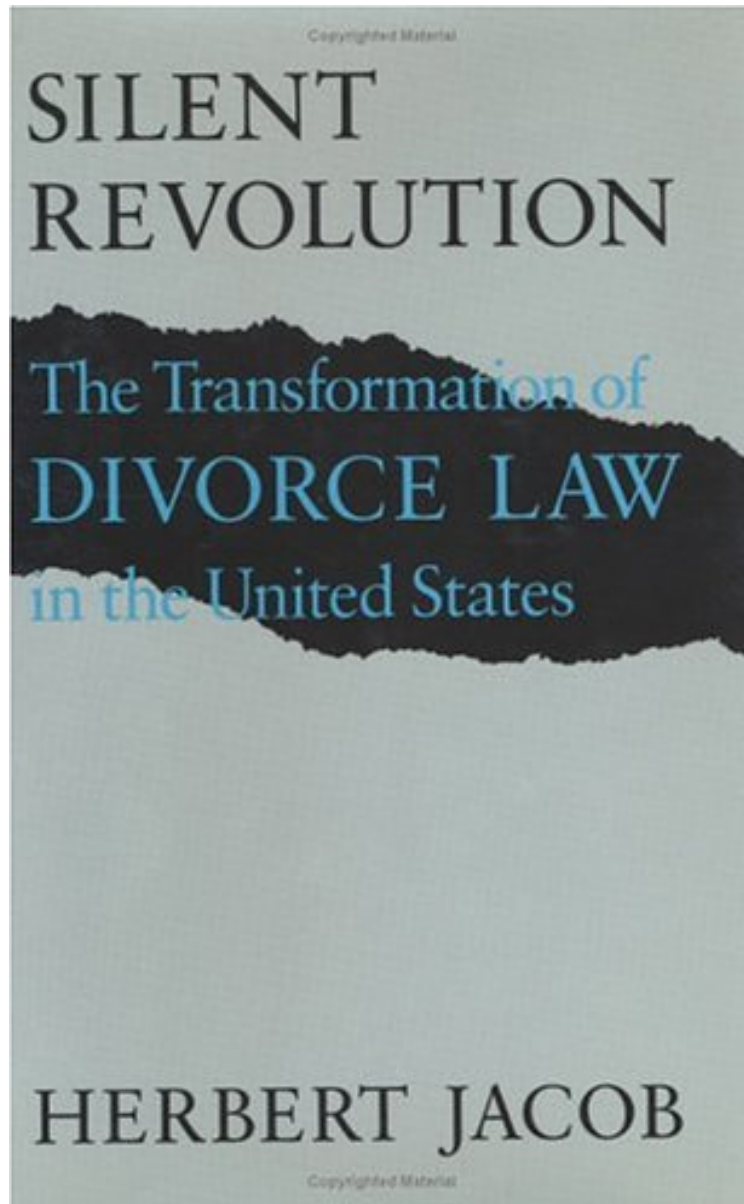


[Library ebook] Silent Revolution: The Transformation of Divorce Law in the United States

Silent Revolution: The Transformation of Divorce Law in the United States

Herbert Jacob

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Herbert Jacob : Silent Revolution: The Transformation of Divorce Law in the United States before purchasing it in order to gage whether or not it would be worth my time, and all praised Silent Revolution: The Transformation of Divorce Law in the United States:

4 of 4 people found the following review helpful. *The Story of the Destruction of Marriage* By A Customer Herbert Jacob has presented a brilliant, scholarly analysis about how "no-fault" divorce laws became the law of the land - silently and insidiously. His extremely thorough research taps interviews with key players around the table during divorce law "reform" efforts in the late-60's. Jacob's sources include legislators, law professors, and practicing divorce-attorneys. He also describes the work of the Uniform Law Commission, a secretive, quasi-governmental, law-writing body that, through its legitimizing role, precipitated enactment in all the states of laws similar to California's 1969 breakthrough "no-fault" divorce law. This is a must-read for those who agonize over the country's high divorce rate and want to inform themselves about its origin. Policymakers can benefit, too, by reading about the consequences of rubber-stamping the work of professional groups - like the ULC - without demanding outcome-measurements to check on the future effects of such law-changes. The title of this book is matter-of-fact but it could have been subtitled "The Insidious Overthrow of Secure Marriage in the United States While No One Noticed". This book gives, by far, the best explanation for this country's soaring post-1970 divorce rate. jparejko@juno.com

Conflict and controversy usually accompany major social changes in America. Such issues as civil rights, abortion, and the proposed Equal Rights Amendment provoke strong and divisive reactions, attract extensive media coverage, and generate heated legislative debate. Some theorists even claim that only mobilization and publicity can stimulate significant legislative change. How is it possible, then, that a wholesale revamping of American divorce law occurred with scarcely a whisper of controversy and without any national debate? This is the central question posed and authoritatively answered in Herbert Jacob's *Silent Revolution*. Since 1966, divorce laws in the United States have undergone a radical transformation. No-fault divorce is now universally available. Alimony functions simply as a brief transitional payment to help a dependent spouse become independent. Most states divide assets at divorce according to a community property scheme, and, whenever possible, many courts prefer to award custody of children to the mother and the father jointly. These changes in policy represent a profound departure from traditional American values, and yet the legislation by which they were enacted was treated as a technical correction of minor problems. No-fault divorce, for example, was a response to the increasing number of fraudulent divorce petitions. Since couples were often forced to manufacture the evidence of guilt that many states required, and since judges frequently looked the other way, legal reformers sought no more than to bring divorce statutes into line with current practice. On the basis of such observations, Jacob formulates a new theory of routine as opposed to conflictual policy-making processes. Many potentially controversial policies and divorce law reforms among them pass unnoticed in America because legislators treat them as matters of routine. Jacob's is indeed the most plausible account of the enormous number and steady flow of policy decisions made by state legislatures. It also explains why no attention was paid to the effect divorce reform would have on divorced women and their children, a subject that has become increasingly controversial and that, consequently, is not likely to be handled by the routine policy-making process in the future.

About the Author Herbert Jacob is professor of political science at Northwestern University. He is the author or editor of over a dozen monographs and textbooks, including *Felony Justice* (with James Eisenstein) and *The Frustration of Policy: Responses to Crime by American Cities*.