

Rochester Center for

Economic Research

Looking Back : Marriage, Divorce, and Out-of-Wedlock Births

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Working Paper No. 516

May 2005

UNIVERSITY OF
ROCHESTER

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Abstract

A very brief historical discussion of marriage, divorce, and out-of-wedlock births in England and France.

1. Introduction

The problem of fatherless children began with Adam and Eve. Fatherless children tended to live in poverty, just as they do today. Throughout the ages there

*This note was a section in an early version (circa 1997) of Aiyagari, Greenwood and Guner (2000). It has not been modified. Some kind words by Kenneth Burdett prompted the circulation of this material as a working paper.

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have been institutional mechanisms in place designed to alleviate this plight. In English and French past the authorities banned divorce. This did not eliminate the problem of fatherless children. They also gave aid to single mothers and their children. Many felt that this fostered welfare dependency, promoted female headship, encouraged illegitimacy and the like — similar to views held today. Images of today can be seen in the reflections from the past.

2. England, 1660-1857

Marriage in England could be like quicksand: easy to walk into and impossible to get out of.¹ A verbal contract between a man and a woman that was witnessed by at least two people was all the legal cement that was needed to glue a marriage together. Marital matters were largely adjudicated by ecclesiastical courts. The Church of England interpreted the words of Christ as meaning that a marriage was indissoluble. “Till death do us part” had real meaning. An official system of legalized divorce was not adopted until the Divorce Act of 1857.

So how did one get out of a marriage? Among the underclasses the easiest solution was to walk.² Desertion was common, usually by men. Men often ran

¹The English marital system is detailed in Stone (1993).

²Many marriages were held in secrecy, presumably to facilitate subsequent breakups. Kent (1990) reports that one third of London plebeian marriages took place clandestinely in the Fleet

away and set up another household or joined the military. Bigamy was common. This was so even though in theory it could be punishable by death; in practice the offender's hand would be burnt. For the propertied the situation was more complicated since the option of disappearing was unattractive. A private separation agreement could be drawn up, if there was mutual agreement between the parties. Remarriage was still not legally possible. This agreement specified three things: the amount of alimony that the wife was due, the wife's financial independence, and the custody of the children. Generally a wife was entitled to about one third of her husband's income. Making a delinquent husband pay could be extremely difficult, just as today. Under common law a husband was responsible for the family's financial affairs. So, without an agreement giving the wife financial independence the husband would still have rights to his wife's future income streams or be liable for her future debts. Last, the husband had absolute and inalienable rights to the children. So, any agreement concerning custody of the children was not legally enforceable. In a society based on primogeniture, wealthy husbands would be reluctant to give up their sons. And custody rights were often used as a bargaining card by husbands to reduce alimony settlements. Another alternative was to litigate a settlement through the courts. This was an option open mainly to

Prison. Clandestine marriages were forbidden in 1754.

the wealthy. The sole ground for judicial separations were life threatening cruelty or adultery. The husband still had rights and liabilities for the family's financial affairs.

Broken lives were common in the English past. The number of children raised by a single parent (for some part of their lives) was probably quite large, just as today. First, many wives were abandoned by their husbands. In the village of Colyton in Devon 10% of all marriages between 1741 and 1769 ended in desertions. The consequences of desertion were devastating for women and their children who were often thrown onto poor relief. In St Martins-in-the Fields in the last half of the eighteenth century 12% of the applications for poor relief were from deserted wives.³ The mean age of deserted wives was 35 years. She had 1.9 children on average. Given that the average age of marriage was 24.5 years a lot of these women had dependent children (i.e.; who were too young to work even then). Second, about 4% of births were illegitimate in the 1700s. It is interesting to note that desertions had seasonal and cyclical patterns. They rose in summer months and in wars, times when it was easier to abscond. Third, life expectancy was much lower then (a little over 40 years).⁴ Perhaps 20% of children were orphans (had

³See Kent (1990).

⁴This and the facts below are based on Laslett (1977).

lost one or more parents.). Of these 52% lived with their widowed mothers, 12% lived with widowed mothers and a stepfather, while 24% lived with a widowed father and 7.5% lived with fathers and a stepmother. Was the life expectancy of men that much shorter than for women? Perhaps many reported deaths of fathers were abandonments.⁵ In any event, the number of children living with a single parent in the English past may not have been very far from current situation.

Family income was much less for single-parent families. Wall (1994, Table 15.1) presents data from a survey in 1848 of the poor in the parish of St George in the East. The weekly earnings of a married couple with children was 24s 5d. By contrast a widow with children earned about 9s 11d, a 90% difference. About 50% of widowed households had meat only once a week, compared with 15% of the married households. A 1790 census of the population of the Corfe Castle, a parish located off of the Dorset coast reveals a similar picture. Wall (1994, Tables 15.2 and 15.4) estimates that a married female had a real expenditure level about 80% higher than a single female supporting a family. About 26% of never married females and 39% of widowed ones received poor relief, as compared with just 4% of married ones. Hence, a large fraction of single females received welfare then,

⁵It has been stated in the literature that a man or woman who had not heard from their spouse for seven years could remarry on the presumption that their mate was dead.

just as today. After adjusting for poor relief, an unmarried female realized a real expenditure level about 28% less than a married one.⁶

3. France, 1800s

For most of the 1800s marriages in France were as indissoluble as in England.⁷ Abandoned, usually illegitimate, children were a major social problem of the time. The church had long accepted easy and secret abandonment as an alternative to infanticide.⁸ By the nineteenth century the central and departmental governments had assumed responsibility for looking after abandoned children. Furthermore under French law of the day a mother could not be questioned about the paternity of her children. The combination of these two policies may have encouraged illegitimacy and abandonment on a grand scale.

At the beginning of the nineteenth century about 40% of all births in Paris

⁶Nineteenth century London saw the rise of workhouses for the poor where women and children were often separated.

⁷Divorce was legalized in 1792 during the French revolution. The law permitting divorce was liberal, even by modern standards. Divorce could be obtained by mutual consent, or by one party on grounds of cruelty, dissolute morals, desertion, etc. The grounds for divorce were tightened in 1803 and divorce was abolished in 1816. Divorce was restored in 1884. The period from 1792 to 1803 was the first mass divorce in Western history. In Paris there was one divorce for each new marriage, in Rouen it was one for every eight, and it was about one for thirteen in Marseilles, Lyon and Toulouse (Phillips 1988, pgs. 257-258).

⁸Unwanted babies could be left secretly in a tour. The prototypical tour was a wooden cradle on a turnable built into the outer wall of a hospice. The baby was placed in the cradle from the street and then spun around into the hospice. A decree of 1811 legislated that all hospices receiving abandoned children were to have one.

were illegitimate (Fuchs 1984, Table 3.3a). About half of these children were abandoned. In fact, an amazing 20% of all babies born were abandoned. Abandonments decreased steadily throughout this period, perhaps as the result of public policies (both of the carrot and stick form) that were instituted to encourage mothers to retain their children. The decision to abandon a child was most likely dictated by the economic circumstance. A woman earned about half that of a man in a similar job. Her earnings barely covered her subsistence. In the 1860s, a working woman could earn somewhere between Fr250-600 a year, taking into account seasonal unemployment. It cost approximately Fr300 a year for rent, clothing, laundry, heat, and light. Even at the maximum salary this didn't leave much for food — less than a franc a day — never mind the costs of clothing and wet nursing a baby (the later is estimated at Fr300 a year). A working woman could certainly not afford to raise a child alone. Furthermore, there is evidence, especially for the early part of the century, that abandonments were correlated with the price of bread (Fuchs 1984, Table 3.11).

What was the future of an abandoned child? Most children were abandoned just a few weeks after birth. The mortality rate for foundlings was high. In these days before pasteurization and refrigeration, artificial feeding was not a good solution. Finding lactating women to serve as wet nurses for thousands of

foundlings, though, was not easy to say the least. At the beginning of the century perhaps as much as 3/4 of the foundlings in Paris died; by the end of the century this had fallen to 1/3 (Fuchs 1984, Table 6.2).

What happened to the surviving foundlings? French authorities felt that these children were best raised by foster parents in rural areas. Foster parents were paid a wage to look after their charges. This wage was not intended to cover the cost of raising a child. Children were suppose to work to help with their upkeep. The older the child, the more work s/he could do. Thus, the payments to foster parents were a decreasing function of the child's age. For example, in 1876 a foster parent would earn Fr18 a month for taking care of a six month old baby, Fr12 for a 3 year old child, and Fr7 for an 8 year old (Fuchs 1984, Table 7.2). As an incentive for foster parents to look after their charges, the authorities paid a bonus to wet nurses for any child who survived the first year and to foster parents who raised a child until age twelve. Prior to 1852, the authorities took little direct responsibility for abandoned children after the age of twelve.⁹ As the 1800s progressed the French authorities increasingly tried to see that abandoned children received an education. Since school took time away from work, foster

⁹All male abandoned children and orphans were suppose to serve in the navy at age twelve, according to a decree of 1811. This service was to repay the state for the cost of looking after them. Evidence from the latter part of the century suggests that probably relatively few served.

parents were not enthusiastic about their charges receiving an education. The administration instituted policies that payed foster parents for sending children to school. Toward the end of the century perhaps as much as one third of the abandoned children in Paris completed primary school. Most abandoned children grew up to live among the rural poor working as agricultural laborers; others took jobs as factory workers, artisans and domestic servants.

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