them. Those principles, which assume even distributions of demographic events within calendar years and within age or duration intervals, and which sometimes, for the sake of simplicity, trade off 'bits' of the experience of adjacent cohorts on the assumption that they are similar, can run into difficulty when a sudden change occurs in the intensity of a demographic process. In this instance, for example, estimating the 1975-76 remarriage cohort as half the number of persons remarrying after divorce in each of 1975 (pre-Family Law Act) and 1976 (post-Family Law Act) may produce an overestimate if, in 1976, remarriages actually were concentrated in the second half of the year. This in turn would tend to depress the cohort divorce rate, although the method used to estimate divorces occurring to that cohort might have had the opposite tendency, and the net effect is uncertain.

4 Indeed, for some synthetic cohorts cumulative divorce rates to exact marriage duration 30 years exceed 1000, although in Figure 7 they have been plotted with values of exactly 1000. This 'impossible' result sometimes occurs with synthetic cohort applications of reduced events methodology because of cross-sectional heaping of relevant demographic events. In general, this occurs either because circumstances temporarily are especially favourable to the demographic behaviour in question (i.e. divorce) or because, in successively more recent real cohorts, the behaviour is taking place earlier (i.e. at shorter marriage durations). The latter mechanism probably is at work in the present instance, although with numbers of male

5 teenage marriages and divorces of males who married in their teens being small, deviation from an assumption built into present calculations that migration impacts equally on subgroups within marriage cohorts over time could also be a factor.

6 While divorce can be experienced more than once by an individual it should here be regarded as a non-renewable event in the sense that a person can only ever be divorced once as a member of a particular marriage cohort.
Figure 1: Cumulative Divorce Rates (per 1000 marriages) to Successive Exact Marriage Durations: Synthetic Marriage Cohorts 1946-1994

Figure 2: Percentages Divorcing at Nominated Marriage Durations: Synthetic Marriage Cohorts 1946-1994
Figure 3: Cumulative Divorce Rates (per 1000 marriages) to Successive Exact Marriage Durations: Real Marriage Cohorts 1938-39 to 1969-90

Figure 4: Cumulative Divorce Trajectories for Selected Real Marriage Cohorts and the 1994 Synthetic Marriage Cohort
Figure 7: Cumulative Divorce Rates (per 1000 marriages) to Exact Marriage Durations 10, 20 and 30 Years: Synthetic First Marriage Cohorts 1977-1994 by Sex and Age at Marriage

Males, exact marriage duration 10 years

Females, exact marriage duration 10 years

Males, exact marriage duration 20 years

Females, exact marriage duration 20 years

Males, exact marriage duration 30 years

Females, exact marriage duration 30 years

Figure 8: Cumulative Divorce Rates (per 1000 marriages) to Exact Marriage Durations 10, 20 and 30 Years: Synthetic Cohorts Remarrying Following Widowhood 1977-1994 by Sex and Age at Marriage

Males

Females
Figure 9: Cumulative Divorce Rates (per 1000 marriages) to Exact Marriage Durations 10, 20 and 30 Years: Synthetic Cohorts Remarrying Following Divorce 1977-1994 by Sex and Age at Marriage

Table 1: Estimated Cumulative Divorce Rates (per 1000 marriages not terminated by death) to Selected Exact Marriage Durations: Female Synthetic First Marriage and Remarriage Cohorts 1961-1994

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Source: Carmichael and McDonald (1986); Webster (1995).

NM = Never married; W = Widowed; D = Divorced; figures to exact marriage duration 50 years only available from 1971 because data set commences with the 1951 real marriage cohort.
Table 2: Estimated Cumulative Divorce Rates (per 1000 marriages not terminated by death) to
Selected Exact Marriage Durations: Male Synthetic First Marriage and Remarriage
Cohorts 1961-1994

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Source: Carmichael and McDonald (1986); Webster (1995).

NM = Never married; W = Widowed; D = Divorced; figures to exact marriage duration 50 years only available from 1971 because data set commences with the 1921 real marriage cohort.