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Till Death, or 20 Years, Do Us Part

By **MATT RICHTEL**

IT makes little sense to explore a new era of family values based around Hollywood couplings. Or, worse yet, around mere rumors of the way movie stars conduct their marital affairs.

But might there be seeds of something worth considering in one such rumor, that Tom Cruise and Katie Holmes signed a [five-year marriage contract](#)?

It's a dim data point but not an isolated one, suggesting people are rethinking marriage, at least around the edges. Prenuptial agreements, a different sort of contract, are on the rise, as is vowless cohabitation. The ages at which people marry have hit record highs, 28.7 years for men and 26.5 for women. And gay marriage has provoked widespread conversation about the institution's meaning and place.

Last year, several lawmakers in Mexico City proposed the creation of [short-term, renewable marriage contracts](#) with terms as brief as two years. The idea was to own up to the reality that marriages fail about half the time.

Is marriage headed for an overhaul? A fundamental rethinking? Is it due for one?

When the Mexican legislators proposed their idea, which was not passed, the archdiocese there called it "absurd" and said it was anathema to the nature of marriage. I decided to put the questions to a different group: the people who study marriage and divorce. I was motivated not just by trend lines but, as a child of divorce, by ghosts.

I asked whether society should consider something like a 20-year marriage contract, my own modest proposal that, as in the one from Mexico, acknowledges the harsh truth that nearly half of marriages in the United States end in divorce and many others are miserable. The rough idea: two people, two decades, enough time to have and raise children if that's your thing; a new status quo, a ceremony with a shelf life, till awhile do us part.

But despite having proposed it, whimsically, as a journalistic expedition, I found myself surprised and even unnerved by the extent to which some experts I spoke with say there is a need to rethink an institution that so often fails.

"We're remarkably not innovative about marriage even though almost all the environmental conditions, writ large, have changed," said [Pepper Schwartz](#), a sociology professor at the University of Washington and author of books on love, sex and marriage. "We haven't scrutinized it. We've been picking at it like a scab, and it's not going to heal that way."

The kinds of things that are changing: we're living longer; we live apart from families and are less inclined to religion, both marriage support systems; technology makes it easier than ever to flirt or cheat and fuels instant gratification ("I will absolutely invest in this marriage after I watch this cat video").

Over all, divorce rates have ticked down over the last 20 years, but just slightly. There is a growing marriage gap that mirrors the income gap, with people who are more educated and marry later in life more likely to stay married than less-educated people who marry earlier. And growing numbers of older people are getting divorced; a [Bowling Green State University study](#) found that the divorce rate for people 50 to 64 has doubled since 1990, and tripled for those 65 and above.

Dr. Schwartz said that gay marriage had become a tipping point to rethink marriage because it simply opened questions most people have been terrified to broach: Is there any other way to do this? Will doing so change the world?

Maybe, she said, for the better. As to my suggestion of a 20-year contract, she countered that people could do contracts of any number of years, adding: "It's back to the past, which used to involve dowry, bride price, economic arrangement. Nobody pretended this was not an economic arrangement." The idea of contracts "isn't new."

But, she said, "it's newly arrived at after a period of extreme romanticism."

[Kenneth P. Altshuler](#), the president of the American Academy of Matrimonial Lawyers, the divorce-attorney trade group, said such contracts were neither so absurd nor impractical as they might sound. He thinks they could address some of the financial costs associated with divorce, which he estimates at hundreds of millions of dollars annually.

One key, he said, would be figuring out a formula for predetermining alimony, given the extent to which money becomes a proxy for bitterness during divorce. That could be solved, he said, through something like tables that show what payments each spouse would make based on his or her eventual income in Year 20.

In fact, he said that such tables already exist in some states for divorce settlements and that they exist in all states for purposes of deciding child support. Those tables, he said, have helped cut back sharply the level of divorce litigation.

But does it make sense to take another step by, say, codifying renewable marriage contracts? After all, should we take cues from the star of "Mission: Impossible"?

As a thought experiment, Mr. Altshuler said, sure, given the lie we're currently telling ourselves. There's still a fantasy of Ozzie and Harriet, he said, "and if that's what we've decided we're striving for, we are failing miserably."

"So perhaps we need to change our expectations so we're not so unhappy," he said.

In his line of work, he tends to see divorces happen around seven years, the itch (statistically, most happen in the first seven years), and also around the 20-year mark, or, more to the point, when children leave home. He said it was a very clear pattern: parents focus on the kids, their work, grow apart, can't find each other again.

MY own folks split after 20 years, when I went to college. I don't think about it much. I've got a great marriage that, I'd bet the farm, ends no sooner than hospice. But my parents' mostly amicable split pops into my head sometimes when child-rearing. With my kids, I celebrate our unit. Big time. My son, though just 4, does, too, to the point that a preschool teacher told us with a laugh, "Milo always talks about 'his family.'" I feel a twinge; he's bought in just as I did.

I'm right to worry, if not for our son and daughter, then in general about how rampant divorce affects children, said [Robert E. Emery](#), psychology professor at the University of Virginia, and author of "[The Truth about Children and Divorce](#)."

"They're devastated," he said. In the long run, children of divorce wind up no worse off than children from married families, but in the shorter run "they're at risk for all kinds of psychological problems."

A marriage contract, he said, wouldn't change that unless it had the effect of creating "a cultural sense that divorce is part of life."

This is the one point of agreement I heard: To the extent reform of marriage can destigmatize divorce, own up to its regularity, it will diminish disappointment, limit the emotional toll. Particularly for the children. (That said, [Susan L. Brown](#), a sociologist at Bowling Green and the co-director of the National Center for Family and Marriage Research, noted that part of the damage done to children of divorce comes not from disappointment but from disruption of the rhythm of life.)

Dr. Emery thinks people are already innovating around marriage through coupling later and cohabitation. The marketplace of ideas (and emotions), he said, is responding to a widespread terror of divorce. But not yet with a clear alternative.

For instance, cohabitation isn't making us happier. Bowling Green found in a 2010 study that of cohabitating couples, 36 percent say both partners are "very satisfied," compared to 57 percent for married couples.

Dr. Emery favors a candid, apolitical reckoning: an acknowledgment that marriage is not a sexfest with a flawless best friend but something that takes enormous investment. And that can pay off. Lifelong coupling, he says, bestows great benefits, including longer lives for men ("They're being nagged by a partner with selfish interest in their long-term health").

"There are good reasons to be romantic about marriage," he said, adding, "The big benefit of marriage is precisely the commitment over the long term."

[Stephanie Coontz](#), the research director at the Council on Contemporary Families, a nonprofit collection of relationship researchers, agrees, saying that when marriages work, they do so better than at any time in history. There is more equality, less domestic violence, more communication.

But marriages are also more vulnerable than at any time. (Given how long we live, “Till death do us part” is a much bigger challenge than it used to be.) She doesn’t think a 20-year contract would make for happier marriages, but she believes there is value in asking people to consider and regularly assess their commitment, not necessarily based on a timetable but around life events: when you have kids, one spouse gets a new job or starts to work more hours, a family member dies, the kids leave home.

All these moments, she said, are when the marriage is most vulnerable.

“My advice would be to suggest a reup every five years, or before every major transition in life,” Dr. Coontz said, “with a new set of vows that reflect what the couple has learned.”

Others say that marriage needs an even more fundamental rethinking.

[Virginia Rutter](#), an associate professor of sociology at Framingham State University in Massachusetts, told me the 20-year marriage proposal is “incredibly conservative.” As in: still too dogmatic. She says it presupposes people want to build their marriages around having children.

Her solution takes yet another step toward eliminating the ideal, religious and platonic.

“Ban all performative weddings, ban all crazy expenditures,” she said. “Ban the marriage pages in The New York Times. Ban those things that turn otherwise sensible people to start buying into that fantasy.”

BETWEEN Dr. Coontz and Dr. Rutter, I began to see the crystallization of alternatives. Dr. Coontz is talking about a new way of packaging the age-old solution of accepting and working through imperfect unions. Romance, hard hats and pickaxes, and compromise.

Dr. Rutter is talking about getting more real still. Eliminating the fantasy of marriage, or curtailing it sharply. On its face, it does sound like the most obvious side effect of acknowledging the reality that marriages often fail. But as I followed the logic, I found myself not wanting to.

I don’t know if it’s because I’ve internalized some inherent value of marriage. Or if it’s simply because I fear that my own marriage would end if I, or, worse yet, my wife gave up the fantasy. There is too much good at stake. I better like my chances of recognizing that having kids, or sending them to college, losing a job or getting a new one, is a transition that we must manage.

I guess Tom Cruise and Katie Holmes walked the razor’s edge of fantasy and reality. Maybe they had a marriage contract, but they also had a wedding, a fantastic, fantasy one. Did it end with all parties joyful, as if they got what they came for?

Only in Hollywood.