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DIVORCE - THE DECISION OF A SEPARATION - *FAILURE OR CHANCE*!

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Abstract

For Romania, the divorce indicators had rather counterintuitive values. If the media messages are mostly centered on the Romanian family drama due to an increase in divorce indicators, a conjugality with tendencies of orientation towards forms of cohabitation other than marriage, however, the analysis of national statistical data shows that Romania has one of the smallest values of divorce. Moreover, if in the European countries, the simplification of the divorce procedures led to an increase of the divorce indicators, in Romania, the situation was reversed. Legislative changes from 2010 to 2013 regarding divorce did not, in any way, stimulate the increase of legal separations but, on the contrary, the years 2013, 2014 showed a decrease in the level of Romanian divorces (from 1.45 ‰ to 1.27 ‰) (Source: Time Online, 2018)

From another perspective, the condition of divorce still implies a relative level of intolerance, which makes the decision even more uncomfortable. This makes the separation process itself want to be short and discrete. This is one of the reasons why the highest rate of divorces is achieved through the agreement of the parties (in 2017, 64.4% of divorces were through mutual agreement (Source: INS, 2018).

The study aims to analyze the factors that created difficulties in deciding the marital disposition through a qualitative research, the method being the sociological inquiry and the research instrument - the structured interview.

Keywords:

Divorce; separation; couples; monoparental; consequences.

Analysis of the data obtained

Marital choices often involve a relative dose of relational risk, because the decision to form a couple is based more on the initial

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attraction and not on a concrete validation of the behaviors of the two. Many young people confuse the attraction with love and by virtue of the "supreme ecstasy" (Dorrzaph, 1999), they rather live the passion of the moment. Toleration of certain aspects that produce marital dissatisfaction subsequently transforms the illusion of love into a latent unhappiness in which the partners exercise their tolerance rather than mediation. This type of relationship gradually becomes drained of emotional content and the imminence of divorce depends on the number of contexts that can hurry or delay the decision.

For a certain category of respondents, the divorce decision did not become difficult by the decision of separation itself, but by the effects produced by the legal separation of the two partners (personal fears, cultural influences, material difficulties, the presence of children, etc.). However, marital tensions accumulated over time often predict the moment of separation.

However, the rebuilding of the functional system, the reordering of priorities, the condition of a single parent, mother/father, and all the other conditions related to the relative tolerance of a society still blaming divorce, were the main problems in managing the divorce process.

Statistically speaking, the highest frequency of divorces is after the first two years of marriage (5.7%), the peak of divorce for men being in the age category 40-44 years (20%) and for women, 30-34 years (18.81%). Regarding the rate of divorces according to the number of children left after the marriage breakdown, it is noted that 59.11% of the total divorces in Romania are legal separations of families without children. (INS, 2018)

The analysis of the national indicators regarding the divorce method shows, at the same time, an increase of the need for intimacy in the divorce process, 64.4% of the divorced persons preferred to legally separate through the agreement of the parties, therefore, without a detailing of the elements of marital dysfunction which led to the decision to divorce (National Institute of Statistics, 2018).

All interviewees agree that the decision to divorce is emotionally difficult and the most difficult to manage is the psychological state of their children. Depending on the level of vulnerability (generated by age differences, understanding and acceptance of such a situation), the issue of divorce when children are involved, is a sensitive one. Moreover, according to the data identified in the research, some of the interviewees stated in different forms that during the negotiation of the separation,

they also used children as a control resource for these situations, which further increases the emotional vulnerability of the little ones. In the same sense, fear of the effects of divorce caused some of the people to oversize the negative effects of separation. Thus, as a form of resistance to divorce, but also as a post-divorce trauma, the fear of social failure, from the individual perspective creates the general framework of sources of frustration and psychological consumption in the medium term, which makes it even more difficult for the divorced partner to adapt. At its origin, the stress generated by the divorce decision when children are involved makes the legal separation delayed. Subjectively, the "children" argument functions either as a tolerance argument for marital dysfunction, or as a pressure resource for the other partner. Thus, conflict management sometimes involves strategies challenged by those who practice them - the use of threatening to take children after divorce. Oscillating between the fear of losing them and the strategy of using the emotion of loss as a source of negotiation in relation to the other partner, the respondents' statements regarding the desire to protect children against the psychological violence of a divorce process strongly contrasts with the concrete attitudes stated by them.

From another point of view, the decision of divorce is even more difficult for the married couple with more years of marriage, because there is the feeling of attachment for the next person and of a life routine, and the divorce would mean a loss. Moreover, tolerance for certain sets of gestures and marital attitudes sometimes stimulates a tendency of self-protection of each partner leading to limited interaction of spouses. Each one secures itself against the other, trying not to stir up dissatisfaction or marital conflict. However, the inhibition of certain relational, interactional or intimate communication needs between partners has the effect of transforming the marital relationship into one strictly centered on functions and roles fulfilled rigidly. In this regard, Ervin Goffman stated that individuals tend to play roles, in the performance of which they "wear" masks and are stimulated to a small or large extent to behave according to the will of others and not their own. Therefore, the learned situations become social definitions in themselves (Goffman, 2007). Thus, unequal investment in the marital relationship can produce an affective emptying of one of the partners, which makes the desire for mediation almost impossible. Moreover, the restoration of the structure of needs and marital expectations, the desire to respond better to their own life expectations, becomes yet another

resource that creates distortions in the decision of separation. This is because marriage, through all its functions (solidarity, economic, biological, socialization) builds a set of mutual dependencies between the partners. It involves a common set of rules, roles, a relationship in which each depends on the other through what he or she has jointly assumed to do. The divorce decision breaks down all this construction, each partner being forced to rebuild their entire functional system.

The reasons for divorce, after interviewing the subjects, are numerous. The data obtained show that the most frequently cited reasons are infidelity, physical and verbal violence, financial problems, distance, jealousy, desire to have freedom, bank loans, large age difference, alcohol consumption, lack of communication (National Institute of Statistics, 2018).

The analysis of the data obtained in the research shows that the infidelity itself did not build the moment of the decision of dissolution, but the infidelity associated with other marital problems that increased the insecurity of the marital couple. Thus, infidelity appears as an effect of marital dysfunction and the reasons underlying marital dysfunction did not immediately lead to the decision of legal separation due to a relative reluctance to divorce. In the case of infidelity, a wide range of social stereotypes were identified in the respondents' explanations. With generalized opinions about the adventurous tendencies of all men, the women who claimed the *infidelity* had the detention to decide the legal separation ever since the moment of identifying this problem within their family. The disruption caused by this moment has maintained a temporary state of confusion in these families. The direct effects of infidelity were synthesized in tendencies of withdrawal to themselves, of limiting the interaction to the formal fulfillment of family roles, to maintaining a climate of relative tranquility for the family with children, but to a gradual weakening of the affectivity. Basically, infidelity directly affects the solidarity function and subsequently, its effects build the premise of separation of partners. They are deprived of resources of any emotional motivation to restore the marital structure, which considerably diminishes the desire to mediate.

From a relatively similar perspective, another reason identified was *jealousy*. This causes a control behavior, and the partner appears to be the property of the other. Like infidelity, jealousy strikes a couple emotionally through its direct effects: possession, undermining personal autonomy, sabotaging any forms of emotional fusion by direct or

indirect manifestation of trust, etc. The veiling of any personal space, the severe control of the schedule, the suspicions and the continuous accusations are elements that destabilize the marital couple.

An important aspect, highlighted by the stress-generating elements that delay the decision of divorce (for those who choose to go to court) is also the insecurity of the decisions of the courts, the immoral strategies of the families of origin or the different strategies of the lawyers. The vulnerability of the statements, the speculation of the various contexts sometimes cause the legal separation process itself to require time for evidence, witnesses, before submitting the documents for trial.

Relatively recent studies (Apostu, 2015) show that marital infidelity is in the first six reasons invoked in the courts as reasons for marital dissolution. According to the study, infidelity has a weight of 7.02% while accusations of jealousy have a weight of 4.61%. Regarding the strategies that can influence the logic of the evidence or the reasons for the court, the study analyzes the relationship between accusations of infidelity and those of jealousy at the intersection between two legislative moments: before the repeal of Art. 304 Penal Code (proven infidelity can be punished with imprisonment from 1 to 6 months or with a criminal fine) and after 2006, after this article was repealed. Given the harshness of the allegations of infidelity, the advocacy strategies resorted to building a counter-accusation to rebalance the accusation report. Because "the proof of adultery is made only through the minutes of discovering the crime", the allegations of infidelity were difficult to prove, them being present in the court application only due to the declaration of one of the parties. As a rule, one of the most common practices for preventing such an accusation was the accusation of jealousy of the other. Thus, the situation created a dilemma for evaluating the situation for courts that oscillate, either in the direction of the infidelity of one of the partners, or in the direction of jealous behavior based on the fictitious fear of infidelity. The analysis of the relationship between the two accusations, before the moment of 2006 and after the repeal, shows once again the evidence of the strategy. When the legal effects no longer have criminal consequences, the tendency of association of the two accusations diminishes significantly, the association of the two reasons for the dissolution being reduced by approximately two thirds (Apostu, 2015).

Thus, the triple form of vulnerability (the emotional one, that of a social context reluctant to divorce and that of a legal nature), doubled by the fear of functional insecurity of a solitary environment in the case of divorce involving children, of a single parenting environment, makes the decision of divorce to be a difficult one to assume. At all events, the reactions of the reference group of each of the partners sometimes become additional sources of tension, either due to their orientation for or against divorce, or due to direct participation, often, amplifying the conflict rather than providing support in this process of separation.

Conclusions

From the point of view of adapting to a new life, for most subjects it is not an easy thing to do. Losing self-confidence is difficult to recover, especially when family dysfunctions are widespread. The effects of marital failure are felt in the level of self-esteem, in the relationship with others, in the reluctance to build new relationships, in the sensitivity to the status of divorced or social criticism. Rebuilding life with another person is quite difficult, new relationships needing more time to build intimacy and solidarity, because partners are vulnerable to feelings of protection, trust, intimate fusion, with the fear of never having to go through similar situations. However, the distribution of remarriage shows a higher frequency of divorced women to remarry with divorced men than in the reverse situation, which still shows some traditional orienting influences.

Following the research, it was confirmed once again that, from an emotional point of view, the decision of divorce is a very difficult one, both in terms of the effects produced by the legal separation of the two partners, and from the perspective of rebuilding the functional system, reordering priorities, from the perspective of the condition of a single parent – father/mother and all other conditions related to the relative tolerance of a society still reluctant to divorce.

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