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Will You Covenant Marry Me?

Exploring the Implications of Different Marriage Options on Marrying, Divorcing, and Relationship Happiness

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Extended Abstract

In a sort of delayed backlash to the late 1980's trend toward no fault divorces, some states have begun to offer covenant marriage contracts in addition to the traditional marriage option. Aiming to combat growing divorce rates and create stronger, happier unions, this stricter legal contract makes exiting a marriage more difficult. This paper theoretically explores the effects of the option to covenant marry on an individual's choice to marry and divorce, as well as, their subsequent marital happiness. The theory addresses the following questions: (1) Who will opt for a covenant rather than a traditional marriage? (2) Are couples in covenant marriages more or less likely to divorce? (3) Are couples in covenant marriages ultimately happier? Using data from Louisiana marriage certificates (1997-present), this analysis includes an empirical inquiry into the determinants of the marriage-type choice. Finally, this paper discusses whether or not covenant marriage laws achieve the outcomes for which they were intended.

Covenant Marriages:

A covenant marriage is a stricter legal contract than the traditional marriage contracts offered in all fifty states. Engaging in a covenant marriage requires that a couple undergo pre-marital counseling. This *stronger* union compels a legal accountability for the promise of marriage by requiring that fault be shown for the dissolution of a marriage. Fault grounds include: adultery,

felony conviction, abandonment, abuse, two-year separation, or passage of a specified period following a judgment of separation from bed and board. In addition to showing fault, spouses must be separated for a specified period of time and undergo marital counseling before a divorce will be granted.

Currently, covenant marriages are a legal option in three states. The first state to offer covenant marriage contracts was Louisiana, which passed its Covenant Marriage Law on June 23, 1997. Arizona passed a similar law in 1998 and as did Arkansas in 2001. Though the goals of such marriage legislation seem admirable, there are several arguments against the availability of covenant marriage contracts. Covenant marriage opponents fear that offering a stronger marriage contract will weaken the regard of existing traditional as well as those that will be granted in the future. They are also concerned that couples will face pressure (both social and religious) to opt for the stricter union, which will result in more costly court battles when divorce is undertaken. Finally, those that oppose covenant marriages worry that waiting periods will make it harder for spouses to leave abusive relationships.

Theoretical Framework:

This paper theoretically explores the effects of the option to covenant marry on the individual's decision to marry and divorce. It relies heavily on the psychology literature about relationships and takes a behavioral-economic approach to analyzing the decision of whether or not and how to marry. This theoretical framework will incorporate attachment theory, the dual-concern model and the comparison level of alternatives from the literature on the psychology of relationships. These theories imply several important facts that are stylized in the theoretical framework. First, barriers have inherent value in a relationship—they will add utility when the marriage is happy and create disutility by way of increased tension if the marriage is unhappy. Second, relationship value depends on the attachment type of both partners. Finally, the alternative to staying married depends on the pool of potential alternative mates—presumably the population of single and divorced individuals.

The utility of a marriage depends on both the value of the relationship and the value that barriers of a marriage provide—negative or positive. Using dual-concern, the *relationship-value function* is written as a linear combination of each partner's type.

$$V_{ij} = \alpha t_i + (1 - \alpha) t_j \quad (1)$$

For simplicity, let the value of relationship barriers, the *barrier-value function*, be a linear function of marital value whose slope depends on marriage type. Also, the barriers function is normalized to be zero when the couple is neither happy nor unhappy. That is, when the value of a couple's relationship lies exactly on the cutoff of marital happiness barriers add no value to and subtract no value from the utility of the marriage. The barrier-value function is

$$B(V_{ij}, M) = \begin{cases} 0 & \text{if } M = \text{cohabitate} \\ \beta V_{ij} & \text{if } M = \text{traditional} \\ \gamma V_{ij} & \text{if } M = \text{covenant} \end{cases} \quad (2)$$

Where $M \in \{\text{cohabitate, traditional, covenant}\}$ is the type of relationship agreement the couple has chosen. From the intensity of barriers provided by each type of arrangement and the theory of attachment, we know $\gamma > \beta > 0$.

There are several consequences implied by this set-up—not only for the decisions of how to marry and whether or not to divorce, but also for the individual's subsequent happiness. First, marriages of lower value will have less tension when barriers are low, which will affect the *ex ante* choice of marriage type. Second, marital barriers could be a way for low attachment types to 'lock in' a high type. Finally, since the additional degrees of barriers could affect both the dissolution of marriages and the happiness of those who remain in them, it is possible that those in covenant marriages could actually end up worse off in terms of individual utility.

Empirical Analysis:

The data used in this analysis comes from Louisiana marriage certificate data, which is available for the entire period covenant marriages have been an option—1997 to present. The information in these data include: parish in which marriage took place, date of marriage, and type of marriage for the marrying couple; as well as, race, birth date, birth state, education, number of this marriage, previous marital status and date last marriage ended for each individual who got married since 1997. This data will be used to determine trends in the choice to covenant marry. It will offer evidence supporting or contradicting the theoretical predictions of the behavioral-economic model used to explain marriage and divorce choice. The empirical analysis will help determine whether or not covenant marriage law will be effective in achieving the goals of lower divorce rates and happier marriages.