Back from the Brink

New Hope for Both Marriage and Divorce

A ROUNDTABLE

William J. Doherty
Melissa Froehle
Bruce Peterson

Moderated by
Mitch Pearlstein

CENTER OF THE AMERICAN EXPERIMENT

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Introduction

As I write, it has been three days since I finished a draft (and started shamelessly plugging) a book about family fragmentation and how it is sharply undermining educational and economic performance in the United States, leading inescapably to deepening class divisions. It's a theme, as you may know, that I have focused on for decades, as I have long viewed very high out-of-wedlock birth rates and very high divorce rates (not to put too fine an edge on the matter) as the overwhelming social disaster of our time.

One product of this preoccupation is that I never have been interested in having American Experiment publish anything that might be interpreted as making divorce easier to obtain, or more broadly, anything that might be read as acquiescent when it comes to the splintering of families, and I'm quick to assure that this Roundtable is not the least bit guilty of doing either. What it does do is point the way to making divorce—when it is, in fact, unavoidable—less damaging to all concerned starting with children.

What it also does, even more importantly, is point to early Minnesota-based research and its potential for saving some portion of marriages in ways that most therapists, lawyers, judges and others in the field have never considered, or to be blunt about it, have never cared to consider.

This publication grew most directly out my reading a 2010 article by Bruce Peterson, a Hennepin County District Judge, in an obviously ecumenical Jewish magazine called *Tikkun*, in which he said things like, "Courtroom combat may be fine for people who never have to see each other again, but for families, destroying whatever remains of a parenting relationship is the worst possible outcome." When all interest and hope in saving a marriage ceases, he argued, less adversarial means for bringing it to a close need to be found.

Judge Peterson cited Bill Doherty, a scholar at the University of Minnesota, as they have been collaborating on path-breaking research aimed at bringing couples back from the brink of divorce, in the aptly named "Minnesota Couples on the Brink Project." Bill and I also have worked together on a number of projects over the years, and I got to know Bruce a few years ago when we both served on a panel about families and agreed on more things than some in the audience might have guessed.

Further pursuing all of this started sounding like a terrific American Experiment Roundtable to me,

and happily, they agreed. The conversation in the pages that follow took final form when we invited Melissa Froehle, then the Policy and Program Director at the Minnesota Father & Families Network, to bring the invaluable perspective of someone who worked most closely, not with married parents, but rather unmarried men and women for whom the terrain when relationships fall apart is far less mapped and, therefore, often even rockier. If I do say so, this final product is a significant contribution on several levels, including persuasively making the case that more husbands and wives at the presumed end of their unions are interested in retreating from the abyss than many professionals in the "divorce industry" likely assume.

Ms. Froehle, I should add, is currently a supervisor in the Child Support Section of the Ramsey County Attorney's Office. Her law degree is from New York University and she holds a Master's in Public Affairs from Princeton.

Judge Peterson has served on the Hennepin County District Court bench since 1999, most of that time in Family Court, for which he was the presiding judge from 2006 to 2008. A former federal prosecutor, he's a graduate of Yale Law School.

And Bill Doherty serves as a professor of Family Social Science at the University of Minnesota and directs its aforementioned Minnesota Couples on the Brink Project. His doctorate is in Family Studies from the University of Connecticut.

We kicked off our discussion, which was held at the Center last October, with my posing three questions:

- What can we do to help some married couples reconsider getting divorced?

- If they are still determined to divorce, how can we make the process less damaging, especially for kids?

- And to what extent is some of the best research and work in this area being done here in Minnesota?

I'm exceptionally proud of this publication and grateful to everyone involved, including Beverly Hermes for another great job of transcribing and Kent Kaiser for another first-rate job of copy editing. As one might imagine, turning 90 minutes of four-way spoken words into tightly *written* words is not the easiest of exercises.

And as always I welcome any and all comments you might have.

Mitch Pearlstein
Founder & President
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Bruce Peterson: I want to emphasize the cultural and the spiritual aspects of this issue. I made the point in the *Tikkun* article that we have a very self-oriented culture. We are taught in a variety of ways, overtly and subliminally, throughout our lives that the purpose of life is to maximize our own self-interest, to get what we can out of life. That has become applied to relationships.

There are high-distress marriages and low-distress marriages. There are a lot of marriages in which there are issues of physical and mental abuse, substance abuse, and various forms of cruelty and incompatibility where the spouses would be better off, and their children would be better off, if a divorce were to occur.

Then there's another group of marriages, which I would call low-distress marriages, in which there aren't those issues. Instead, there are questions of commitment and expectations within the marriage. I've seen statistics showing that among about two-thirds of divorcing couples, one of the partners is involved in some sort of marital infidelity around the time of the divorce. I think that's a function

of what might be termed a "marketplace of relationships" that has people looking to maximize their own self-interest and looking for somebody who can meet their needs better than their spouse can. Thus, I think we're talking about a cultural and spiritual issue.

Mitch Pearlstein: Bill, what's the problem that you think we should address here as the core issue?

Bill Doherty: I think we're trying to help people do marriage better and, if they're going to get divorced, do divorce better. Most professionals work on only one of those. A lot of the marriage people don't want to deal with the divorce issues, and most people in the divorce professions, if you want to use that term, see themselves as working downstream from an irrevocable decision. Some of us are interested in straddling marriage and divorce issues, knowing that some people will get divorced. For some, divorce is the best alternative, yet there are a lot of marriages that could be restored to health and a lot of kids helped if people slowed down their divorce trajectory, considered alternatives, and did not get swept up in the divorce-decision vortex that they enter.

I think we don't do marriage well enough, and we have too many unnecessary divorces. Research shows that half to two-thirds of couples getting divorced were reasonably happy two years before the divorce and had fairly low levels of conflict. The other one-third to half were people in high-conflict situations with serious problems—everybody around them knew it. I don't give up on even those, if they can get help.

Yet I'm most concerned about the half to two-thirds of divorcing couples who may be running into life crises: unemployment, illness, the midlife crisis affair. The marriage should not necessarily be ruined by the crisis. Recent research indicates that the kids in low-conflict divorces are the ones who do the most poorly, not the kids in the war-zone marriages, who often actually do better when their parents divorce. To repeat, the majority of divorces of couples with minor children involve marriages which fell apart over a recently short period of time. Those kids are left wondering, "What the heck happened to my life?"

Pearlstein: Melissa, you're hitting this from a bit of a different perspective, given what you do for a living. How does this fit with your work?

Melissa Froehle: I have been involved mostly in working with parents who weren't married, so I have a different take on divorced versus the unmarried families. Yet I think the question is the same: How can we promote healthy relationships and healthy co-parenting, and, from a bigger picture, what can the court system and other systems do to encourage those healthy relationships and behaviors? I don't think our system was really designed to deal with relationship problems as much as to deal with the legal issues—determining who gets the house and those kinds of things. I think countries have started to recognize that their legal systems aren't able to solve relationship problems. Therefore, the question is, how do we have the legal system do what it can do best and build other systems around it or incorporate other systems that are really going to solve the relationship problems? In other words, how can we create a whole system of supports around families so we can encourage healthy relationships, and, therefore, foster healthy children?

There are various experiments going on. Australia is doing essentially a national experiment about this that addresses an array of questions, from before people ever get to the courthouse to file for divorce. They've set up family relationship centers all across the country. They've set up a whole elaborate system of alternative methods of resolution and mediation. The relationship centers are also places people can go if they're not in the court process.

Here in Minnesota, I've helped noncustodial dads who say, "I'm concerned about what's going on in the mom's house," and the only places I really have to send them are to child protection or court in order to try for their kids. In Australia they're asking,

"What can we do to help families resolve some of their issues so they don't actually file for divorce?" This might involve addressing mental health issues, addiction issues, or whatever is causing distress. It might be none of those. It might be that a couple is just not compatible anymore, and divorce is the route they should go. Then the question is, how do you do that in the best way possible and cause the least harm to the kids?

Pearlstein: Let me jump in. As you know, I have spent the better part of the last several decades arguing that the overwhelming social disaster of our time is the extraordinary number of kids growing up without their mother and father at home. If this were a conversation that focused on how we can make divorce easier so we could have more of them, needless to say, we wouldn't be having it. Rather, we're having it, in large part because of the terrific article that Judge Peterson wrote in *Tikkun*. Of course, I've known Bill's work in this area for quite a while. His book, *Soul Searching*, was a great breakthrough in 1995. He urged and still urges other therapists not to acquiesce to divorce but to challenge it in appropriate ways, if my description is a fair one.

You have, already, all three of you, touched on a part of this. Why don't you continue talking about why it is important to try to save marriages without being utopian about it, without being naive about various matters, without putting anyone at physical or excessive emotional risk? Why is it so important to save marriages? Or I should add here, if marriages can't be saved and if there are children involved, how can we make it less painful? How can we make divorce less painful and damaging for children?

Peterson: Here's why it's important to save marriages. Two indicators really change the trajectory of a child: dropping out of high school and experiencing a teenage pregnancy. The child's life is entirely different if those things happen. Continuously married parents can expect that 13 percent of their children will drop out of high school, and 11 percent of their daughters will experience a high school pregnancy. With divorced parents, 31 percent of children drop out of high school, and 33 percent of girls experience a teenage pregnancy—the percentages are higher yet for the children of never-married parents.

Now, there are many factors in play, but it's a huge difference. I've worked with hundreds of divorcing couples and watched them struggle with their parenting issues—for example, shuttling the children back and forth between houses. Even if children don't show up in statistics like this, it's got to be very difficult for them.

Doherty: I'll speak from the academic point of view on this. If it were 25 years ago, we wouldn't be having the conversation this way. When I was first teaching college courses in family studies in the late 1970s, the consensus among academics was that the effect of divorce on kids was more like a bad flu—they get over it and maybe have some residual stuff for a year or so, but they move on. The consensus was that adult life satisfaction was what really matters for kids and that if the adults felt that the marriage was not working for them, they should move on, and the kids would do okay. That is no longer the consensus. In fact, looking back, I think it was really more a reaction to the stigmatization of divorced people.

The 1960s and 1970s liberation movements are when we stopped blaming and shaming people for things like divorce or unwed motherhood. As a good liberal academic, the last thing I wanted to do was to shame or blame anybody. But that academic consensus evaporated over the next 20 years.

The consensus changed because in some of the crucially informative studies, academics like Paul Amato and Andy Cherlin followed their data. It's difficult for any of us to follow our data if it challenges our preconceptions. Cherlin was connected with a large British study that followed a few thousand kids and families from before the divorce—they were just regular families—for 25 years, and what he found was that the divergence between kids from intact families and divorced families increased when the kids got into their 20s.

It did not decrease. One of the measures was morale, sort of a general sense of well-being and ease in life; children of divorce became progressively more demoralized than those from married families as they entered their mid-twenties. That was an important study because they controlled for pre-divorce family factors and still found differences. It gave cover for others in the field to acknowledge what makes sense: that divorce is obviously troublesome for kids. This is no easy road for these children.

Another thing I'd add is that in the last five to eight years, important new research has been conducted on the multiple transitions kids face after divorce. We used to think of divorce as an event with turbulence on either side of it, and then life settles down. Yet when moms and dads get remarried, the trajectories of adults and the kids separate. If the parents remarry, each may even have a new house. They start new. Everybody's kids are moving then, and the kids are out of their neighborhood, and they're switching schools.

Then, of course, the kids face a conundrum when there are new romantic partners in the life of a parent after a divorce. Should they attach to this new adult? If they you do, do they feel disloyal to their biological parent from their original family? They're in that triangle. If they attach to the new adult, those are more fragile relationships. There are higher divorce rates in remarriage than in first marriages.

Recently, I've come across some families where the kids really attach to a stepdad for two or three years and, then, one day, the kid comes home from school, and the stepdad is gone because the mom has kicked him out. The stepfather has no rights to any visitation with that child. Thus, he's gone from the kid's life. If the kids attach, they can have loyalty pulls from their original parent, and they can also lose this new parental figure. Or they can avoid attachment, in which case, they're living with a stranger and their mom or dad is upset with them because they keep distant. It's a devil's choice.

Froehle: Cherlin makes some good points that it's not just about more people getting married or who's getting divorced, but when you combine all the parental relationship changes, there are many more rapid turnovers in relationships that kids see. He notes a statistic about how an American kid living with married parents has a higher probability of experiencing a breakup than do children living with unmarried parents in Sweden.

Part of his point is, we need to slow down. When we're talking about trying to save marriages, we are trying to get people to think more intentionally. Oftentimes the reason that one relationship doesn't work gets carried into the next relationship. If people don't work through whatever those problems may be, it is likely those problems will just be carried on. Why not work through that in the current marriage relationship, rather than bringing it to the next relationship? I think that's probably true with unmarried folks as well as with married folks. Also, one thing that gets overlooked a lot is that people generally want to be in long-term committed relationships. That's true among low-income folks.

There's been this perception that, among unmarried couples, the fathers are less interested in their kids. Because of some of the legal differences with unmarried couples, a father may have a child in their first relationship, and if it doesn't work out, he may move on to another relationship, searching for the family unit that's going to work. He does this not because he cares too little about being involved but because he really wants to make a family unit work. When it doesn't work, he moves on to another one. I think there are some differences in this that come to the fore with unmarried parents, because many of these fathers generally don't have parenting rights to their kids, as would a divorced dad.

Peterson: In terms of people wanting to be in long-term relationships, when we start talking about what to do about this, I think a lot of it is just education. People don't understand that divorce in low-distress marriages will not make

people happier. By and large, they're less happy afterwards, and their children are less well off. I don't think those two simple facts are well known.

Doherty: One of the things we're learning from the research—this goes across the unmarried and the married—is the problem of role models for making a relationship work. I directed a five-year project in which we worked pretty intensively with 98 unmarried urban couples who wanted to stabilize their relationships. These were couples with children. Most of them had no role models of couples actually staying together and working through challenges. It's amazing how, in separate interviews, people would talk about the Cosbys, which is a fictional TV family, or maybe a minister and spouse, or maybe a grandparent couple as models of people who did, indeed, make it. For a lot of the low-income couples, now, we have several generations that have not seen a functional, stable, lasting marriage.

New research is documenting the increased risk of divorce for people who come from divorced families. We've known it's there, but now we have some better numbers to put on it. People have a 50 percent greater chance of getting divorced if their parents were divorced. They're also more likely, if they come from a divorced family, to marry another child of divorce. Thus, there is a selection effect. Couples have a 200 percent greater risk of divorce if they both come from divorced families. It's not the kid's fault; the kid has nothing to do with what the parents did. We must, without scaring people away from marriage, help people at the cultural level. We must communicate this a whole lot better and provide cultural wisdom to help newly marrying couples do primary divorce prevention.

Froehle: In terms of relationship education, I think we've undergone a huge cultural and societal shift. Forty years ago, if you got divorced, I don't think there was as much emphasis on co-parenting. The father's importance wasn't viewed highly. His rights were not viewed as important. Today, I think there's much more recognition by the court system and by our society that both parents are important and that both of them, whether they are together or not, need to be in a co-parenting relationship. Instead of just thinking that the mom is going to get custody and the dad is going to get what he gets, now we're in a world where most people say, "No matter who gets what, you still need to work together on behalf of your kids." We're looking at it differently. People can't just wash their hands of each other and walk away and just minimally deal with each other. They've got to figure out how they are going to deal with each other for the lifetime of their children. That's another reason why it makes sense to help parents stay married in good marriages or figure out how to strengthen that co-parenting relationship at as early a point as possible. That's the emphasis that the court system takes, that our society takes. We want to encourage both parents to be very involved in their kids' lives.

I think if we did a better job from very early on—in educating kids not only about conflict resolution but about healthy relationships and how to resolve conflict in a romantic relationship—then people going into a marriage would be in a better position.

Pearlstein: I want to get to the specific research that Bill and Bruce have been working on, but turning first to Bruce, the essay you wrote for *Tikkun* dealt specifically and very effectively with the fact that the court system, as presently constructed, is not necessarily the right place for parents to work out these kinds of issues in benign and healthy ways, particularly when kids are involved. Would you expand on that, please?

Peterson: We have an adversarial system with a coercive figure—a judge—making decisions, and the parties do their best to undermine one another's positions so that the judge will rule their way. The need for court proceedings may have been evident when we had a fault-based divorce system. Someone had to prove some fact about the other person's conduct in order to get a divorce. That's now gone. We have no-fault divorce. But we still have courts struggling with ongoing issues of parenting and relationships in a winner-take-all, "I'm-right-you're-wrong" kind of proceeding, which

makes matters worse. Most people who go through family court proceedings believe their relationship got worse because of those proceedings.

Now there are two movements going on. Within the court system, there are efforts to make the process less adversarial and more humane—more fitting for ongoing relationships. There are also movements outside the court system to replace some of what the court system has done and obviate the need for this adversarial system. I think those two developments are both going to bring us to a more sophisticated approach to relationship support.

Pearlstein: Is there any fear that by making these procedures more civil that that will actually increase the likelihood of divorce as opposed to the opposite? If it's not such a miserable experience, will more people possibly decide to go through it?

Peterson: I have advocated that divorce should be taken out of our courts entirely and that we should have a simple administrative system of divorce, because now, divorce is a simplistic result that people know they can obtain with a legal proceeding. Court proceedings rarely involve consideration of alternatives such as separation with treatment and conditions, intensive counseling, or trial periods. I think you could do that outside of court a lot better than you could in court. Would it make it more likely for people to divorce? Not if it's combined with a better cultural understanding of the damage to parents and children from unnecessary divorces.

Doherty: I'd like to weigh in on that. There is research that suggests that the social experiment of no-fault divorce and eliminating waiting periods has already increased the divorce rate. Consequently, I think the changes that Bruce and Melissa are talking about are not likely to increase the divorce rate further. It's a great question, though; we always have to be aware of unintended consequences.

At the beginning, there's usually just one person who wants a divorce. It's overwhelmingly the wife, by a two-to-one margin. I think most people don't really have a clue, particularly if they have minor children, about what's going to happen. All they know is they want out of the pain they're in, or they have an alternative partner, but they want out and they want relief.

Pearlstein: What role does religion play in this in the sense of folks viewing marriage as a true covenant, not just a contract, but something deeper and better?

Doherty: Yes, among low-distress couples, not having a religious orientation is a risk factor for divorce. It's not membership. It's not denomination. It's religiosity. It's a connection to a faith and to a community that's associated with higher satisfaction and lower divorce rates. You have to drill down to people's religiosity to find what the protective factor is.

Peterson: I think spirituality suggests to people that the difficulties in their lives are there as opportunities to look at themselves and ask, "Why am I doing this, why is it happening, and what responsibility do I play?" Contrast that with a simplistic approach of thinking, "My needs aren't getting met, and I can do better elsewhere." That's the message our culture gives us continually: Get a new product; get rid of the old one.

Doherty: Being part of a community is another piece of this. States that have lower mobility of people moving in and out have lower divorce rates.

Pearlstein: So, in some respects you're dividing the question. Spirituality and community are not the same exact things.

Peterson: The community aspect is interesting. I've often thought that marriage doesn't do well on its own. If imbedded in a context of extended family or community relationships or a religious community, it seems to thrive much more. The problems with divorces in low-distress marriages, it seem to me, are often related to expecting too much from that relationship. Connection and camaraderie are primary human drives—probably

the most important. If you are with one person, and you've gone someplace away from your extended family and the communities you know, then all that weight is put on that one person. Nobody can carry that weight. If you're in a community, there are people to help—there are extended ways of getting your needs met, and your expectations of your spouse are different.

Doherty: There's also new research on divorces and social contagion. It depends what network you're in. The new research is a fascinating study documenting over a period of 26 years how divorce spreads through friendship networks and co-worker networkers and others. Here's how it works: It makes sense that if you and I are friends, and you get divorced, this could affect me. Yet if you and Melissa are friends, and I don't know her, and she gets divorced, it still might affect me. Social Norming Theory suggests that as divorce becomes more common in a social network, it gets to be the norm. If we're good friends and you've gotten divorced, and I say, "I don't know if this marriage is working out," your response may be less "Oh, my goodness" rather than "Well, it's happening; it's going around like the flu."

Pearlstein: My sense is that was more prevalent back in the 1960s into the '70s and '80s, for reasons for another conversation, or perhaps I just don't hang out with that many divorced people anymore. I'm hitting the issue from more of an ideological rather than a relational perspective. Lots of women, to be real blunt about it, have said, "We don't need to be married. We can do better than this." Hence, unsurprisingly, we've had more divorce. For whatever it may be worth, when I was having my dissertation party more than 30 years ago, we were at Sweeney's in St Paul, and by the end of the evening, there were only about a dozen of us around: two guys with everyone else a woman. I looked around and realized that everyone in the room had been divorced with the exception of one woman—and I later found out she was in the midst of one. Yes, it was an epidemic.

Doherty: Yes, and it's still reverberating. I think part of our theme here is about the culture of marriage, the culture of cohabitation, the culture of expectations, the culture of co-parenting. We're really talking about these social norms. We are social creatures. More or less, we follow social norms. That's what really has to be shifted.

The great thing about the social network research, which is very sophisticated research, is to be able to quantify these things and to be able to demonstrate that we affect one another a lot. When you ask people to list who is in their social world, the average is 20 people, and it's reciprocal. Some have a lot more; some have a lot less. If each of those 20 people has 20, then your divorce influences 400 people.

There's another issue I don't want to get lost here, which is the social class links to divorce. We know that unmarried parenting is *vastly* higher in low-income communities and in certain communities of color. We know the divorce rate is significantly higher among people with less education and less income. Some of that may be the social norms. It's particularly troubling when you see all the benefits parents and children get from marriage and then you see the people with all the other challenges not having those benefits.

Froehle: I don't disagree that there's social norming. There's definitely social norming. If you have three kids by three different women, and you know ten other people with three kids by three different women, that's a different social norm than if you live in a community where everybody is married and nobody has kids by anyone other than a spouse. Yet I think it's important not to underestimate the economics in terms of the pressures that low-income people face on a daily basis. I don't know it's as much social norms as so many other pressures that folks face in those situations. If you're divorcing and you have money—this was always my argument with the low-income dads I worked with—you have an array of options. You can get parenting consultants. You can get therapists. You can get everything under

the sun to help you mitigate the effects on your children. But if you don't have money, what do you use? What do you do when you have conflicts and you don't have a way to resolve them?

Doherty: This may be a good time to say it's both/and when it comes to structural and cultural causes. Yet in our society, liberals have lined up around structural views, and conservatives have lined up on cultural issues, cultural norms. It's both. The structural and cultural issues interplay over time. For example, it can't be only economics: The nonmarital birthrate among African-Americans in 1960, when the poverty rate was higher, was about 24 percent; now, when the poverty rate is lower, the non-marital birthrate is 70 percent. So there's something cultural there, too. On the other hand, we know that men without jobs or with jobs that don't pay well are less valuable to the lives of women. We also know that economic stress is horrible on coupled relationships when they form. It's all of the above. I just wish we could, as a society, have a "both/and" conversation.

With low-income communities, we have this terrific problem of what's being called gender mistrust. We have to tackle that somehow, and communities have to take responsibility for tackling it themselves. It can't be a bunch of white middle-class people saying, "You need to do that." This is where a traditional educational model alone is not going to be enough. The research on this now from some of the qualitative studies is really depressing. Many low-income single mothers believe that men, as a group, are not trustworthy and that they're not going to be faithful. They're raising boys and girls with that attitude. An African-American colleague and I have an article coming out about how single mothers can raise children with male-positive attitudes in the absence of a father. We coined the term male-positive attitudes, because they are hard to find in some communities.

Pearlstein: Melissa, you've mentioned education and training for people who deal with conflict. I'm skeptical for a host of reasons that public schools can do it well, never mind they're already burdened with too many other responsibilities when they need to do a better job teaching reading, math, science and the like. Whether or not you agree with me, what other institutions might provide the kind of training and education you seek? The first one that comes to mind would be religious institutions, but lots of people are not associated with any of them.

Froehle: It boggles my mind. I took a class in junior high about how to make chocolate chip cookies. Is that important? Wouldn't it be a lot more important to start there in junior high and early high school teaching kids about how to recognize healthy relationships? They're in relationships. Let's teach them to understand the importance of what both moms and dads can bring to parenting. Some kids are going to become parents when they're in high school. If not, most of them are going to become parents in the subsequent decade. Most people are going to become parents. I think schools are a good place to teach them about it.

Texas is doing this right now. Texas has mandated that high school students go through a curriculum about healthy relationships. It covers the value of marriage, the issues associated with not being married, what paternity means, and how child support works—all of that. This is a curriculum that was developed by the child support system in Texas, so it's got their influence, but it was mandated by the legislature a couple years ago. They're doing studies on it right now. They have some data about how it's working.

I think churches or religious institutions are another good place to do it. I think you could do it in community-based organizations, but, again, you're dependent on which kids are getting to those programs. In the schools, everybody, for the most part, is there, because they're mandated to be there. Why shouldn't we be talking about teaching these ideas in the schools?

Peterson: The University of Minnesota Extension Service has put together, for us, a course for unmarried parents on co-parenting, which I

think would be well adapted for high schools. Participants like the material. It's engaging. It's hands-on. I just saw that Hennepin County received a $17 million grant, which is a huge amount of money, for teenage pregnancy prevention. County Commissioner Mike Opat had been fostering a program in Brooklyn Center and Richfield on teenage pregnancy prevention in the schools, which had a very successful evaluation and which I presume resulted in this large federal grant. Locally, we are seeing that there's been some real success in education in high schools, beyond reading and arithmetic.

Pearlstein: We've been talking mostly about other people's research. I want to talk about what's going on here in Minnesota by the people around the table.

Peterson: We have developed a project at the University of Minnesota called the "Couples on the Brink Project," which resulted from my asking Bill for help with a situation I was seeing in our family court, which is that there was some percentage of married couples going through divorce who appeared friendly to each other, supportive of each other, and able to address complex issues of divorce. This was true even though, by and large, as a judge I see only couples with conflicts. People who can just sign a stipulation and file their papers never see a judge. I asked Bill what was known about the effectiveness of services to people in the divorce process. Were there any? Were they effective? Bill engaged in a systematic process of research and consultation with divorce lawyers, and the result is a project at the University of Minnesota to promote best practices in coaching, advising, and supporting couples who are in the divorce process.

Doherty: The research that came out of that conversation was on about 2,500 divorcing parents in Hennepin County in which we asked a question that I don't believe had ever been asked before: Do you think, even now, that your marriage could be saved if you both worked at it?

Pearlstein: Let me back up for second. I read about that as I was reviewing some of the written material. It's stunning that you couldn't find another situation where that question was asked. Why not?

Doherty: I think the cultural assumption has been that when you file for divorce, it's over. You send them to a mediator or collaborative lawyer, not to reconcile, but to divorce well.

To some mediators, it's considered unethical to be talking to people about reconciliation, because the job is to help them get divorced. A therapist in New Jersey cited research from our Couples on the Brink Project and asked the Collaborative Lawyers Association in New Jersey if he could have 15 minutes on their conference program to talk about reconciliation work. One of the lawyers said, "Why should we be talking about reconciliation if our job is to help people get divorced?" That's the assumption; that's why nobody ever asked it.

I didn't know what the percentages would be for people who thought their marriage still could be saved, but I knew it wasn't going to be zero, because I had seen enough people. What we found was that of individual spouses, 30 percent said "yes" or "maybe" to the question "Do you think your marriage could be saved now with enough work?" About the same percentage checked "yes" or "maybe" to the question "Would you seriously consider reconciliation services if they were made available by the court?" These figures were for individual spouses; when matched them as couples, it was about ten percent of couples who both thought their marriage could be saved and were open to reconciliation help. And these people were well into the divorce process. In subsequent research, we found even higher rates for couples at the outset of the divorce process.

Pearlstein: At the risk of extrapolating recklessly and over-optimistically—or over-pessimistically, as the case may be—what is your best guess at this point of the proportion of marriages that can be saved if we do programs right?

Doherty: I would like to say that ten percent is a lowball figure. Somebody taking the lead, somebody who says, "This is an unnecessary divorce, I'm willing to change, and I'm willing to step up and do what I need to do to change it" can often make a difference, even if the other person filling out the question says, "No, it's over."

Pearlstein: Where do children fit in all of this? How frequently do respondents say or suggest that they want to reconcile in large measure because of the kids?

Doherty: What people will say is that a good chunk of their motivation is to try again because the consequences for their kids would be so great. It's huge.

Peterson: Bill has done a wonderful job of assisting with this problem that I posed. It turned out to be a more complicated question. We started, initially, talking about reconciliation services, but what's happened is the identification of other needs. Bill is now developing something called "discernment counseling," which is a limited intervention to help people understand why they're making the decision to divorce, to make a good decision. Another service is what some call "hopeful spouse coaching." We see a lot of people who don't want to divorce digging in their heels, making the divorce process as miserable and lengthy as possible, and creating a lot of conflict in order to save their marriage.

It turns out there's a variety of things that couples on the brink need: discernment counseling, hopeful spouse coaching, actual flat-out reconciliation services, which, by the way, have to involve more than just marriage counseling.

Doherty: Some people need to go back to Alcoholics Anonymous (AA), and some people need to take anger management classes. When people finish this discernment counseling process, sometimes they decide to go on to divorce, but our hope is that they go with more clarity about what they have each put into this.

Then, for others, if they do want to try to reconcile, we have a plan. They actually sign the plan. With one recent situation, the plan involved the husband going back to AA, because when he's not in AA, he's at risk for drinking again, so that was a stipulation. Another stipulation was, no more returning phone calls from the ex-girlfriend. In another case, the wife really wanted them to go back to a faith community together, so we helped them put together an agreement for six months of hard work that included that faith community support to see if they could salvage their marriage. We're just 25 or 30 couples into this project now; we're about to do our first systematic evaluation.

I decided I wanted to do a lot of this early work myself, so that I could teach other people how to do it. I remember looking at the file of one couple, and the last I'd heard, the husband wasn't going to give up an affair with another woman, and the wife said she was done. Not long after, I got an email from them saying the affair had burned out, and the husband felt like he'd made a terrible mistake. The wife never pulled the trigger on the divorce, despite her therapist urging her to do so. I think this couple has a really decent chance to make it.

Pearlstein: That's a good segue to the next question for all three of you. Given your respective views on these issues, how are you perceived by your professional colleagues? Let me start with Bill. To use the current term of art, I know you've gotten pushback from colleagues in the therapeutic world and other academic settings from time to time. What do your colleagues think about your current work?

Doherty: Some are enthusiastic about it. Many are respectful but cautious. And some are antagonistic, because they would see this as potentially communicating a culture of trapping people in bad marriages, and that adds to the stigmatization of people who get divorced. I think that would be a fair statement of how they view it.

Peterson: I would express a similar spectrum.

I have gotten pushback. I think many of my colleagues think the kinds of things we're talking about here and some other things that I've worked on are not part of the core mission of the courts. We are in a very difficult resource shortage right now. We're struggling to maintain what we do. Some of my colleagues believe we should stick to deciding cases that walk in the courtroom and deal with what's in front of us. That goes to a larger question about the role of professionals and how narrowly you can define your mission and how much obligation you have to look upstream of what's happening and why, and downstream where it's going. It's a difficult issue for the court system.

Bill and I had a number of interactions and meetings with family court judges talking about this work on reconciliation. The consensus was they did not want it to be part of the court services in any way. Our job, they said, is to facilitate divorce and not to ask, "Is it necessary? Can we help you avoid it?"

On the other hand, our Court has moved in a number of areas to a concept called Problem Solving Courts, like Drug Court, DWI Court, Mental Health Court, Veteran's Court. Now, we've got grant funding for a program called Co-parent Court for low-income parents, where we're taking responsibility for a larger view of what comes in front of us, with the understanding that it's going to save us money in the long run. It's a difficult question as to whose obligation it is to promote cultural change of this kind.

Pearlstein: Melissa, what would be the parallel situation you face?

Froehle: When I first started in the fatherhood field in 2002 after graduating law school, I started a project to represent low-income fathers at Central Minnesota Legal Services, which is a legal aid agency. It's completely outside the norm, and I think I was looked at very skeptically by many people, as if dads aren't supposed to be served as a target population. In a world of scarce resources, we prioritize cases involving domestic violence, which usually means helping mothers and their children.

The concern hidden below the surface was whether I was helping men escape child support or take custody of children from women. Low-income men have been pretty well stigmatized as deadbeat, absentee dads. I think over time my colleagues saw that these men could be really good fathers and that they often were a lifeline for their children.

I would say the same is true of the view of working with unmarried couples. There's obviously a large focus on divorce, and I think there needs to be. That's still a huge population, but unmarried couples are becoming a huge percentage of cases the court sees and social services interact with. What are their different needs? When I talk to folks, there's an obvious pathway if they're married and they are going to break up: There's a divorce system, as imperfect as it is, and they go to court to file a divorce. There's a very clear pathway. There's not a clear pathway if they have children and are not married and they split apart. There's 82 different ways they can go. A lot of times it may be three years since the parents lived together and actually co-parented. Or maybe they never lived together and co-parented in the same household. We don't have the same pathway for dealing with these parents in the legal system. If they're getting a divorce, the system connects them to mandatory parent education. It connects them into a pathway of getting to mediation. It connects them into all these different services, but we don't have that for unmarried parent couples.

Pearlstein: As you all know, there's something called the "Magic Moment" when, at the birth of a child, an unmarried couple says they want to get married, but then wind up not doing so in very large numbers.

Peterson: If we're going to talk about unmarried parents, I just want to get a couple numbers in here. This really frames the issue. By the time their children are age five, 42 percent of unmarried parents have no contact with each other. That's after 82 percent were either cohabitating or

romantically involved at the time of birth. There's your magic moment early on. What we have to do is develop the cultural institutions and the cultural expectations so that parents and especially fathers have a pathway that they understand: If you are an unmarried father, this is how it's going to go for you; this is how society will support you.

Doherty: Part of it is that nowhere in the social service system are there people whose job it is, whose mission it is, or whose job competency it is to work on relationships between adults. The services are to mothers, to mothers and kids, or to fathers. It's nobody's job to help the people on whom children depend to cooperate in their relationships, let alone explore whether they might enter a healthy marriage.

Pearlstein: Is it feasible to move in that direction in this period of fiscal stringency—the new normal and all—without adding dollars to the system? Can we rearrange what we're currently doing?

Peterson: Well, there are *huge* amounts of money being pumped into the divorce system in the form of legal fees for contested divorces. There's money being spent on relationships. It just isn't being spent very productively.

Doherty: What I would add to that is that there are a lot of professionals who do interact with low income families—visiting nurses, for example. That's been shown to produce better outcomes for kids. Parent educators and the early childhood family educators are doing home visits. They should see, as part of what they do in their coaching and education, the importance of talking about parents getting along and in some cases growing their couple relationship. I don't think we should create a new program, if you will.

A lot of professionals who work particularly with low-income families are kind of anti-male, to be blunt. Maybe they come about it honestly, because they hear story after story from the single mothers about these guys. They absorb that, and they don't support the father's involvement. He's not their client. They leave men to specialists who work with the fathers. I would recommend some retraining, if that's possible, for those folks to understand that we need a family-systems approach that includes fathers and male partners as opposed to a"mom and child" approach. It goes back to what I said in the beginning: We're an individualist society. If mom is my client and she's got problems with dad, I've got no stake in him. I coach her to put boundaries around him. If they were to take a family-systems approach, because this child depends on that relationship, it could transform the way they work.

Froehle: Just from my experience, and maybe this is self-selection in terms of who we see and the work that we do with the Minnesota Fathers and Families Network, I would say that has shifted a lot. I think there are more of these other barriers: If my client is the mom, and the mom doesn't want the dad involved, I have to work around that. The question is, how do we get people to understand the importance of the co-parenting relationship in a family system?

Peterson: We must promote fathers' issues and help develop a model of responsible fatherhood that is very inclusive and not divisive.

Pearlstein: In the same way you could make an argument that a significant number of people in the field are anti-male, or at least not as friendly towards men as they might otherwise be, would it be fair to say they're likewise not as enamored with marriage as they might otherwise be?

Froehle: It's a topic that I think has been hard to broach. People wonder, "Can we talk about marriage, or is that the thing that you can't talk about?" I think there's some of that.

Doherty: I do want to share a vignette, something I heard from a senior person in government about how marriage cannot even be talked about. You can't ask about it. He said, "Before welfare reform in the mid 1990s, it was considered unethical among social service case workers to ask clients who were

going on welfare if they were thinking of getting a job. The caseworker's job was to help the clients get access to services, and what the clients chose to do with their private lives was for them, and the caseworker couldn't ask about that." He said, "It's that way with marriage now"—it's considered an invasive topic to broach, and if not unethical, it's certainly not in the job description." I would add that there are no best practices for how to start a conversation about marriage; we need to develop those. For example, the case worker could ask the mother what thoughts she has about her future relationship with the father, and go from there.

Pearlstein: Let's start bringing this to a close. What do people want to add or subtract?

Peterson: I want to add one more thing about relationship support and where it fits. I don't think it necessarily has to be a question of professional services. We did some experimenting in family court with some very high-conflict cases with a process called Restorative Circles.

The National Endowment for Science, Technology, and Arts Innovation Unit—this is a think tank in England—gave a report to the British government on what they called social technologies that can deliver public outcomes for lower cost. They surveyed 100 promising social technologies. They picked ten, one of which is this Restorative Circle process, where a man named Dominic Barter has refined a set of principles of nonviolent or compassionate communication which can be used in a circle process in a couple of hours. They're using it very extensively in Brazil now for juvenile justice issues. The police send kids right to Restorative Circle processes, not to the court system. They've seen a great reduction in juvenile recidivism and repeat problems.

Pearlstein: That's very much in the spirit of the work, Bill, you've been doing with Harry Boyte and others when it comes to citizen participation and leadership.

Doherty: One of the things we're doing in the Couples on the Brink Project is to invite couples who have successfully reconciled to contribute to the project in some way. We have our first couple, actually our very first couple in the project, who have said that they are in a stable place now, and they'd really like to give. I think it's important that we not just conclude that what we need is a couple more billion dollars worth of professional and government services on this.

On the other hand, it can't just be exhortation. My critique of conservatives is they do exhortation and not much more, and of liberals my critique is they always want to have a program and train a whole cadre of professionals. We need more horizontal kinds of processes. I will say that one of my frustrations in all my community organizing work is never to have successfully gotten people organized around marriage. There is a lot of organizing around parenthood, teens, social class groups, and immigrant groups, but not marriage.

Pearlstein: Know what I'm thinking right now? "Covenant marriage" has essentially gone no place. It seems to me that if people wanted to, they could reduce the risk of divorce by saying right from the very start, "If ever we consider getting a divorce, we ought to be forced by law to jump over extra hurdles, such as longer waiting periods." But I just don't see any movement to adopt more of that legislation. Why?

Doherty: I've given up on covenant marriage, although most people are for waiting periods. We have no waiting period in this state. But I don't want to lose my point that we haven't seen a social movement around marriage. I've been thinking a lot about that. I think, partly, it's because marriage is a very private personal relationship in a way that parenting is a bit more public. A movement probably would have to include both husbands and wives, and it's tricky to get your spouse on board. Men, particularly, don't tend to like to talk about these sorts of things. Marriage is vulnerable. It's more vulnerable than parenthood, because you can break up. You've got sexuality issues. It's seen as very private.

I'm doing a new next edition of my book, *Take Back Your Marriage*. When I wrote the first edition, I was looking for a term that would be the antithesis of consumer marriage, the me-first, meet-my-needs approach. All I could come up with was covenant marriage, but that gets caught up in religious language and all that stuff. Now I'm going to talk about citizen marriage, being a citizen of one's own relationship, an active agent and builder of it, and a citizen of the other marriages in the community. If you buy the social network idea, then we all have a stake in one another's relationships. You can raise your own children in a good family, and you can feel like you have a good marriage, but there's a good chance your children are going to marry somebody from a divorced family, and then your grandkids are more at risk. We're in it together.

Froehle: When we've done co-parenting and other kinds of training with different professionals, one of my colleagues asks: "How many of you are relationship educators?" These are people who might be visiting nurses. They might be in child support or child protection or other fields. Nobody raises a hand. The point is that they all work with fathers and families to some degree.

We have opportunities in our own individual lives to provide information about relationship and co-parenting issues. I think for a long time, it was taboo. When I was growing up, there was still this idea of single parents can do it all—and a lot of them can. On average, they can raise children who do well, but it's a lot harder. I try to make it a point in my life, since I've been doing this work, to provide a voice that says: "Yes, I understand you're really steamed right now at the other parent, but don't take it out on the child." Beyond all these other things, we must have more of a cultural emphasis on recognizing that co-parenting is important.

Pearlstein: I've been talking and writing about these issues for decades now, but I'm certainly not inclined to say to friends and acquaintances who are single parents something along the lines of "Get thee to the altar." This is very personal. It's very complicated. I'm very much alert to the distinction between talking in grand cultural and policy ways as opposed to dealing with real live human beings in front of me.

This has been terrific. Many thanks. ■

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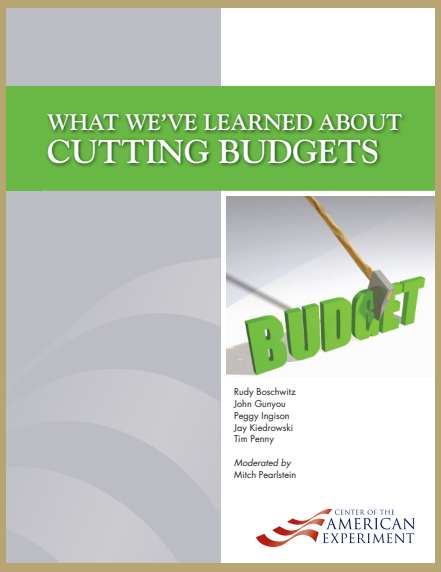

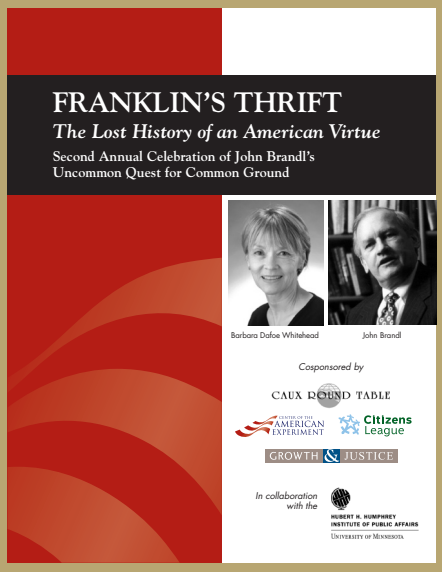

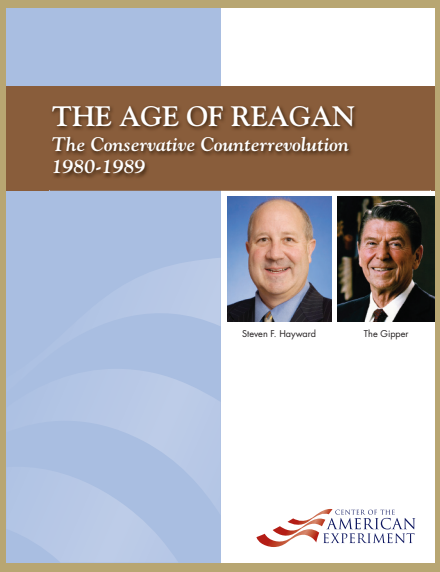

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