

DEPARTMENT OF SOCIAL WORK

Paper Title: 220 (B) Gender and Empowerment

Semester- IV

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STUDY MATERIAL

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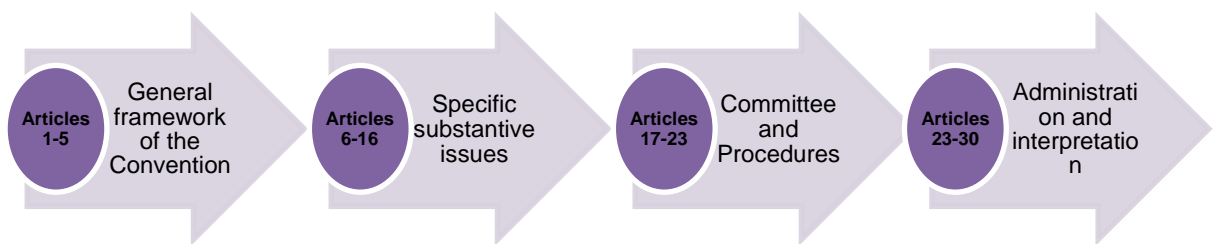
CEDAW at a Glance

The United Nations' Convention on the Elimination of all forms of Discrimination against Women (CEDAW) was adopted by the United Nations General Assembly in 1979. It has often been described as the international bill of rights for women and sets out a comprehensive set of rights for women in civil, political, economic, social and cultural fields. It also provides a definition of discrimination against women.

CEDAW Definition of Discrimination

"...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field." (Article 1)

CEDAW has a preamble (introduction) and 30 Articles (clauses).



Summary: Articles 1-16

Article	Summary
1. Definition of discrimination	Discrimination against women includes any distinction, exclusion or restriction that affects women's enjoyment of political, economic, social, cultural, civil or any other rights on an equal basis with men.
2. Policy measures	States must make laws and regulations, implement policies and change practices to eliminate discrimination against women.
3. Equality	Women are fundamentally equal with men in all spheres of life. States should take action to ensure women can enjoy basic human rights and fundamental freedoms.
4. Temporary special measures	Affirmative action or temporary special measures should and can be used (e.g. quotas or women-only services) to accelerate women's equality.
5. Sex roles and stereotyping	The Convention recognises the influence of culture and tradition in restricting women's enjoyment of rights. States must modify or abolish

	discriminatory cultural practices and take appropriate measures to eliminate sex role stereotyping and prejudice stemming from the idea of the inferiority or superiority of one sex over the other.
6. Trafficking and prostitution	States Parties must take all measures, including legislation to stop all forms of trafficking and exploitation of women for prostitution.
7. Political and public life	Women have equal rights to vote, hold public office and participate in civil society.
8. Participation at the international level	Women should be able to represent their country internationally and work with international organisations on an equal basis with men.
9. Nationality	Women have equal rights with men to acquire, change or retain their nationality and that of their children.
10. Equal rights in education	Women have equal rights to education including vocational training and guidance, continuing education, sport and scholarships. The content of the curriculum should prevent the repetition of negative stereotypes and sexual health education should be available.
11. Employment	Women have the right to work, employment opportunities, equal remuneration, free choice of profession and employment, social security, and protection of health. Discrimination on the grounds of marriage, pregnancy, childbirth and childcare is prohibited.
12. Healthcare and family planning	Women have equal rights to access health care including sexual health, family planning services and pre and post-natal care.
13. Economic and social benefits	Women have equal rights to family benefits, financial credit and to participate in recreational activities, sports and cultural life.
14. Rural women	Rural women have the right to adequate living conditions, participation in development planning, and access to education, healthcare, transport and financial services.
15. Equality before the law	Women are to be treated as equal before the law. Women have the legal right to enter contracts, own property and to choose where to live.
16. Marriage and family	Women have equal rights with men within marriage including family planning, property ownership and occupation.

CEDAW's Optional Protocol

An optional protocol is a treaty that adds to or complements an existing treaty¹. The Optional Protocol to CEDAW enables the CEDAW Committee to consider complaints by individual women or groups of women (via the communications procedure) concerning the violation of rights protected by the Convention and/or to conduct inquiries into grave or systematic abuses of women's rights (via the inquiry procedure). This will only apply if the Optional Protocol has been ratified by the State.

¹ International Womens' Rights Action Watch Asia Pacific (IWRAP), OP CEDAW Overview, 2016, Available at: <http://www.iwraw-ap.org/op-cedaw/what-is-op-cedaw/op-cedaw-overview/>

UNIT 3 RASHTRIYA MAHILA KOSH

Structure

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3.0 OBJECTIVES

After studying this unit, you should be able to:

- describe the main features of RMK;
- describe Kosh's mode of operation;
- critically examine the need for micro-finance for women; and
- explain the concept and features of micro-finance as a tool for empowering women.

3.1 INTRODUCTION

It has been felt for sometime that *the credit needs* of the poor, especially women and particularly those in the unorganised sector, have not been adequately addressed by the formal financial institutions of the country. The vast gap between demand for and supply of credit in the sector established the need for a national credit fund for

women. Rashtriya Mahila Kosh (RMK) is a step in this direction. We have in the first two units of this block discussed in detail the need for self-employment programmes including Prime Minister's Rozgar Yojna (PMRY) and Rural Employment Generation Programme (REGP). In this unit, we would like to acquaint you with the scheme for Rashtriya Mahila Kosh (RMK), which addresses micro-finance needs of women and is expected to serve as a tool for empowerment of women.

3.2 RASHTRIYA MAHILA KOSH (RMK): PROGRAMME BRIEF

In order to understand and appreciate the basic philosophy behind the establishment of the RMK, it is important for you to know the need for micro-finance. It is an established fact that the credit needs of the poor especially women and particularly those in the unorganized sector have not been adequately addressed by the formal financial institutions of the country.

3.2.1 Need for Micro-finance

Since the 1950s, various governments in India have experimented with a large number of grant and subsidy based poverty alleviation programmes. Studies show that these mandatory and dedicated subsidized financial programmes, implemented through banking institutions, have not been fully successful in meeting their social and economic objectives.

Experiences with these programmes have revealed that they were often not sustainable. They perpetuated the dependent status of the beneficiaries; depended ultimately on government employees for delivery; led to misuse of both credit and subsidy; and were treated at best as poverty alleviation interventions. Banks too never really looked on them as a profitable and commercial activity.

According to a 1995 World Bank estimate, in most developing countries the formal financial system reaches only the top 25% of the economically active population. The bottom 75% have no access to financial services apart from moneylenders. In India too the formal financial institutions have not been able to reach the poor households, particularly women in the unorganised sector. Structural rigidities and overheads result in high costs of small loans. Organisational philosophy has not been oriented towards recognising the poor as credit worthy. The problem has been compounded by low level of influence of the poor, either about their credit worthiness or their demand for savings services. Large banks, at the behest of the Government, have often implemented micro-finance programmes. Low levels of recovery have been further eroded due to loan waiver programmes leading to institutional disenchantment with lending to small borrowers.

All this gave rise to the concept of micro-credit for the poorest segment along with a new set of credit delivery techniques. With the support of NGOs, an informal sector comprising small Self Help Groups (SHGs) started mobilizing savings of their members and lending these resources among the members on a micro-scale. The potential of these SHGs to develop as local financial intermediaries to reach the poor has gained recognition because of their community-based participatory approach and sustainability – recovery rates have been significantly higher than those achieved by commercial banks in spite of the loans going to the poor, unorganised individuals without security or collateral.

The poor in India define the micro-finance market. During 1993-94 the Planning Commission estimated 36 per cent of the population or 320 million people living below the poverty line. Accordingly, there were about 140-150 million women living below

the poverty line. Assuming that only 30 per cent of the country's poor women were ready to adopt micro-finance as a method of poverty alleviation, it was estimated that about 40-45 million poor women would need credit.

3.2.2 Establishment of RMK

Thus in order to fulfil the need for a formal quasi-formal credit delivery mechanism which is client-friendly, has simple and minimal procedures, disburses quickly and repeatedly, has flexible repayment schedules, links thrift and savings into credit and has relatively low transaction costs both for the borrower and the lender, the Government of India established the **Rashtriya Mahila Kosh (RMK)** known as the **National Credit for Women** in 1993. RMK is an independent registered society of the Department of Women and Child Development in the Ministry of Human Resource Development, the Government of India. It started with an initial corpus of Rs. 310,000,000 with the aim to supplement the effort of the banking sector by filling the gap between what the poor need and what the banking sector offers.

3.2.3 Objectives of RMK

The main objectives of RMK are to:

- promote or undertake activities for the promotion of credit as an instrument of socio-economic change and development through a package of financial and social development services for women;
- promote and support schemes for improving the facilities for women for:
 - sustenance of their existing employment,
 - generation of further employment,
 - creation of assets,
 - redemption of assets and
 - tiding over consumption and social and contingent needs;
- demonstrate and replicate participatory approaches in the organisation of women's groups for effective utilisation of credit resources leading to self-reliance;
- promote and support experiments in the voluntary and formal sector using innovative methodologies to deliver credit and other social services to disadvantaged women;

sensitize existing government delivery mechanisms and increasing the visibility of poor women as a vital and viable clientele with regard to the conventional financial institutions;

- promote research, study, documentation and analysis of the role of credit and its management;
- co-operate with and secure the co-operation of the Central Government, State Governments and Union Territory Administrations, credit institutions, industrial and commercial organisations and non-governmental, voluntary and other organisations and bodies in promoting the objectives of the RMK; and
- accept subscriptions, grants, contributions, donations, loans, guarantees, gifts, bequests, etc. on such terms and conditions as are consistent with the aims and objectives of the RMK.

3.2.4 Important Functions of RMK

The RMK discharges the following important functions for the furtherance of its objectives:

- i) The RMK seeks to enable women to achieve economic independence. It strives to go beyond credit delivery and provides services for integrated development centered around the needs of the poor women. Credit is linked mainly to production and economic activities.
- ii) Education of credit management is integrated with the provision of credit, along with literacy and skills training for individual women, leadership training among groups for self-management, etc.
- iii) Accessibility of credit to poor women has been improved in terms of physical distance, simplification of procedures, flexibility and other measures conducive to increased utilisation, etc.

Box 1

RMK- Focus on Poor Women

- Among the poor, the *women* are the most disadvantaged. They are characterised by lack of education and access to resources, both of which are required to help them work their way out of poverty and for upward economic and social mobility.
- The problem is more acute for women in countries like India, despite the fact that women’s labour makes a critical contribution to the economy. This is so because of their low social status and lack of access to key resources.
- Evidence shows that groups of women are better customers than men; they are better managers of resources; benefits of loans are spread wider among the households if loans are routed through women; mixed groups are often inappropriate in the Indian society and the record of all-male groups is worse than that of all women groups everywhere.

3.2.5 Organisation and Management of RMK

A Governing Board of sixteen members consisting of senior officials of the Central and the State Governments and specialists and representatives of organizations active in the field of micro-credit for women is administering the RMK. The Executive Director is the Chief Executive Officer of the RMK responsible for the proper administration of the affairs of the RMK under the overall supervision, direction and control of the Governing Board.

Check Your Progress I

- Note:** i) Write your answer in the space provided.
ii) Check your answer with the possible answer provided at the end of the unit.

1) Mention the two main activities of RMK.

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2) What are the reasons for RMK to focus on poor women?
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3.3 MAIN LOAN SCHEME

Let us now understand the features of the main loan scheme of the RMK. In this section you will know how the scheme is operated, who are the eligible organisations, purpose of loans, maximum amount of loans, repayment, rate of interest, incentives on interest rates and margin money to be contributed by the borrowers.

3.3.1 The Scheme

The Main Loan Scheme aims to provide credit to poor women both in rural and urban areas for income generation activities. Only the women below the poverty line are eligible for support under this scheme. The credit facility is channelled through eligible organisations to needy women in a simple/flexible manner without insistence on any type of collateral.

3.3.2 Eligible Organisations

RMK disseminates credit mainly through the following organisations:

3.3.2.1 Non-Government Organisations (NGOs)/ Social Organisations (SOs)/ Voluntary Agencies (VAs)

The general requirements and eligibility norms are as follows:

General Requirements

The general requirements include:

- i) The NGOs/SOs/VAs should have broad-based objectives, serving the social and economic needs of the community as a whole and women and weaker sections in particular. It should have an outreach of services in its operational area and it must not work for profit.
- ii) The NGOs/SOs/VAs should have the necessary flexibility, professional competence, basic financial management capability and organizational skills to implement the lending programme.
- iii) The office-bearers of the NGO/SOs/VAs should not be elected members of any political party.
- iv) The NGO/SOs/VAs should have a proper system of maintaining accounts which should be audited and published every year and there should not be any serious irregularities.

Eligibility Norms

NGOs/SOs/VAs meeting the above general requirements and fulfilling the following eligibility norms may apply directly to RMK in the format prescribed for the loan application.

- i) The organisation should be registered for more than 3 years as on the date of application to RMK.
- ii) The organisation should have experience in thrift and credit management for 3 years or more.
- iii) The application should clearly reflect the source of funds utilized for credit earlier.
- iv) Recoveries of the loans should be of a high order (of at least 90% of its dues).
- v) There should be a proper and specific clause/provision in the Bye-laws/Memorandum of Association of the Organisation empowering it to borrow or to raise loans from any outside agency.
- vi) The organisation's audited accounts and balance sheets should appropriately reflect its experience in providing credit and managing recoveries, etc. Also, the audited accounts should reflect sound financial management/health and there should be no observations of a serious nature by the auditors.
- vii) There should be adequate infrastructure and staff to implement the micro- credit programme.

3.3.2.2 Women's Development Corporations (WDCs)

Women's Development Corporations (WDCs) running on sound lines and having adequate experience in thrift and credit administration of at least three years are eligible to borrow under the Main Loan Scheme.

Eligibility Norms

The eligibility norms are:

- i) Norms of eligibility as indicated for SOs/VAs are also applicable to the WDCs.
- ii) Wherever necessary, the WDCs also are required to obtain State Government Guarantee for borrowings from RMK. However, in cases where the WDCs are not making losses, State Government Guarantee may not be required.

3.3.2.3 Co-operative Societies

The eligibility norms are:

- i) Cooperative Society(s) having at least 1/3 women members in its/their General Body and also adequate representation of women on its/their Managing Committee are eligible for borrowings from RMK.
- ii) Loans obtained from RMK are to be given by the Society to eligible women members only.
- iii) The society should be working with profit at least for the last two years.
- iv) All other norms of eligibility as in case of SOs/VAs are applicable for Co-operative Societies.

3.3.2.4 Indira Mahila Block Samitis (IMBSs)

Indira Mahila Block Samitis (IMBSs) registered under Indira Mahila Yojana (IMY) are eligible to borrow from RMK for onward lending to SHGs/poor women members.

Eligibility Norms

The eligibility norms are as follows:

- i). The IMBS should be a registered organisation under the IMY Scheme.
- ii) It should have adequate experience in forming and stabilizing Self Help Groups (SHGs), mobilizing savings, managing credit and maintaining proper books of accounts at SHGs/IMBSs level.

- iii) Its audited accounts and balance sheets should appropriately reflect its experience in providing credit and undertaking recoveries, etc.
- iv) There should not be any irregularities/adverse observations in its audit reports.

3.3.2.5 Suitable State Government Agencies

Suitable State Government Agencies such as DRDAs, Dairy Federations, Municipal Councils, etc. are eligible to avail assistance from RMK for lending to poor women for income generation activities.

Eligibility Norms

Norms of eligibility as in case of SOs/VAs are applicable.

3.3.2.6 Refinance to Mahila/Urban Co-operative Banks

RMK provides 100% refinance assistance to Mahila/Urban Co-operative Banks on finances provided by them to poor women either directly or through SHGs within the norms of the RMK Main Loan Scheme as applicable from time to time.

Eligibility

All norms of eligibility as in case of SOs/VAs are applicable

3.3.3 Purpose of the Loans

The loans drawn from RMK are to be used by the borrowers for undertaking income generation activities unless specifically sanctioned for other purposes.

3.3.4 Maximum Amount of Loans

The maximum amount of loan that can be given to an individual borrower under the Main Loan Scheme is Rs.15,000/- per borrower depending upon the activity to be undertaken. However, a borrower can avail herself of repeat loans or higher loans within the above ceiling after satisfactory repayment of the previous loan.

3.3.5 Repayment

Loans drawn from the RMK by the organisations are repayable within a period of 36 months in 8-10 quarterly instalments with an initial gestation period of 6 months.

However, NGOs/SOs/VAs/Organisations may fix suitable repayment schedules and recover the dues from the borrowers even before the repayment period depending upon the level and period of income generation. Any amount recovered in advance from SHG/members by the NGOs/SOs/VAs/Organisations may be utilized/recycled for providing loans to fresh beneficiaries/VAs/SHGs/Organizations, but it should not in any way affect the repayment to be made by the SOs/VAs/Organisations to RMK.

3.3.6 Rate of Interest

The rate of interest for finance sanctioned by RMK will be such as may be determined by the RMK from time to time. At present, the rate of interest applicable is as follows:

- i) RMK to NGOs/SOs/Vas/Organisations 8%
- ii) The interest shall be calculated quarterly using reducing balance method and will be payable by the NGOs/SOs/VAs/Organizations to the RMK every quarter on 30th June, 30 Sept., 31st December and 31st March each financial year.

- iii) The NGOs/SOs/VAs/Organisations shall charge interest not exceeding 18 p.a. using reducing balance method to the:
 - SHGs or
 - Individual borrowers financed directly by the NGOs/SOs/VAs/Organisations wherever SHGs are yet to be formed. NGOs/SOs/VAs/Organisation will endeavor to organise/cover the individual borrowers into SHGs as early as possible.
- iv) SHGs will take their own decision on the rate of interest to be charged to the borrowing members, which in any case shall not exceed 18% per annum as per present norms of RMK.

3.3.7 Incentives on Interest Rates

Besides the interest spread of 4% available to the NGOs/SOs/VAs/Organisations to meet their transaction cost, the following performance-linked incentives are admissible to the NGOs/SOs/VAs/Organisations:

- i) For timely disbursement an amount equal to 1 % of the loan amount disbursed by the SOs/VAs/Organisations to SHGs/members within the stipulated period (i.e. within 30 days from the date of release of funds by RMK to NGOs/SOs/VAs/Organisations) will be refunded by RMK.
- ii) For conducting training and education programmes for SHGs and the development and up gradation of skills among the borrowers, an amount equal to 1% of the total loan amount disbursed by RMK to the GOs/SOs/VAs/Organisations will be refunded.
- iii) If the NGOs/SOs/VAs/Organisations repay to RMK the installment as per the repayment schedule, 0.5% of the amount repaid will be refunded.

The above incentives are calculated on yearly basis (i.e. 1st April to 31 March of each financial year) based on actual performance and are paid/remitted to the organizations separately at the end of the financial year.

3.3.8 Margin Money to be Contributed by Borrowers

SOs/VAs/SHGs/ultimate borrowers are required to contribute margin money amounting to 10% of the total credit to be availed from RMK.

3.4 PROCEDURE FOR AVAILING RMK LOANS

You should familiarize yourself with the following procedure laid down by RMK for availing loans under the scheme.

- The loan application in the prescribed format from the eligible organisations along with the requisite documents mentioned therein is scrutinized for its eligibility.
- If found eligible, it is considered for a pre-sanction study.
- The decision about the sanction of loan is taken on the receipt of the pre-sanction study. RMK then issues a sanction letter to the organisation along with its terms and conditions and procedure for drawing funds.
- The organisation should pass a resolution in the Managing Committee indicating that the terms and conditions are acceptable.
- The application for drawing funds and other documents filled in properly and completed in all respects, as per the instructions contained in the prescribed form, is sent to RMK.

- On receipt of this application, complete in all respects with required documents, the first installment of the loan as per the conditions of the sanction letter is released.
- A monitoring study after one month from the date of disbursement is carried out by the RMK. Based on its report RMK considers the release of the 2nd installment or otherwise advise the NGOs/SOs/ about the next course of action.
- Recovery of loans by the organisations is covered by an agreement letter-cum-Guarantee Deed.
- The organisations are expected to adhere to the repayment schedule indicated in Disbursement Advice to get the benefit of incentives and also avoid penal interest.
- On nearing the successful completion of the first cycle of the RMK loan process—sanction, disbursement, utilisation, repayment, etc.— the organisations may apply for a repeat loan in the prescribed application form. It is sanctioned on the basis of part performance/monitoring study reports. Thus, the process of recycling of funds to women continues.

Check Your Progress II

Note: i) Write your answer in the space provided.

ii) Check your answer with the possible answer provided at the end of the unit.

1) What are the eligibility norms for the following to apply for loans under the RMK scheme.

a) NGO

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b) Women Development Corporations

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3.5 PROMOTIONAL AND OTHER INNOVATIVE SCHEMES

The Kosh has taken a number of promotional measures for popularising the concept of micro-financing, thrift-credit, formation and stabilisation of self-help groups and also enterprise development for poor women. This section is aimed at familiarising you with some of the promotional and other innovative schemes of RMK which are as follows:

a) Loan Promotion Scheme

The Loan Promotion Scheme has been designed to promote the activities of thrift and credit among smaller but potentially capable NGOs/organisations that do not meet the requirement of three year's experience in thrift and credit management. The requirement of experience under the Loan Promotion Scheme has been reduced to one year, i.e. the NGOs/Organisation must have at least one year's experience in thrift and credit. However, other eligibility norms are the same as in the case of RMK Main Loan Scheme. The maximum loan amount given to an NGO/Organisation under this scheme is Rupees five lakhs.

b) Micro-credit for Education and Skill Up gradation

Another scheme developed by RMK is *Micro-Credit for Up gradation of Skills and Education*. Here, the focus is on exploiting newly emerging opportunities in the IT Sector, Call Centers, Cyber Cafes, Data Entry Operators as well as on skills in traditional service sectors (e.g. house keeping, garment designing/fabrication, etc.). It is also proposed to support credit programmes for education linked to professional/educational programmes which are likely to result in income enhancement/generation.

c) Support for Crop Credit and Off-Farm Activities for Women

RMK has recently approved the eligibility of women borrowers to avail themselves of credit facilities for raising agricultural crops which may require inputs like seeds, fertilizers, pesticides, etc. as also for land development and various off-farm activities. This component will receive greater thrust in future within the Main Loan, Loan Promotion and Revolving Fund Schemes. RMK will also reserve a significant portion of its corpus to support off-farm livelihood activities among women's SHGs. This support will be focused in districts with a high percentage of landless families. RMK will partner agencies with training, marketing and other linkages in these sectors to channel credit under this head to State Government agencies, cooperative bodies and NGOs, etc. which are eligible for assistance for lending to SHGs.

d) Support for Small Consumption Loans

It is common knowledge that women, besides requiring credit for income generation activities, also require small quantities of money from time to time for various emergent consumption needs such as buying food grains, paying for the education of children, medical treatment of family members or in case of extreme poverty, even clothing, etc. Out of the total proportion of RMK credit facilities, 0.5 percent of the amount sanctioned can be utilized for meeting such needs. It is also proposed to build in a component of consumption credit as an incentive to disciplined recovery behaviour. SHG members with a clean track record of repayment of their loan for six months will be automatically eligible for consumption loan (presently to be pegged at a maximum of Rs.500/- per borrower) for personal needs.

e) Food Credit Scheme (FCS)

Food Credit Scheme aims at mobilizing food grains as a resource and leverages the same to raise credit, the SHG collects food and in turn leverages a larger volume of the same for distribution among its member. FCS is an SHG of women from the lowest income group. Once the SHG is constituted with the help of an NGO/DRDA, it nominates 2-3 persons to manage the SHG. Each member makes an annual deposit of 5 Kg of food grains into the food bank (in 5 equal installment) to begin its activities. The critical issue is that only the deposit entitles the family to draw up to 10 times the quantity deposited. Thus the total entitlement of each family to draw from the food bank would be 50 kg (@ 10 × 5 kg). However, at any given time, even a 1 kg deposit would entitle the family to withdraw up to 10 kg of food grains.

The organising NGO/IMO (Intermediate Micro-financing Organisation) normally sponsors an application of between 10-15 SHGs under this scheme. RMK extends

credit for setting up food banks and basic infrastructure for the SHGs through the NGO. NGO/IMO in turn assists the SHG with cash credit to purchase between five to seven quintals of food grains as its 'pending resource' on a scale of 50 kg per family, depending on the number of families in each SHG.

The members of the SHG have the option to repay the grain loan in kind or its cash equivalent to the food bank maintained by the SHG. The SHG uses the cash as a reserve to increase its stock of grains and/or to keep apart some of the money for repayments. This is the fulcrum on which the entire success of the idea hinges. It does not matter if the grain being replenished against the food loan is different from the one drawn. The decision on the kind of grain and ratios/cash equivalent acceptable as repayment is best left to the individual SHG. However, all repayments to the NGO/IMO and by NGO/IMO to RMK have to be in cash. The rate of interest on food credit is the same as that for RMK's other schemes with incentives for early repayments.

f) Credit Facilities for Land Purchase, Land Redemption and Land Leasing Activities

It has been felt that availability of land for shelter or a small piece of land for undertaking land based activities like growing of vegetable, horticulture, piggery, poultry, etc. which can bring better returns has been a major constraint faced by women who are attempting to improve their economic status and supplement their family incomes. RMK has included the acquisition of land by individuals in a women's group or by SHG members collectively as an approved purpose of RMK credit facilities within the individual ceiling of loan eligibility.

The SHG may avail such loans for undertaking lease of a common plot of land/pond/wasteland or similar properties from Panchayati Raj Institutions (PRIs)/State Governments or from any individual for the purpose of cultivation, horticulture, fisheries, wasteland development or any other income generating group activities.

g) RMK's Information, Education and Communication (IEC) Scheme

RMK is spending up to 5 per cent of total loan sanctioned on its IEC activities. This creates greater awareness about the concept of micro-finance in general and RMK schemes in particular. RMK's IEC Scheme includes both the market development role and the advocacy role.

Under the market development role, RMK is currently undertaking training of new NGOs, other intermediate level partners, SHG leaders and borrowers, monitors, master trainers, nodal NGOs, ICDS/IMY staff, women, etc. and their media orientation through conferences, exhibitions, fairs, etc.

Under the advocacy role, RMK is organising seminars/workshops involving governments, banks, foreign funding institutions, apex and intermediate organisations, women, WCD officials and officials of other Departments/Ministries.

h) Nodal Agency Scheme (NOA)

The Nodal Agency (NOA) Scheme was originally introduced in 1996-97 and subsequently revised in 1999 by RMK. The aim is to bring in larger numbers of new and small intermediate organizations into RMK fold to increase its outreach, especially in under-covered areas. This is being done through the processes of reorientation, training, capacity building and transfer of technology.

RMK delegates the requisite functions to well established, tried and tested NGOs that possess the necessary infrastructure and experience in group dynamics and micro-finance, such as identification of potential NGOs, pre-sanction studies, training, monitoring and processing of applications up to the stage when the new intermediate

organisation can be linked directly with RMK under its loan schemes. The Nodal NGO undertakes the above functions in a sequential and time-bound manner under the guidance of RMK.

i) Self-Help Group (SHG) Development Scheme

The objective of this scheme is to help, reorient and train small IMOs (that lack resources and have very little or no experience of group dynamics, thrift and credit) and provide them with the means to start formation and stabilisation of groups. The scheme is applicable only to IMOs that are not eligible for any of the other loan schemes of RMK.

Under this scheme, RMK provides interest free loan up to Rs.100,000 for starting 25 SHGs @ Rs.4000/- per group. This covers the cost of survey, identification of members, organising meetings, training, stationary, local transport of IMO functionaries, etc. The loan given can be converted into a grant @ 25% of total savings generated by the SHGs from their own savings. The loan is repayable in 30 months. Any non-converted amount at the end of 30 months is recovered @ 8% rate of interest.

j) Revolving Fund Scheme

The Revolving Fund Scheme was introduced with a view to provide more flexibility to the NGOs implementing income generation programme of the Kosh. Under the scheme, a credit of up to rupees one crore for each State and that up to a maximum of rupees three crores are sanctioned at a time to experienced and selectively identified organisations. The organisations are expected to revolve the funds by utilizing recoveries for providing credit to more self-help groups or their members particularly in the uncovered areas. The repayment starts on the completion of 12 months from the date of release of the loan and is to be completed in four half yearly instalments. The total repayment period is 30 months.

As you can see from the box below, RMK has made major strides in the area of women's empowerment. It is now considered as one of the important schemes in the area of credit for women.

Box 2

Achievements of Rashtriya Mahila Kosh

Since its inception on 30 March 1993 up to December 2002, RMK has achieved the following landmarks:

- A credit of Rs. 118 crore has been sanctioned.
- 4,35,535 women have benefited under various schemes.
- Alliances have been made with 1,066 NGOs throughout the country.
- Rs. 89 crore have been disbursed under its various schemes.

Check Your Progress III

- Note:** i) Write your answer in the space provided.
ii) Check your answer with the possible answer provided at the end of the unit.

1) Mention the benefits of Loan Promotion Schemes.

.....
.....
.....

- 2) Which of the following schemes mobilizes cash savings as resources and leverages them to raise credit? (Tick mark the correct answer.)
- Support for crop credit and off-farm activities for women.
 - Support for small consumption loans.
 - Food credit scheme.

3.6 LET US SUM UP

In this unit we discussed the Rashtriya Mahila Kosh, the premier micro-credit agency of the country, with its focus on women and their empowerment through the provision of credit for livelihood and related activities. At the outset we learnt about the need for, and the concept and features of micro-finance in the country. We discussed the background in which the scheme was set up. We then went on to understand the aims, objectives, function and management of RMK. Then we focused on the details pertaining to the Main Loan Scheme along with the procedure for applying for loans under this scheme. Then we had a look at the other promotional measures for popularizing the concept of micro-financing, thrift-credit, formation and stabilization of self-help groups and also enterprise development among poor women. Finally, we looked at the achievements of RMK in the country.

3.7 KEY WORDS

Self-Help Groups : A voluntary association of homogenous persons who work together for their social and economic empowerment. In practice, an SHG is a group of 10-20 people who meet at regular intervals, to pool in their savings and create a common fund. The money in this fund is lent out by the group to individual members, at an interest rate that is decided by the group.

3.8 REFERENCES AND SUGGESTED READINGS

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3.9 CHECK YOUR PROGRESS – POSSIBLE ANSWERS

Check Your Progress I

- 1) The two main activities of RMK are:
 - To provide micro-credit in the form of small loans primarily for income generation activities and also for consumption and contingency needs; and
 - Organize micro-savings in the form of thrift and small savings from borrowers own resources.
- 2) The reasons are that poor women are the most disadvantaged because of the lack of education and access to resources. Also evidence shows that groups of women are better managers of resources and are good promoters.

Check Your Progress II

- 1) The eligibility norms that apply for loans under the RMK Schemes are:
 - a) *for NGOs*
 - The organisations should be registered for more than three years.
 - The application should clearly reflect the sources of credit funds utilised earlier.
 - Recoveries of loans should be of a high order (around 90 per cent of its dues).
 - There should be a proper and specific clause/provision in the bye-laws/memorandum of association of the organisation empowering it to borrow or raise loans from any outside agency.
 - Its audited accounts and balance sheets should appropriately reflect its experience in providing credit and managing recoveries, etc. There should not be any loss or objectionable observations in its audit report
 - b) *for Women Development Corporations*

Women Development Corporations running on sound lines and having adequate experience in thrift and credit administration of at least three years and fulfilling the eligibility norms applicable to NGOs are eligible for obtaining credit from RMK.

Check Your Progress III

- 1) The Loan Promotion Scheme has been designed to promote the activities of thrift and credit among smaller but potentially capable NGOs/Organisations that do not meet the requirement of three year's experience in thrift and credit management. With a year of experience in thrift and credit, they are eligible for a loan of Rs.5 lakhs.
- 2) Food Credit Scheme.

Sexual Harassment in work place

Presented By : Gokul.G
P svsn Parameswarao
Sreenivas

PITCHED BATTLES IN KOTA



WOMAN COP RAPED-MURDERED

Woman constable's colleagues accused of raping

TIMES
N|O|W

What is Sexual Harassment?

Sexual harassment is unwelcome sexual advances, requests for sexual favors, and/or other verbal, visual or physical conduct of a sexual nature where:

What is Sexual Harassment?

Sexual harassment is unwelcome sexual advances, requests for sexual favors, and/or other verbal, visual or physical conduct of a sexual nature where:

- a. Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's employment;**

What is Sexual Harassment?

Sexual harassment is unwelcome sexual advances, requests for sexual favors, and/or other verbal, visual or physical conduct of a sexual nature where:

- b. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that individual; or**

What is Sexual Harassment?

Sexual harassment is unwelcome sexual advances, requests for sexual favors, and/or other verbal, visual or physical conduct of a sexual nature where:

- c. Such conduct has the purpose of or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.**

Traditional Examples of Sexual Harassment

- Harassment by a male supervisor of a female subordinate.
- Harassment by co-workers based on a “hostile work environment.”



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What Behavior May Be Harassing?

- **Written**

- Unwelcome suggestive, sexually explicit or obscene letters, notes, e-mails or invitations.

What Behavior May Be Harassing?

- **Verbal**

- Derogatory, sexually explicit or offensive comments, epithets, slurs or jokes;
- inappropriate comments about an individual's body or sexual activities;
- repeated unwelcome propositions or sexual flirtations;
- direct or subtle pressure or repeated unwelcome requests for dates or sexual activities.

What Behavior May Be Harassing?

- **Visual**

- Sexually oriented gestures, display of sexually suggestive or derogatory objects, pictures, cartoons, posters or drawings.
- Looking a person up and down (“elevator eyes”).

What Behavior May Be Harassing?

- **Physical**

- Impeding or blocking movements, touching, patting, pinching, or any other unnecessary or unwanted physical contact.
- Touching an employee's hair, clothing or body.
- Brushing up against a person.

Two Types of Sexual Harassment

1. **Quid Pro Quo**
2. **Hostile Environment**

Quid Pro Quo Sexual Harassment

Classic Examples:

- Occurs when an employee's submission to or rejection of unwelcome sexual advances or conduct is used as the basis for an employment decision affecting that employee.

Quid Pro Quo

Sexual Harassment

Classic Examples:

- “If you want a promotion, you must sleep with me.”
- “If you do not want to be disciplined for being late and missing work, you must go out on a date with me.”

Hostile Work Environment

- **Hostile work environment sexual harassment is created when unwelcome harassment is severe or pervasive enough to alter the conditions of an individual's employment or creates an abusive, intimidating, hostile or offensive working environment.**

Hostile Work Environment

**unwelcome
severe or pervasive**

**creates an
abusive, intimidating, hostile or offensive
working environment.**

Hostile Work Environment

severe or pervasive

Hostile Environment

“Severe or Pervasive”

- **Generally, a single or isolated incident is not enough to create a hostile environment.**
- **However, a single or unusually severe incident of harassment may be sufficient to create a hostile work environment, particularly when the harassment is physical.**

What Do You Know About Sexual Harassment?

True or False?

Sexual harassment in the workplace is a form of workplace discrimination.

TRUE.

What Do You Know About Sexual Harassment?

True or False?

Sexual harassment is a violation of laws.

TRUE. Sexual harassment is a violation of law .

What Do You Know About Sexual Harassment?

True or False?

If your intentions are good, your behavior cannot be considered sexual harassment.

FALSE. A harasser's intent is irrelevant.

What Do You Know About Sexual Harassment?

True or False?

If everyone else is okay with a co-worker's behavior, you should just accept it, even if it offends you.

FALSE.

What Do You Know About Sexual Harassment?

You have a right to object to offensive behavior no matter how many other co-workers find the behavior acceptable.

What Do You Know About Sexual Harassment?

True or False?

Asking a co-worker for a date is not sexual harassment.

TRUE. However, if you repeat the behavior after being told that your attention is unwanted, it could be considered or become sexual harassment

What Do You Know About Sexual Harassment?

True or False?

If you ignore the behavior of sexual harassment, it will ultimately stop or go away.

FALSE. Sexual harassment must be dealt with immediately.

What Do You Know About Sexual Harassment?

True or False?

It is not important to tell someone to stop unwanted behavior because it usually doesn't do any good.

FALSE.

What Do You Know About Sexual Harassment?

Telling someone that his/her behavior is unwanted or offensive is an important first step in stopping sexual harassment.

- 1. Puts the person on notice**
- 2. Gives him/her the opportunity to change**

What Do You Know About Sexual Harassment?

True or False?

All employees share responsibility for ensuring that the workplace is free from all forms of sexual harassment.

TRUE.

What Do You Know About Sexual Harassment?

True or False?

Men, as well as women may be either the perpetrators or victims of sexual harassment.

TRUE.

What Do You Know About Sexual Harassment?

True or False?

Sexual Harassment is only prohibited if it occurs in the workplace during working hours.

FALSE.

What Do You Know About Sexual Harassment?

Sexual Harassment will not be tolerated in the workplace or in work-related settings, no matter the time or place it occurs.

What Do You Know About Sexual Harassment?

True or False?

Sexual harassment complaints must be in writing before an investigation will be initiated.

FALSE.

How to Deal with Unwanted Attention

Step 1: Act Immediately

Tell the individual that the behavior is unwelcome and to stop the behavior **NOW!**

How to Deal with Unwanted Attention

Step 2: Document the Incident

- Date, time, place of incident;
- Specific unwelcome behavior;
- Your response;
- Names of witnesses; and
- Copies of documentation (e.g., notes, e-mails, pictures, etc.)

How to Deal with

Unwanted Attention

Step 3: Report the Behavior

Immediately report the behavior to your supervisor or

the agency official designated to receive complaints.

How to Deal with Unwanted Attention

Step 3: Report the Behavior

Be Specific

When Reporting Unwanted Behavior:

- Who?
- What?
- Where?
- When?
- Why?

How to Deal with

Unwanted Attention

Step 3: Report the Behavior

Be Specific When Reporting Unwanted Behavior

- How many times has this happened?
- Any witnesses?
- What were your feelings?
- Was your work affected?
- Did you document the incident?
- What remedy do you want?

How to Deal with Unwanted Attention

Step 4: Report Retaliation

If you believe that you are the subject of retaliation, immediately report this to your supervisor and/or to appropriate agency official.

Strategies for Prevention

- Know and follow the organisations/
govt policy prohibiting sexual
harassment.
- Act professionally and treat
co-workers with respect;

Strategies for Prevention

- Report harassing behavior immediately, even if it is not directed at you.

Summary

- **If you believe that you are the victim of sexual harassment or are aware of sexual harassment in the workplace, you should immediately report it to any of the following:**
 - **Your supervisor.**
 - **Someone in your direct line of supervision.**
 - **The Manager/ Specialist, Human Resources Officer or other designated official.**

Summary

- Your complaint will be taken seriously and will be investigated promptly and thoroughly.
- When warranted, prompt and appropriate corrective action will be taken.

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Divorce: Trends, patterns, causes, consequences

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Divorce: Trends, Patterns, Causes, Consequences

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Stockholm Research Reports in Demography 2013: 7

Divorce: Trends, Patterns, Causes, Consequences

Juho Härkönen

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Abstract: This contribution provides an overview to what is known about divorce, its trends, cross-national variation, predictors, and consequences. Geographically, the focus is on Europe and North America and I focus on formal divorce, that is, the ending of a marital union. The paper is a contribution to a book volume edited by Judith Treas, Jacqueline Scott and Martin Richards: *The Wiley-Blackwell Companion to the Sociology of Families*.

Reference

Treas, Judith K., Scott, Jacqueline & Richards, Martin (Eds). *The Wiley-Blackwell Companion to the Sociology of Families*. Chichester: John Wiley & Sons.

The increases in divorce rates have been among the most visible features of the recent decades of family change. Some have seen this as a sign of social and moral disruption with a potential to shatter the family institution and the foundations of society itself. Others have celebrated these trends as signalling increased individual liberty and the loosening of suffocating social mores. Divorce is one of the most often mentioned major life events (Gähler, 1998) and can cause major stress and upheaval for many, and a sense of relief and opportunity for personal growth for others. It is no wonder that divorce and family instability have attracted wide attention among social scientists.

This chapter provides an overview to what is known about divorce, its trends, cross-national variation, predictors, and consequences. Geographically, the focus is on Europe and North America and I will follow the trend in research and focus on divorce, that is, the ending of a marital union. In most cases, the event of significance is the end of marital cohabitation. The legal procedures that end the marriage may in many cases continue well past the separation of the couple. Other forms of union or marital dissolution, such as permanent separation, desertion, and annulment (marriage declared not valid) have received less research attention.

However, acknowledging the changing family landscape, in which much cohabitation and family life occurs outside marriage, a growing number of studies have looked into the dissolution of unmarried cohabitations. There is still active debate on whether, when, and in which countries cohabitation is like marriage, or not (Heuveline & Timberlake, 2004). Many cohabiting unions either split up or are transformed into marriages relatively quickly, even in countries in which cohabitation is common (Jalovaara, 2012). In general, cohabiting unions are less stable than marriages (e.g., Andersson, 2002). There are many similarities in the factors that promote or undermine the stability of marriage and cohabitation, as are in the consequences of

their dissolution. However, some important differences can be found which are generally linked to the weaker institutionalization and the continuity of unmarried cohabitation (e.g., Brines & Joyner, 1999).

Furthermore, almost all of the literature has focused on heterosexual couples. Recent years have seen a wave of legal recognition of same-sex partnerships, which has consequently raised scholars' interest in their demography. But information concerning the dissolution of same-sex couples remains relatively limited. Research suggests that although same-sex partnerships are in general less stable than heterosexual marriages, the predictors of their instability are in many respects similar (Andersson et al., 2006; Lau, 2012).

Theoretical perspectives on divorce have ranged from macro-sociological theories of the role of divorce in the family system to micro-level perspectives on the processes conducive to marital instability (Kitson & Raschke, 1981). Many scholars begin from an at least implicit account of divorce in which partners remain in their marriages as long as the benefits of doing so exceed the sum of the costs of dissolving them and the benefits of other options (e.g., Levinger, 1976; Brines & Joyner, 1999). This rationalistic perspective is most explicit in economic approaches to marriage and divorce (e.g., Becker, 1981; Becker, Landes & Michael, 1977). The benefits and costs include emotional rewards, mutual support and commitment, economic and moral considerations, social sanctions and approval, legal issues, children, and new partners. Divorces can be analyzed as events, that is, the decision to leave a partnership and the ending of the marriage. However, they are often preceded by a long process of ending the relationship, which can include estrangement from the spouse, stress, conflicts, and even violence (Amato, 2000), and, as mentioned, the legal procedures dissolving the marriage may last well after both spouses consider the marriage ended. Thus, defining and measuring divorce—when it starts and

when it ends—can be difficult. Despite the conflicts surrounding many divorce, many seemingly functional marriages end in divorce (Amato & Hohmann-Marriott, 2007) and on the other hand, not all troubled marriages break up. This underlines the heterogeneity of divorces and the importance of factors that act as barriers to divorce or the possible options beyond it, and of the need for looking beyond marital quality and satisfaction as determinants. Divorce, in other words, is a multifaceted event (Gähler, 1998).

Trends and cross-national differences in divorce

Consider Figure 1 which shows the trends in the crude divorce rate for selected countries. Before proceeding to a discussion of these trends, it is important to understand what these numbers tell us. The crude divorce rate shows the number of divorces per 1,000 individuals in the population. It is not a perfect measure of underlying marital instability and, particularly, does not tell how many couples eventually divorce (Preston & McDonald, 1979; Schoen & Canudas-Romo, 2006). Crude rates are known to fluctuate over time and a sudden increase, for example, can indicate that many couples divorce sooner than they otherwise would have. As it is not adjusted for the number of married couples, the crude rate can also be affected by changes in the popularity of marriage. Despite these limitations, the crude divorce rate correlates strongly with better measures (Amato, 2010). It is available for long time periods and for several countries and is thus suitable for describing long-term cross-national trends.

Divorce rates were higher in all the countries represented in Fig 1 at the beginning of the new millennium than just after the First World War. Yet there are major cross-national differences. The United States has traditionally been a high divorce society, whereas in Spain divorce was not possible until 1981. The 1960s saw the beginning of a sharp increase in divorce

rates in many countries, but they have stabilized or even decreased since. In others, such as Spain and Turkey, the increase began later. In Japan, divorce was more common at the beginning of the 20th century than midcentury (Goode, 1963). Finally, the figure shows the temporal fluctuation in the crude divorce rate: it has spiked after the Second World War (Pavalko & Elder, 1990) and after major liberalizations in divorce legislation.

Despite the limitations of the crude divorce rate measure, its overall trend corresponds with a long-term increase in marital instability at the individual level. Approximately every fifth American marriage contracted in the 1950s had ended in divorce by 25 years after the wedding, whereas about a half of all couples who married in the 1970s or later are expected to divorce (Schoen & Canudas-Romo, 2006; Stevenson & Wolfers, 2007). Increasing numbers of children have experienced the split-up of their parents and the simultaneous increases in divorce and declines in mortality has meant that family dissolution has replaced parental death as the leading cause for single parenthood (e.g., Bygren, Gähler & Neramo, 2004).

What accounts for these trends and cross-national variations? As a first step in explaining social change, demographers distinguish between cohort effects and period effects. Cohort effects refer to differences between groups of people who shared a critical experience during the same time interval (Alwin & McCammon, 2003). Cohort is often used as a short hand for birth cohort, but demographers use it in a more general sense. Divorce researchers talk about marriage cohorts when referring to those marrying during the same year. Marriage cohort effects arise when the conditions surrounding the beginning of the marital journey shape couples' marital expectations and behaviors throughout their marriages (e.g., Preston & McDonald, 1979). Cohort effects are responsible for divorce trends to the extent that new marriage cohorts with new attitudes and practices replace earlier ones.

Period effects, in turn, refer to influences which (at least potentially) affect all marriages, regardless of when the couples married; they are ‘something in the air’ (Cherlin, 1992). They include economic recessions, legal reforms, and cultural trends. Since period effects include not only gradually evolving social trends but also abrupt shifts such as changes in divorce laws, they have more potential to cause sudden increases or decreases in divorce. Divorce researchers generally agree that period effects dominate over cohort effects (Thornton & Rodgers, 1987; Cherlin, 1992; Lyngstad & Jalovaara, 2010). Therefore, to understand divorce trends, we must look into factors that at least potentially affect all marriages.

The initial increases in divorce took social scientists by surprise (Cherlin, 1992) and even now, there is no single explanation of why divorce rates have increased, or vary cross-nationally. Suggested explanations range from economic trends to cultural shifts and legal changes. Many explanations point to the change in gender roles—from gender asymmetry to increasing gender symmetry and equality—and, in particular, to the dramatic increases in married women’s labour market activity. Indeed, the trends in female employment and in divorce rates have closely followed one another (Cherlin, 1992; Ruggles, 1997) and a positive relationship between the two is also visible across countries (Kalmijn, 2007). Most researchers have interpreted the causality to run from female employment to divorce. A problem with this interpretation is that, as will be discussed in the next section, the micro-level evidence regarding this link is not conclusive (Özcan & Breen, 2012). Other economic explanations have focused on the relative deterioration of men’s economic fortunes in many countries, but neither of these can explain the big picture (Stevenson & Wolfers, 2007).

Other theories emphasize cultural changes (e.g., Lesthaeghe, 1995; Coontz, 2005; Cherlin, 2009). A popular account is provided by the second demographic transition thesis

(Lesthaeghe, 1995), which links the changes in family behaviour to the increases in individualism and other postmaterial values. There has been a shift in family attitudes towards more gender equality, personal fulfillment, and acceptance of non-traditional family behaviours, such as divorce (Thornton & Young-De Marco, 2001). This shift has been very uneven across the Western world and major cross-national variation in the acceptance of divorce remains (Gelissen, 2003).

These new ideas fit squarely with traditional views of marriage and family life which were based on rigid roles and sharp gender inequalities, and emphasized the married couple as a single unit, rather than a partnership of two individuals (Coontz, 2005). However, as with explanations having to do with attitudes more generally, there is a chicken-and-egg problem of which came first, attitudes or behaviour? Divorce attitudes often seemed to adjust to changing realities instead of providing the initial push to increased divorce (even though liberalized attitudes may have made later divorces easier and more common) (Cherlin, 1992). More generally, testing these explanations is often difficult and constrained by the availability of relevant cross-national data over long periods of time. Some scholars have used religiosity as a measure of cultural acceptance of divorce and found secularization to correlate positively with divorce rates (e.g., Kalmijn, 2010). In an interesting study in Brazil, Chong and La Ferrera (2009) found that the spread of *telenovelas* in that country was followed by increases in divorce, presumably as couples become increasingly exposed to new ideas about family life. Even though the explanatory power of cultural influences on divorce is difficult to assess, the spread of new ideas and attitudes is likely to have contributed to the increases in family instability.

Divorce laws have changed markedly through the 20th century and the beginning of the 21st. Divorce was prohibited until recently in several Western countries (for example, Italy

legalized divorce in 1974, Spain in 1981, Ireland in 1997, and Malta in 2011) and is difficult to obtain in others. Often, divorces could be granted on the basis of serious fault (such as adultery, violence, or mental illness) or possibly, by the mutual consent of the spouses (Härkönen & Dronkers, 2006). Even then, the process was usually expensive and lengthy. Major liberalization of divorce laws began in the sixties and seventies, and in 1970, California was the first state to implement unilateral ‘no fault’ divorce, in which either spouse could exit the marriage without having to provide specific reasons. Sweden followed suit in 1974, and by the turn of the millennium, most Western countries had liberalized their divorce legislation (Gonzalez & Viitanen, 2009).

Do these legislative changes affect divorce rates, or do they merely reflect the rising acceptance of and demand for divorce? Recent research has generally concluded that liberalization of divorce laws did cause short-term spikes in divorce rates (see, for example, Sweden in 1974 in Figure 1), presumably as spouses in ill-functioning marriages took advantage of the better opportunities for exiting their marriages (Wolfers, 2006; Stevenson & Wolfers, 2007; González & Viitanen, 2009). According to many, these effects were not lasting and the long-term effect of the liberalization of divorce laws was, at most, a small increase in divorce rates (however, see González & Viitanen, 2009). Loosening of official control over marriages and divorces did, however, change the divorce process and the dynamics of marriages. Unilateral divorce—the possibility of exiting a marriage without the consent of one’s spouse—shifted the power balance to the spouse more willing to exit, while the shortening of the legal process and the weakening need to show fault or “irreconcilability” have made divorce processes faster and possibly less conflict-ridden (Stevenson & Wolfers, 2007).

All in all, social scientists have had difficulties in explaining the increases in divorce. All available explanations have limitations. An interpretation of the trends is that values have changed and reorientations provide the social opportunities and subjective motives for divorce, whereas changes in women's economic independence has been among the factors providing the means for doing so (Cherlin, 2009). Together, these changes meant that people were more ready, willing, and able to divorce (Coale, 1973; Sandström, 2012).

If social scientists were unable to foresee an increase in divorce, they were equally unable to predict the recent stabilization of marriages in many countries. These developments—see Figure 1—are not merely due to the limitations of crude divorce measures. There has been a corresponding leveling, and even decrease in underlying marital instability. This has been clear in the United States since the 1980s (Goldstein, 1999; Schoen & Canudas-Romo, 2006; Stevenson & Wolfers, 2007), but also found in other countries, such as Sweden (Andersson & Kolk, 2011). Marriages, of course, must take for there to be divorce, and thus many scholars have looked at the characteristics of marrying couples for clues regarding recent stabilization in divorce rates. One of the issues here has been on the increases in the age at marriage. As will be discussed below, older age at marriage is associated with lower divorce risk, and this has been found to contribute to the stabilization of marriage in the United States (Heaton, 2002). Increases in educational levels are another contributing factor. Additionally, increases in non-marital cohabitation (which are more likely to dissolve) can mask the overall instability of couple relationships (Raley & Bumpass, 2003).

Who divorces? The predictors of divorce

Above I discussed findings regarding trends in divorce over time and cross-national variation in divorce rates. Divorce trends were seen to be primarily caused by period effects, by something that 'is in the air' as Andrew Cherlin (1992: 31) has described it. However, just as everyone does not get rich during an economic boom or does not get the flu during an epidemic, not all marriages end in divorce and there are systematic differences in which do and which do not.

When asked why did Mrs and Mr Jones divorce, many would give reasons such as growing apart, they were never suited to each other, they were always arguing, or perhaps infidelity. A large body of research has investigated the proximate and psychological factors that may lead to divorce (Bradbury, Finchman & Beach, 2000). Unsurprisingly, low marital satisfaction is a strong predictor of divorce and infidelity, while incompatibility, and behavioural and relationship problems rank high among the reasons people given for their divorces (Amato & Rogers, 1997; Amato & Previti, 2003; De Graaf & Kalmijn, 2006). Interestingly, De Graaf and Kalmijn (2006) observed that in the Netherlands, strong reasons for divorce, such as infidelity or violence, have become less often cited, whereas psychological and relational problems, and reasons to do with the division of housework, have increased in importance. These findings are in line with ideas of marital change towards a partnership between equal individuals respecting their personal needs (Coontz, 2005; Cherlin, 2009). Despite its interest, I will not discuss further the psychological literature on divorce, but instead turn to the importance of more sociological factors.

We know a good deal about the socioeconomic and demographic predictors of divorce (for recent reviews, see Amato, 2000; 2010; Amato & James, 2010; Lyngstad & Jalovaara, 2010). Even though the strength of the different predictors may vary from one country and time

period to the next (Wagner & Weiß, 2006), many point in similar directions regardless of context (Amato & James, 2010; Lyngstad & Jalovaara, 2010).

Whether a couple divorces or not is related to the life course stages and prior experiences of the partners. Young couples, for instance, have been consistently shown to have higher divorce rates due to their lower (psychological and socioeconomic) maturity, potentially unreasonable expectations, and a shorter search that led to an unstable match or the better outside options (alternative partners) these partners might face (Booth & Edwards, 1985; Lyngstad & Jalovaara, 2010).

Having been previously married also predicts divorce and generally, the more prior partnerships one has accumulated, the higher the divorce risk (Castro Martin & Bumpass, 1989; Teachman, 2008). This finding has been commonly explained by selection into further marriage: one has to divorce before marrying for the second time, and those who divorced once would be more likely to do it again (Poortman & Lyngstad, 2007). A similar selection explanation has been used to explain why couples who cohabited before marrying are more likely to divorce, even though one might expect the opposite given that such couples have more experience and information about each other and life together (Axinn & Thornton, 1992; Amato, 2010; Lyngstad & Jalovaara, 2010). According to this explanation, couples who cohabited are less traditional and may have different ideals and expectations of marriage. Some scholars, however, have proposed that experience of cohabitation may actually increase divorce risk by undermining commitment to marriage as the context for sexual relationships and childbearing (Thomson & Collella, 1992) or through relationship inertia through which relatively incompatible cohabiting couples may drift into marriage as the barriers to ending the relationship accumulate with shared possessions and, possibly, children (Stanley, Rhoades & Markman, 2006).

Divorce risk is not constant through the course of marriage. While few marriages dissolve soon after the wedding, the likelihood of it happening increases through the first years. Marital satisfaction generally declines over the course of marital life (Umberson et al., 2005) and couples have the highest risk of divorcing between the fourth and the seventh year after the wedding. After this, divorce risk begins to decline gradually as couples accumulate investments in their marriage which increase the barriers for leaving it (Lyngstad & Jalovaara, 2010).

One such barrier is children. Theoretically, children can be regarded as shared investments (Becker, Landes & Michael, 1977; Brines & Joyner, 1999) and parents can forgo, or at least postpone their divorce, if they are concerned with its adverse effects on their children. Indeed, couples with children, especially small ones, have lower divorce risks than childless couples (Lyngstad & Jalovaara, 2010). Again, this may reflect the characteristics of the couples who do not have children, as they might have lower trust in their marriages to begin with. Whether having children actually stabilizes marriages seems, on the other hand, to depend on country and time period (Lyngstad and Jalovaara 2010). Some research even suggests that having boys can have a stronger stabilizing effect (Morgan, Lye & Condran, 1988), presumably due to fathers' increased involvement in childcare. However, this finding remains contested. Having children can also destabilize on marriages if it means less time for fostering the relationship (Twenge, Campbell & Foster, 2004), which, as discussed, has become increasingly important in modern marriages.

Socioeconomic factors related to divorce have been widely discussed in the literature. The starting point for practically all research is that husbands' and wives' socioeconomic resources have different influences. This assumption is often based on an economic approach to family life, which sees economic resources as an exchange for unpaid domestic work and in

which husbands' and wives' roles are complementary (Becker, Landes & Michael, 1977; Becker, 1981). In practice, this perspective predicts that men's socio-economic resources—such as education, employment, and earnings—stabilize marriages whereas wives' resources destabilize them. While this prediction has found general support in research in regard to men's resources (Lyngstad & Jalovaara, 2010), findings are less consistent when it comes to the influence of wives' resources. The relationship between female education and marital stability is a case in point. In the United States, women with higher levels of education have had lower rates of divorce for a long time and this gap has grown (Martin, 2006). In many other countries, highly educated women used to have higher divorce rates. But over time, less educated women have seen their divorce risks increase at a faster rate and currently they are as, or more, likely to divorce in several countries (Härkönen & Dronkers, 2006). These developments are in line with the Goode hypothesis, which maintains that the initially high social, legal and economic barriers to divorce kept it the privilege of those with high enough resources to overcome them (Goode, 1962). As these barriers have reduced, divorce has become accessible to those with fewer resources, who are often those under more economic and other marital stress. Similar discrepancies can be seen in the research on female employment and marital instability (Amato, 2010; Amato & James, 2010; Lyngstad & Jalovaara, 2010; Özcan & Breen, 2012). Earlier predictions were that female employment may destabilize marriages as it weakens the benefits from a household division of labour (Becker, Landes & Michael, 1977; Becker, 1991), improves opportunities for maintaining independent households (England & Farkas, 1986), and chances to meet new partners (South & Lloyd, 1995). Many empirical findings supported this.

Predictions of the de-stabilizing effect of female employment and earnings have, however, been increasingly questioned. Many have argued that female employment can stabilize

partnerships by strengthening families' economic security and balancing the spouses' roles and responsibilities (Oppenheimer, 1997), or claimed that the expectation of divorce may actually lead to increases in wives' employment, rather than the opposite (Özcan & Breen, 2012). Furthermore, wives' employment and earnings may help them exit dysfunctional marriages rather than destabilizing all marriages (Sayer & Bianchi, 2000; Sayer et al., 2011), or have destabilizing effects only if they do not adhere to values of the couple (Amato et al., 2007) or the surrounding society (Cooke, 2006). An additional modifier of these effects is public policy. Female employment can stabilize on marriages in countries with policies which support work-family balance (Cooke et al., 2011). Overall, then, the effects of female economic activity are much more contingent than previously thought.

Women, however, have practically always and everywhere been more likely to file for divorce and start the process leading to divorce. This remarkably stable finding seems to be found for every society where such statistics exist, Western and non-Western alike (Mignot, 2009). Exceptions have been during major wars and their aftermaths. Many findings furthermore suggest that women's divorce filings are more closely related to socioeconomic factors (Kalmijn & Poortman, 2006; Sayer et al., 2011; Boertien, 2012) and women are more likely to name relational and psychological motives for their divorces (De Graaf & Kalmijn, 2006). Men, on the other hand, appear less likely to initiate divorce when the couple has young children (Kalmijn & Poortman, 2006; Hewitt, 2009), possibly reflecting an anticipation of weaker post-divorce contact with their children.

Increases in international migration have spurred interest into the family lives of migrant groups. Migration as a major life event can itself have a divorce-inducing effect, especially since one of the spouses can benefit from the move more than the other (Lyngstad & Jalovaara, 2010).

Migrant groups can find themselves landing in a society in which marital mores and divorce rates differ noticeably from those in their country of origin. In particular, much of the migration flows to the Western countries are from societies with less divorce and exposure to the new environment can entail increases in divorce rates of these groups (Landale & Ogena, 1995; Qureshi, Charsley & Shaw, 2012). At the same time, these groups may keep features of their countries of origin and in general, one finds major differences in marital stability between different groups (Kalmijn, 2011; Qureshi, Charsley & Shaw, 2012). Increased immigration has led to an increase in the number and share of marriages between migrant groups and the indigenous population, and between migrant groups themselves. While intermarriage is commonly regarded as a sign of integration, such exogamous marriages face higher dissolution rates, which are the higher the further apart the spouses are culturally (Dribe & Lundh, 2012).

Consequences of divorce

One of the main concerns of the increase in divorce has been its effects on the well-being of children and adults. These questions have aroused major interest among social and psychological scientists and many conclusions have been remarkably conflicting (McLanahan & Sandefur, 1994; Cherlin, 1999). What can we say about the effects of divorce and family dissolution on adults and children?

Most studies conclude that divorcees and their children fare worse according to several indicators of psychological, physical and socioeconomic well-being compared to those who did not experience divorce (e.g., Amato, 2000; Amato, 2010; Garriga & Härkönen, 2009; Amato & James, 2010). Findings of these effects range from heightened poverty levels (Callens & Croux, 2009) and lower educational performance of the children of divorce (e.g., Garriga & Härkönen,

2009; Amato & James, 2010) to increased occurrence of psychological distress (Amato and Keith 1991) and many physical health conditions (Amato & James, 2010).

Does the experience of divorce itself cause these differences? Couples who break up differ from those remaining together in many respects. They are generally less happy and often more conflicting and they also differ in terms of socioeconomic resources and many demographic characteristics. All these can themselves affect well-being and divorcing couples and their children might have fared worse even without the divorce. Indeed, those who remain in unhappy marriages fare worse in terms of life satisfaction than those who dissolved their unhappy marriages (Hawkins & Booth, 2005).

Since the golden tool for addressing causality—the randomized experiment—is for obvious reasons out of the question when assessing the effects of divorce, researchers are left to various second-best alternatives. Furthermore, since divorce is not simply a snapshot event but rather a (potentially long-lasting) process, it can be even conceptually challenging to separate divorce effects (i.e., divorce-as-event-effects) from the effects of the preceding process (Amato, 2000; 2010), as discussed in the Introduction.

Despite the difficulties, several scholars have used various sophisticated methods to assess this issue. A common conclusion is that divorce can indeed affect the well-being and performance of adults and children alike, even though the effects are not necessarily large nor long-lasting, and tend to show a great deal of heterogeneity (Amato, 2000; 2010; Garriga & Härkönen, 2009).

Take the example of the effects on the well-being of adults. Despite the sadness, upset and feelings of loss associated with divorce, it can also be a relief to at least one of the partners, often for the one who has most wanted to separate (e.g., Wang & Amato, 2004). In many

instances, psychological well-being tends to decrease already years prior to the divorce itself, stressing the processual nature of marital dissolution (Mastekaasa, 1994; Amato, 2000). In general, the adjustment of divorcees shows major variation, with some individuals managing to adjust to the new situation relatively fast, while for others divorce represents a longer-term, chronic problem from which they might never fully recover (Amato, 2000; 2010; Amato & James, 2010).

Whether divorce leads to declines in well-being depends on the nature of the marriage from which the partners are leaving. Divorcees who end a high-conflict marriage often experience less decline and even an increase in well-being, whereas those whose marriage was characterized by low conflict and relatively high satisfaction often experience more loss in well-being (Kalmijn & Monden, 2006; Amato & Hohmann-Marriott, 2007). Furthermore, adjustment to divorce depends on various socioeconomic and interpersonal resources, such as employment, income, social support, and whether one has a new partner (Gähler 1998; Wang & Amato, 2004). It also depends on the broader societal context and divorce effects are weaker in countries in which family support is stronger and in which divorce is more common (Kalmijn, 2010). Finally, there are no consistent gender differences in the subjective well-being consequences of divorce (even though men seem to suffer greater physical health decline) (Amato & James, 2010).

Divorce can have important economic consequences, especially for women (DiPrete and McManus, 2000; McManus & DiPrete, 2001; Uunk, 2004). Economic dependency in the former marriage tends to lead to larger economic losses following divorce, whereas the sole or main economic providers may even gain economically (McManus & DiPrete, 2001). On the other hand, welfare state arrangements that provide income support and support the employment of divorced mothers ameliorate the negative economic consequences of family dissolution (DiPrete

& McManus, 2000; Uunk, 2004). Despite the variation in the economic consequences of divorce, it is among the main life events that can lead to poverty (Callens & Croux, 2009).

There has been even more concern on the effects of family dissolution on children. Over time, views have ranged from major long-term negative effects on children's emotional and socioeconomic well-being to claims of no effects at all (McLanahan & Sandefur, 1994; Cherlin, 1999). Empirical findings support neither view. Children of divorce generally fare worse in terms of emotional and educational outcomes, but the effects are, on average, small or modest (Amato & Keith, 1991; Amato & Booth, 1997; Cherlin, 1999; Amato, 2000; 2010; Garriga & Härkönen, 2009; Amato & James, 2010).

These negative outcomes are already present some while before the parental divorce (e.g., Cherlin et al., 1991; Sanz-de-Galdeano & Vuri, 2007; Kim, 2011), underlining the above mentioned difficulty in separating the effects of divorce from the processes leading to it. Growing up in a high-conflict family can in itself have negative effects on children's well-being and socioeconomic outcomes, and in such cases parental divorce may actually have positive effects (Amato, Spencer Loomis & Booth, 1995; Amato & Booth, 1997; Cherlin, 1999; Dronkers, 1999; Booth & Amato, 2004). However, children whose parents ended a low-conflict marriage fare generally worse than those whose parents remained together. The effects of parental divorce on children's outcomes thus vary in the same ways as the effects on divorcing adults and small or modest average effects hide considerable underlying variation.

The effects of parental divorce depend on the immediate economic consequences and the general instability surrounding family dissolutions, which can have repercussions particularly on academic achievement (McLanahan & Sandefur, 1994; Thomson, Hanson & McLanahan, 1994; Amato, 2000). Major drops in economic well-being, frequent residential moves, changes in the

social environment and other instability generating factors have the potential to undermine children's outcomes. Some similar effects have been found for parental re-partnering, which often can lead to new separations (Amato, 2010; Sweeney, 2010). Economic resources do not explain all of the effects of parental divorce and psychological and relationship factors play an important role in explaining the effects of parental divorce. The adjustment of the parents themselves and their parenting practices during and after the divorce process contribute to the adjustment of their children, as does the overall quality of the relationships the children maintain to both of their parents. For these reasons, parental divorce can affect child outcomes even in well-developed welfare states (Gähler, 1997; Garriga & Härkönen, 2009; Amato & James, 2010).

Parental divorce often causes increased levels of anxiety during the divorce process, which can be exacerbated by stress it lays on parents and their capability to engage in effective parenting. For many children, however, these effects are relatively short-lived as many adjust to the new situation reasonably well over time (Amato & Keith, 1991; Cherlin, 1999; Amato, 2000; 2010; Pryor & Rodgers, 2001). For others, it may present a source of more chronic strain from which they never fully recover. One of the avenues through which parental divorce can have long-term effects on children's life courses is through educational attainment. If parental divorce disturbs the child's educational career—for example, through affecting their economic or psychological well-being, relationships with her parents, teachers or friends—this disturbance may translate into lower levels of socioeconomic attainment and physical and psychological well-being in adulthood (Garriga & Härkönen, 2009; Amato & James, 2010).

Another long-term effect of parental divorce concerns the family life experiences of the children themselves. A well-documented finding is the intergenerational transmission of divorce:

children of divorce are more prone to divorce themselves as they may hold interpersonal skills that are not conducive to marital stability or are more likely to perceive divorce as a viable solution to marital problems (Wolfinger, 2005; Dronkers & Härkönen, 2008). Parental divorce can also weaken contacts between children, their parents and their grandparents (Aquilino, 1994; Garriga & Härkönen, 2009; Albertini & Garriga, 2011). These negative effects are particularly likely for the relationships between children and their fathers and the fathers' kin. This is not surprising given the still-prevalent custody arrangements and women's role as kin-keepers. Finally, even if parental divorce generally has weak long-term effects on clinical indicators of psycho-emotional well-being, such as depression and anxiety disorders, this does not mean that many children of divorce would not experience feelings of sadness and loss even a long time after the parental separation (Amato, 2010).

One might expect that the effects of parental divorce have weakened as divorce rates have increased, its stigma decreased, and parents and societies have developed strategies to cope with its consequences. Maybe surprisingly, there is no strong evidence to support this belief (Ely et al., 2000; Amato, 2001; Garriga & Härkönen, 2009). However, one noticeable change in children's post-divorce conditions concerns their custody arrangements. In many countries, legal and practical joint custody arrangements have become more common, and in some cases even the norm. The limited number of studies on the topic does not permit strong conclusions, but existing findings suggest that joint custody can have positive effects on several well-being outcomes. Increasing joint custody can also weaken the negative effects of divorce on father-child relationships (Bauserman, 2002; Bjarnarson & Arnarsson 2011).

Summing up, divorce has the potential to cause major disruption in the lives of adults and children, and the effects can be long-lasting. However, by far not everyone experiences long-

lasting negative effects, most people adjust well over time and for some, divorce may be beneficial (Cherlin, 1999; Amato, 2000). Regarding children's adjustment, Paul Amato and Spencer James (2010: 9) summarized that "children function reasonably well after divorce if their standard of living does not decline dramatically, their resident mothers are psychologically well adjusted and engage in high-quality parenting, they maintain close ties to fathers, and their parents avoid conflict and engage in at least a minimal level of cooperation in the postdivorce years".

The discussion thus far has concerned effects of divorce for those individuals who experience it. Rising divorce rates can also affect those who did not experience divorce: living in a high divorce (risk) society may itself affect behavior and well-being. Lower obstacles for leaving partnerships improve the chances of doing so and can empower partners—especially the weaker partner—to bargain for a better deal. Liberalization of divorce laws (the adoption of unilateral divorce) has decreased rates of female suicide, domestic violence, and females murdered by their spouses (Stevenson & Wolfers, 2006). These new laws gave partners, and women especially, the chance to improve their relationship or optionally leave a potentially disruptive (and even lethal) one. Facing the prospect of divorce can encourage partners to protect against its consequences, for example by improving one's position in the labor market (Özcan & Breen, 2012) or by saving more (Gonzalez & Özcan, 2008). Children may also be affected. Those who grew up under a liberal divorce regime had weaker well-being outcomes according to various indicators (Gruber, 2004) and children exposed to peers with divorced parents have been found to fare poorer in school (Pong, Dronkers & Hampden-Thomson, 2003).

Discussion

Divorce rates have increased throughout the Western countries and beyond during the last decades and these trends are considered key components of family change. Yet these developments have been uneven and occurred at different times in different countries; furthermore, in many countries divorce rates have stabilized and even decreased in more recent years. Divorce has become a part of the family institution and a realistic possibility which spouses need to take into consideration when marrying. Though less stigmatized than previously, divorce can still cause major distress and disruption to the adults and children who experience it. The possibility of experiencing divorce, and contact with people who have, can in themselves shape behaviours and experiences.

What will the future look like? As discussed above, the initial increases in divorce rates took many social scientists by surprise, as have the recent trends towards marital stability in some countries. Therefore, it is clearly difficult to foresee in which countries divorce rates will continue to increase and in which marriages will become more stable. The increases in unmarried cohabitation pose another challenge, as divorce rates have become an ever weaker indicator of couple relationship instability. Despite some indications that the retreat from marriage may have stalled in some of the countries where it started first (Ohlsson-Wijk, 2011), it seems unlikely that marriage will recover the same centrality in family life as it had in the previous decades.

Overall, there are considerable uncertainties in attempts to predict future rates of divorce and couple relationship instability. To the extent that the increases in divorce and instability reflected incompatibilities between prevailing family institutions and changing society, it is possible that divorce rates will stabilize and decline if social practices and institutions adapt to

the changing circumstances. Such declines in divorce have occurred before. As briefly mentioned above, divorce in Japan was more common at the beginning of the twentieth century than some decades later, which was interpreted as reflecting adaptation of family life to broader societal changes (Goode, 1963). In the Western countries, an important candidate for change is gender roles. The changes in gender roles were to a large extent driven by changes in women's roles and activities, whereas men have been much slower in taking up previously female tasks. An increase in men's willingness to do their share in the household may thus lead to increased family stability as this would fit better the increasingly prevailing egalitarian ideals of partnerships and marriage as a union of two equals with their individual needs (cf. Esping-Andersen & Billari, 2012). However, even if rates of divorce and family instability were to decline, it is likely that the previous era of stable marriages and nuclear families will not return in the near future.

Can policies affect family instability and help adults and children who experience it adjust to it better? Above, I pointed out that many of the findings regarding the effects of divorce legislation on divorce rates do not suggest that such laws have major long-term effects on divorce rates. Thus, a shift towards stricter regulation of marriages may not have the desired effect, especially since much of modern family life occurs outside the institution of marriage. How effective can policies be in helping adults and children adjust successfully to the divorce experience? Many traditional social policies, such as income transfers and policies aimed at helping (single) mothers find and keep employment can be effective in combating the financial consequences of divorce, which are generally reduced in the generous welfare states such as the Nordic countries (Uunk, 2004). This can itself be an important policy goal and help divorcees and their children adjust by decreasing the importance of one of the stressors which often follow

divorce. However, they may not be enough as many of the influences of divorce function through psychological stressors and their effects on parenting and other social relationships. To target these factors, counseling programs aimed at easing such stressors and helping with parenting can be effective (Pryor & Rodgers, 2001).

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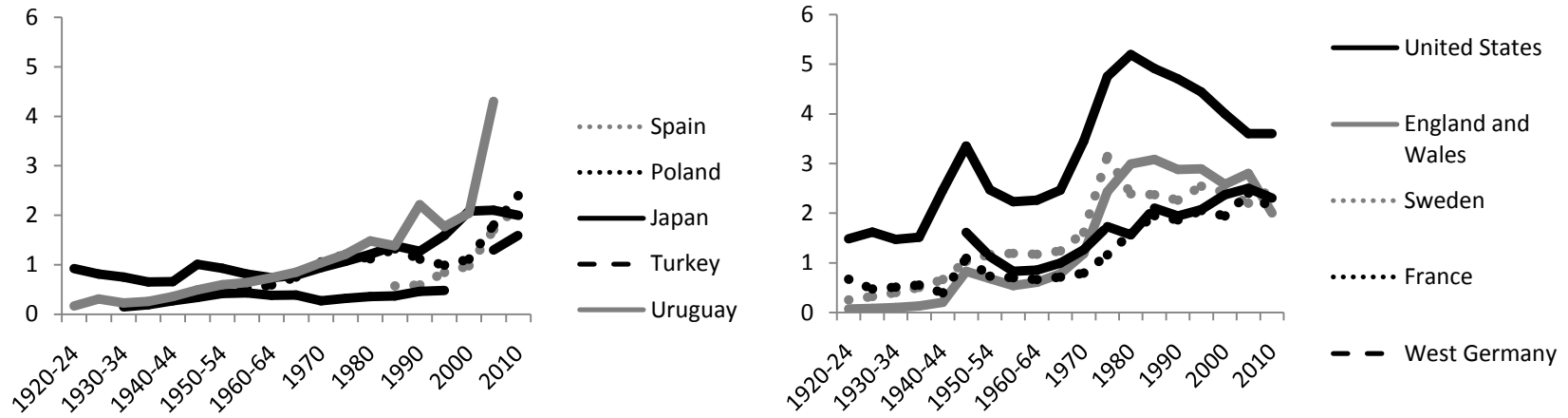
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Figure 1 Crude divorce rates in selected countries, 1920-2010.



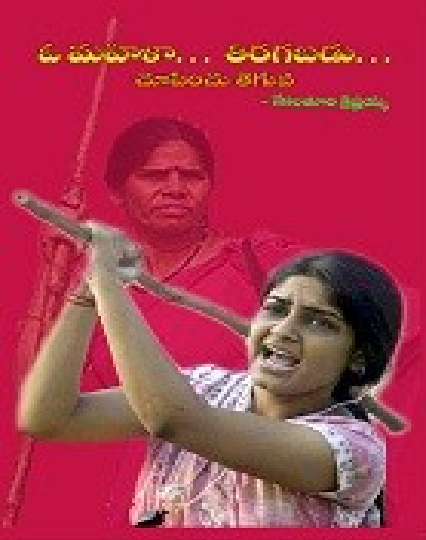
Sources: United Nations (various years); National Center for Health Statistics (various years).

CRIMINAL LAW AMENDMENT I

2013

(NIRBHAYA- ACT)





NIRBHAYA GANGRAPE CASE

DEATH SENTENCE FOR CONVICTS



Mukesh Singh



Akshay Thakur



Vinay Sharma



Pawan Gupta

INDIA'S
DAUGHTER

end rape.

stop rapists.

National Commission for Women

**Nation wide Program for
Generating Awareness about
Legal Rights of Women**

Resource Person

**Professor & Lawyer. Puttu Guru
Prasad**

***MCom. MBA., LL.B., MPhil. PGDFTM,
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**Senior faculty for Management studies,
VVIT.**

Features the Criminal Law Amendment 2013

- Focuses on
 - ► protection of women from sex related offences
 - ► criminalizing acid attacks
 - ► Penalizing human trafficking and penalizes different stages of women traffickers

Effect on I.P.C. after the Amendment

- ▶ After 326 IPC, two new sections inserted 326 A & B
- ▶ **Voluntarily causing grievous hurt** by use of acid, etc. (326 A) Whoever causes permanent or partial damage or deformity to any part/s of the body of a person or causes grievous hurt
 - by **throwing acid** on or by administering acid to that person, or by using any other means .
 - **Punishment:** imprisonment of either description for a term not less than ten years but which may extend to imprisonment for life, and with fine:
 - i) such fine shall be just and reasonable to meet the medical expenses of the treatment of the victim:
 - ii) any fine imposed under this section shall be

Voluntarily throwing or attempt to throw Acid (326 B):

- ▶ **Whoever throws** or attempts to throw acid on any person or attempts to administer acid to any person with the intention of causing permanent or partial damage or deformity or grievous hurt to that person
- ▶ **Punishment:** imprisonment of either description for not be less than five years but which may extend to seven years, and shall also be liable to fine.

Amendment of Section 354

Outraging the modesty of a woman (354)

- ▶ **Section 354** has been amended to enhance the punishment
- ▶ **Before:** “punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both”.
- ▶ **Now:** “shall not be less than one year but which may extend to five years, and shall also be liable to fine”
- ▶ **Before:** Cognizable & bailable
- ▶ **Now:** Cognizable & Non- bailable (Sec. 354: Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty)

INSERTION OF 354 A, 354 B, 354 C AND 354

D

• **Sexual harassment**

A man committing any of the following acts:

- i. **Unwelcome physical contact** and advance involving explicit sexual approaches; or
- ii. a demand or request for sexual favors; or
- iii. **showing pornography** against the will of a woman; or
- iv. making sexually colored remarks shall be guilty of the offence of sexual harassment.
- **Punishment:** the offences in clause (i) or clause (ii) or clause (iii) above shall be punished with **R.I.** for a term which may extend to **three years**, or with fine, or with both.
- the offence in clause (iv) above shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both
- **Cognizable and Bailable**

Assault or use of criminal force to woman with intent to disrobe (354)

D

- Any man who
- **assaults** or
- uses criminal force to any woman or
- **abets** such act with the intention of disrobing or compelling her to be naked
- **Punishment:** imprisonment of either description for a term which shall not be less than **three years** but which may extend to seven years, and fine.
- **Cognizable & Non- bailable**

Voyeurism (354 C)

- **Any man who**
- **watches, or scopophilia**
- **captures the image** of a **woman engaging in a private act*** in circumstances where she would usually have the expectation of not being observed either by the **perpetrator** or by any other person at the behest of the perpetrator, or
- **Disseminates*** such image
- **Punishment:** on first conviction: imprisonment of either description for a term which shall not be less than one year, but which may extend to three years, and shall also be liable to fine, and be punished
- on a second or subsequent conviction: imprisonment of either description for a term which shall not be less than three years, but which may extend to seven years, and shall also be liable to fine.
- First offence cognizable but bailable
- Second or subsequent offence cognizable and non-bailable

Stalking (354-D)

- Any man who—
 - i. **follows a woman and contacts**, or attempts to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman; or
 - ii. **monitors the use** by a woman of the internet, email or any other form of electronic communication, commits the offence of stalking
- **Punishments:** on first conviction: imprisonment of either description for a term which may extend **to three years**, and fine
- **on a second** or subsequent conviction: with imprisonment for a term which may extend to five years, and fine
- First offence cognizable but bailable ☐ Second or subsequent offence cognizable but non-bailable

SUBSTITUTION OF NEW SECTIONS 370 AND 370A FOR SECTION 370

- Trafficking of person (S.370) Whoever, for the purpose of exploitation, (a) recruits, (b) transports, (c) harbours, (d) transfers, or (e) receives, a person or persons, by—
 - i. using threats, or force, or coercion, or ii. by abduction, or
 - iii. by practicing fraud, or deception, or
 - iv. by abuse of power, or
 - v. by inducement,
 - including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received,

SUBSTITUTION OF NEW SECTIONS 370 AND 370A FOR SECTION 370

- Punishment:
1. Trafficking normally: punished with R.I. for not less than 7 years, but may extend to 10 years, and fine.
 2. Trafficking of more than one person: R.I. for not be less than 10 years but may extend to imprisonment for life (L.I.), and fine.
 3. Trafficking of a minor: R.I for not be less than 10 years but which may extend to L.I., and fine.
 4. Trafficking of more than one minor: R.I for not be less than 14 years but which may extend to L.I., and fine.
 5. Convicted of trafficking of minor on more than one occasion: shall be punished with L.I., which shall mean imprisonment for the remainder of that person's natural life, and fine.
 6. A public servant or a police officer involved in the trafficking: shall be punished with L.I., which shall mean imprisonment for the remainder of that person's natural life, and fine.

370 A: Exploitation of a trafficked person

- 1. Whoever, knowingly or having reason to believe that **a minor has been trafficked**, engages such minor for **sexual exploitation** in any manner, shall be punished with **rigorous imprisonment** for a term which shall not **be less than five years**, but which may extend to seven years, and shall also be liable to fine.
- 2. Whoever, knowingly by or having reason to believe that a person has been trafficked, engages such person **for sexual exploitation** in any manner, shall be punished With **rigorous imprisonment** for a term which shall not be less than three years, but which may extend to five years, **and shall also be**

Rape

- Substitution of new sections 375, 376, 376A, 376B, 376C, 376D and 376 E.

Offence	Laws before amendment	2013 Amendment
Rape includes unconsented penetration of the vagina or anal opening of a woman with the penis of a man. (S.376 (1))	In the absence of any law relating to the offence of outrage to modesty of a woman punishable with maximum 2 years and fine.	Specific offence. Punishable with not less than 7 years but may extend to R.I for life

Rape

Offence

Rape by HUSBAND during judicial separation: sexual intercourse with her separately, without her consent (S.376 B)

Causing death or persistent vegetative state when committing rape. (S. 376 A)

Laws before amendment

imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

Rape and murder dealt with as two separate offences.
Rape: 7 years to L.I.;
Murder: L.I. or death

2013 Amendment

imprisonment of either description for a term which shall not be less than two years but which may extend to seven years, and fine.

Specific offence.
Punishment 20 years to R.I for life (remainder of life) or death.

Rape

Offence

Punishment for **Gang rape:** **(S.376 D)** Where a person is raped by one or more in a group of persons acting in furtherance of a common intention, each persons shall be deemed to have committed the offence of gang rape, regardless of their gender.

Laws before amendment

10 years to life imprisonment and fine

2013 Amendment

20 years to L.I. (remainder of life) and fine payable to the victim, that is reasonable to meet medical expenses.

Rape

Offence

Marital rape: (S. 375) Forceful sexual intercourse

Laws before amendment

No rape if wife is above 15 years of age

2013 Amendment

No rape if wife is above 16 years of age

Rape by armed Personnel (S.376 (2) (c))

Rape by a relative, guardian or teacher, or a person in a position of trust.

S.376 (2) (f)

No specific provision. Public servant includes armed personnel. Punishment: 10 years to life imprisonment and fine

Specific offence: R.I. for a term not less than 10 years, but which may extend to L.I. (remainder of life) , and fine

Conclusion

- Thus, the criminal law amendment 2013 focuses on **protection of women from sexual or sex related offences**
- However, the main question would be by a mere instrumentalization of a law will it be possible to protect woman from sexual offences?
- What further?
- Concerted action of **police, prosecutors, politicians,** public servants, woman and child organizations and social activists, media, etc. needed
- **Proper education of law to all in the society is further required**

National Commission for Women

Nation wide Program for Generating Awareness about Legal Rights of Women

Resource Person

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