

FACULTY OF ARCHITECTURE

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**WOMEN AND MARRIAGE:THE HOUSING
CONSEQUENCES OF OPTING OUT**

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A thesis submitted in partial
fulfilment of the requirements for
the degree of Master of Urban and
Regional Planning

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and Regional Planning

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NOVEMBER, 1993

ABSTRACT

This thesis reviews the housing-related implications of separation and divorce for women. It argues that the housing circumstances must be placed within a broader perspective of the social and economic consequences and ideological environment surrounding divorce. In the same way, operation of the housing system must be placed within a wider context, particularly in relation to the degree of change in its operational environment within the last 20 years.

The thesis finds that the circumstances surrounding leaving a marriage are personally traumatic, and lead to a period of economic, housing and personal crisis. Over time, although the tendency is for establishment of re-equilibrium, considerable disadvantages prevail for women. The quickest method of establishing re-equilibrium for women is to repartner.

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—CHAPTER 1—

PROVIDING A CONTEXT

"Research is historically located both in terms of the questions it asks and the way it asks them." (McRobbie, 1982, p.49)

INTRODUCTION

The study of housing issues as they pertain to women is at an early stage in Australia. This represents a confluence of a lack of gender awareness in urban studies and particularly in the planning literature, and a wider tendency for housing theory, particularly historically, to focus on economic and finance issues rather than social aspects. (Jones, 1985, p.24)

Underlying this thesis is the contention that academics, practicing planners, architects and policy-makers should be aware of the influence of gender—its effect on labour force participation, access to services and power within the urban environment—and to other axes of diversity within society. More widely, policy should be cognizant of the influence of factors such as gender. Although this thesis does not have an explicit policy focus, many of the findings are of relevance to policy formulation in the areas of housing and labour market programs, Family Law and social security reform.

The wider role of housing as a far-reaching arbiter of status and physical access also needs to be recognised. Given the traditional policy and institutional view of housing as obtainable through a male wage and supported by a sexual division of labour, with women's labour maintaining both the dwelling and the household¹, gender issues are tied inextricably to the social relations of housing and issues of access and affordability. If housing is thought of as available

1. the central argument of feminist analysis of housing, as discussed in Chapter 2.

to women through couple relationships, and primarily marriage, what are the implications of leaving a marriage?²

Recent change in the social, economic, and political contexts in which housing is provided and the way in which the housing market operates in Australia has led generally to a questioning of the process and ideologies of housing provision, as well as the functionality and appropriateness of the resulting urban environment³. Increasingly, the need for examination of the housing system within a wider social, demographic and economic context and policy framework has been argued. (NHS, 1991(b),p.20)

Like the housing system, changes in the institution and ideology of marriage have occurred in recent years, as have labour market practices and patterns of participation and the regulatory framework of Family Law. All of these changes will affect the housing situation of women after separation and divorce.

Although the title of this thesis may imply an interest restricted to women's circumstances after the legal termination of marriage, in fact the process of separation and divorce is much more complex and lengthy, and the consequences varied. It seems, particularly related to housing and the economic consequences of divorce, that many of the cliches regarding women are grossly misplaced. Such cliches arise because of the emotive and stressful nature of divorce for the individuals involved, the adversarial nature of the legal process and ambivalence in society towards the role of women who leave the institution of marriage. These emotive issues, and the consequences for individual women vary over time comprise a context for their access to adequate and affordable housing.

2. or being forced out of the marriage in the case of domestic violence.

3. Burke and Haywood claim that since recognition of a rapidly deteriorating housing system a decade ago in the academic arena, housing outcomes have continued to decline at an alarming rate. (1992,p.190) They link what they see as a chaotic policy response to the "selective, disembodied and ahistorical" nature of analysis of elements of the housing system.

These issues will be interwoven with an analysis of the sociology and demography of divorce and the housing implications of divorce for women.

This chapter, in outlining some recent changes which constitute a contextual shift for housing studies in Australia, sets the scene for the following analysis of the situation of divorcing and divorced women and issues affecting their housing status. Consideration of wider social, economic and political change is an important arbiter of outcome as well as harbinger of increasing divorce rates. With this in mind, important changes in context over the last two decades include the following:

DEMOGRAPHIC CHANGE

Most housing commentary in Australia uses the post world War II period as a time frame, although it is arguable whether the situation post-war represents a reliable normative reference period. Funder and Harrison argue, for example, that in terms of a longer term analysis of marriage and divorce the "halcyon days of family and economic prosperity" were atypical. (Funder and Harrison, 1993(c), p.17). Since that time, and particularly since the 1970's, major demographic change has occurred, particularly:

Changing rates of household formation.

From the early 1960's to the early 1980's the rate of household formation was greater than the rate of population increase, fuelled by immigration and young people leaving the parental home at an early age. The increased rate of household formation fuelled housing demand.

In the second half of the 1980's, the age of leaving home increased, with 50% of males and 35% of females aged 20 to 24 still living with their parents (NHS, 1991(a), p.25) The increased age at leaving home has been attributed to increased

unemployment, prolonged educational participation and a shortage of low-cost rental accommodation. (NHS,1991(b),p.7)

Changing marriage patterns.

Between 1971 and 1990, with an increasing age at marriage, the percentage of ever-married females and males in the 20 to 24 (women) and 25 to 29 (men) age groups has declined from 66% and 74% to 24% and 47% respectively. By 1990 the median age at marriage had risen to 26.4 for men and 24.3 for women, an increase of approximately 3 years over that time period. (ABS,1992(a),p.49) The last 20 years have seen an overall decline in marriage rates which, allied with the increased age at marriage, has been explained by better family planning, an increase in de facto relationships and improved employment conditions for women. (ABS, 1992(a),p.49)

Increased divorce rates.

Long term trends in Australia, as in other Western countries, indicate an increasing divorce rate. From rates of 3 divorces per 1000 married women in Australia in the early 1960's the rate rose to 4 per 1000 in 1971, 7 per 1000 in 1975 and 19 per 1000 in 1976 following introduction of the new Family Law Act (1975) with its principle of 'no fault' divorce. The divorce rate fell to 11 per 1000 by 1979 and has remained fairly stable at around that level since. (ABS,1992(a),p.50)

Divorce has been most common amongst those aged 25 to 29, with the median length of marriage during the 1980's at 10 years. (ABS,1992(a),p.50-51) It has been estimated that divorce leads to 1.5 households being formed in the medium term for every divorced household. (Eversley,1983 in Sullivan,1986,p.36)

The generality of rising divorce rates in Western countries has been attributed to changes in the economic basis of marriage in response to "supra-national, macro-economic and social conditions". (Funder and Harrison,1993,p.15) Factors such as

the degree of secularization of society, public policies for the support of families and "the complex interaction among increased opportunities for independence, the economic and social climate, and expectations and values relating to marriage, children, individual rights and responsibilities" influence perceived ease of, and opportunity for divorce. (Funder and Harrison,1993 p.17)

Remarriage.

In 1971, less than 14% of marriages involved remarriage for either partner. By 1981, following changes to the Family Law Act, 32% of marriages constituted remarriage for one or both partners. During the 1980's, while remarriage comprised a stable proportion of all marriages, the rate declined in line with first marriage rates. (ABS,1992(a),p.52)

Repartnering appears to be a particularly crucial factor in improving the economic circumstances of women, particularly those with children, after divorce. A recent study published by the Australian Institute of Family studies, which looks at families with dependent children 5 to 8 years post-separation, concluded that "the difference in magnitude and direction of the immediate affects of marriage breakdown on mothers and children and fathers and its long term continuation unless the mother repartners, is one of the most confronting aspects of this study". (Funder 1993(c),p.237)

Increase in number and proportion of single parents.

An increase in the proportion of single parents from 6% to 9% of all families occurred between 1976 and 1986, with the greatest rate of increase between 1976 and 1981 (the census interval immediately following changes to the Family Law Act). This compares to a 1% increase in two parent families between 1976 and 1986. (ABS,1992(a),p.44) By 1991, 12.8% of families were single parent families. (ABS,1993(a)) Almost two thirds of lone parents are either divorced or separated.(ABS,1992(a),

p.44) In 1991, 87% of lone parent families were headed by women, almost a third of lone parents were aged 25 to 34 and over half aged 35 to 54. The age profile of lone parents has become younger over the last two decades.⁴ (ABS, 1992(a),p.44)

Increase in single person households.

Between 1961 and 1986 single person households increased from 10.3% of all households to 19.55%. Two thirds of people living alone were women, (Cass,1991,p.2) in part a function of general population ageing.

ECONOMIC CHANGE

Economic change accompanying major demographic change has also had a major impact on changing the context in which housing policy and the housing market operate. Major components of economic change include:

Increasing female labour force participation.

The labour force participation of women increased from 40% in 1970 to 44% in the early 1980's and 52% in 1990. Between 1981 and 1989 the proportion of mothers from two parent families in the labour force increased from 45% to almost 60%, with the increase mostly in part-time employment. The participation rate for mothers in one parent families increased from approximately 40% to over 50% during the 1980's. (NHS,1991(a),p.30-31) By 2005, 60% of women are expected to be in paid employment. (ABS, 1992(a),p.171)

This dramatic increase in women's employment constitutes major social as well as economic change, often without commensurate rapidity of change in supporting policy such as child care. The participation of women in the labour force has also led to a

4. With the growth in single parent families, the housing needs of women as the head of single-parent families have more commonly been considered than the housing needs of women in their own right or as single women. The major impetus for consideration of the housing situation and needs of women in their own right were the Women's Housing Conferences organised by the Women's Policy Unit of the NSW Department of Housing in 1985 and 1987.

major real increase in disposable income for households with two members in paid employment. This has significant implications for housing accessibility and affordability, (NHS, 1991(b),p.8) as compared to single income households.

Community and government concern over housing infrastructure costs.

Recent studies have estimated subsidies implicit in prices to developers of lots on the urban fringe to be as high as \$40,000 per lot when costs such as additional headworks for water supply, sewerage and drainage were taken into account. (Urban Policy Associates,1986 in NHS,1991(a),p.16) Attention has been drawn to the fact that during the coming decade substantial investment will be required in new infrastructure on the fringes of urban areas, to allow redevelopment and to replace existing infrastructure.

The financing of infrastructure is perceived as an increasingly difficult problem given restrictions placed on public spending and borrowing at all levels of government. (NHS,1992,p.77) Equity (locational and intergenerational) and efficiency have become principle benchmarks to be applied to any restructuring of infrastructure.

Inefficient provision has been blamed amongst other things for undercharging, which leaves authorities unable to undertake appropriate environmental protection measures and the creation of "excess" demand leading to over-investment, for example in roads. Such issues have focused attention on the links between housing form/density and location, urban form and transport/environmental costs with consequent consideration of inequities for various population sub-groups.

Reduced affordability of housing.

The Commonwealth Bank /Housing Industry Australia housing affordability index (1991, 1992) for home purchase shows a

decline in housing affordability from the mid 1980's, falling to a low in September 1989 as house prices increased rapidly. The index was subject to a slow recovery in 1990 and 1991.

In September 1989 the average household income constituted only 96.7% of that required to qualify for a home loan for a median priced first home. By September 1992, the rate had increased to 150.2%. Interestingly, this index is based on an average household income (\$48,700 in September 1989), which compares to average individual incomes in 1988-89 for full time male and female workers of \$31,130 and \$23,700 respectively. (ABS, 1992(a),p.284) Obviously, this affordability index has been predicated on a contribution of more than one full-time adult income per household for access to, and the continuing affordability of, home ownership.

Given evidence from this index, and a deterioration of affordability in other tenures,⁵ it is not surprising that a study into the affordability of housing for the National Housing Strategy (NHS,1992,p.14) found that the largest groups, numerically and proportionately, in housing stress⁶ were private renters, social security recipients, and single income units. Of single income units renting privately, older women, sole parents, and single women aged 35-64 had the greatest probability of housing stress.

Deregulation of financial markets.

Deregulation of financial markets since 1986 has produced a number of changes in the supply of housing finance, including the amount of funds that can be provided for housing, the price of mortgage loans, products that are offered and new financial arrangements including issue of mortgage-backed securities. (NHS, 1991(a),p.33) Although deregulation provides greater borrowing power than traditional loans, it seems that the

5. for private renters, rents increased faster than income for the period 1982 to 1988. (NHS,1992, p.14)

6. defined as the lowest 40% of the income range and paying more than 30% of income for housing.

resulting focus on price rationing rather than Government-orchestrated supply rationing, in association with interest rate rises and the house price boom of the late 1980's, has resulted in borrowing constraints moving further up the income scale. (NHS,1992,p.19-20) At the same time, given the increased participation of women in the labour force, two income-earner households have been relatively advantaged, although evidence suggests that the benefits of an increase in household disposable income through increased female labour force participation largely bypassed married couples at the bottom end of the income distribution.(Bradbury, 1992,p.328)

It has been argued that the increased numbers of two-income households may have allowed maintenance of the home ownership rate at 65-70% during the 1980's despite declining affordability. Perhaps more importantly, the increased disposable income of two income households may have acted to the detriment of other households by bidding up the price of houses.(NHS,1991(a)p.48-9) Given the strong positive relationship between income and size of dwelling,(Clare,1991, p.9-10) it is also possible that the additional income in some households was converted to higher levels of housing consumption. For example, the size of new houses in Australia increased from 130 square metres in the early 1970's to currently over 180 square metres. (NHS,1991(a),p.38)

Changing tenure relations

Carter noted in 1980 the "change in direction" occurring in public housing policy.(p.6) Many commentators have referred to this change as a transition from 'public' to 'welfare' housing. It has been noted that, in the context of the 1980's, and in the face of the inflexibility and relative demise of the private rental sector⁷, and economic limits to home ownership,

7. Census figures show a decline from 30% of the population housed in private rental in 1954 to 21% in 1966 and 18.8% in 1991. At the same time, the view of private rental as a transitory tenure for young aspirants to home ownership was undermined by an increasing concentration of the long term poor in

determination of the role of public housing represented a watershed decision. (Young,1986,p.7) Public housing appears increasingly to be excluded from the policy agenda and to be considered as a residual tenure for households unable to gain access elsewhere⁸. Despite the demonstrable advantages of a well developed public housing system, in the current context the tendency for public housing to be seen as a tenure solution for women-headed households assumes a marginalisation of the household with the tenure.

The development of 'welfare' public housing relies on supply rather demand-based provision. As the availability of public housing constricts, the social profile of tenants becomes increasingly narrow. In 1983-84, for example, 33% of applicants were single-parent households and 27% pensioners without dependents (including single persons). (Housing Commission of NSW,1984,p.1) Despite supply-based rationing, at June 1986, there were 57,400 applicants on the waiting list. 31,763 applications had been received in the financial year, whilst only 10,827 dwellings had been allocated. The number of priority applications had trebled since 1982. (NSW Department of Housing,1987,p.14-15). By June 1992, the waiting list had expanded to 71,478, with allocation to 13,045 households during the year. (NSW Department of Housing,1992,p.21) A social profile of applicants was not provided, but is likely to have further narrowed.

POLITICAL CHANGE

Recent resurgence of Commonwealth government interest in housing policy, programs and issues in Australia.

Except for the immediate post-war period housing-related policy has been the province of State governments rather than the

private rental housing. Private tenants were twice as likely to be in serious poverty as other housing groups. (Berry,1977,p.54)

8. In fact the first corporate goal of the NSW Department of Housing is "to increase home ownership" while the aim of providing "appropriate public housing to those who are unable to satisfy their need in the private sector" ranks a little further down the list). (NSW Department of Housing, 1992,p.8

Commonwealth. For example, most housing-related funding is allocated by the state rather than the Commonwealth. Of \$1,028 million of CSHA funding in 1990-91, nearly 80% was untied, thus able to be allocated to particular programs by the recipient states. (ABS 1992(b), p.17)

Since the Special Premiers' Conference on Housing in March 1989, which aimed to address the emerging housing 'crisis', the Commonwealth response has included establishment of a National Housing Strategy review (June, 1990). The review is the first comprehensive examination of housing needs and policy since the Commonwealth Housing Report of 1944. (NHS, 1991(b), p.1-2)⁹

Economic rationalism

In association with increasing social conservatism during the 1980's, a political commitment to 'economic rationalism' dominated and has informed the implementation of much public policy, including housing policy. (Burke and Haywood, 1992, p.202)

INSTITUTIONAL CHANGE

Important elements of institutional change have been changes in Family Law ideology and policy post-1975, and deregulation of financial markets.

CONCLUSION

It is recognised that housing, and interaction of the housing system with access to other resources, is a major determinant of well-being. For subgroups of the population, such as women undergoing the major social and economic upheaval of divorce, access to the housing system may be particularly problematic. At the juncture of divorce, housing problems and solutions interact with economic welfare, labour force participation and practices and institutional views of the role and contribution

9. which is discussed in Allport, 1984.

of partners to a marriage (as translated into family and general law). The study of divorce in general terms is also "instructive about the general economic circumstances of families and the fragility of their economies".(Funder, 1993(c),p.245) This constitutes a case in point for examination of the housing system within a wider context.

Within this context, issues canvassed in the remainder of the thesis are as follows:

Chapter 2 considers the theoretical background, deriving mainly from the feminist literature, for studies of women and access to urban resources, including housing.

Chapter 3 looks at attitudes towards divorce and the demography of divorce. Chapter 3 also discusses other issues relevant to women undergoing separation and divorce, notably the philosophy and practice of family law, discrimination in lending which affects access to home ownership and the influence of discrimination in the operation of other tenures.

Chapter 4 examines the housing situation of women during the process of separation and divorce and housing outcomes for women who don't repartner. It seems that many of the popular conceptions about women, children and access to housing are ill-founded, based on evidence in this chapter. The situation is also more variable and complex than is generally assumed in the literature.

Chapter 5 examines the crucial link between income and access to appropriate housing. The relationship between housing, and more generally urban planning, and the labour market is particularly important. It is, however, an area which is little understood in Australia. (Burke, Hancock, and Newton,p.54). Examination of the economic situation of women after separation and divorce shows the significant economic disadvantages attached to labour specialisation in the domestic sphere. While specialisation may have economic some perceived economic

benefit in an intact marriage, when the marriage ends women bear the cost of such specialisation.

Chapter 6, in conclusion, discusses critical points for access to housing and a reasonable standard of living for divorcing women and the effect of compounding assumptions underlying housing, legal, economic and social systems and practices.