
DIVORCE IN POST-COMMUNIST ROMANIA: CAUSES AND EFFECTS

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Abstract: *THE TOPIC OF THIS PAPER ADDRESSES AN INTERESTING AND AT THE SAME TIME DELICATE TOPIC: POST-COMMUNIST DIVORCE, AFTER 1989. DURING THIS ARTICLE WE WILL UNDERSTAND THE NOTION OF FAMILY, ITS DISSOLUTION AND HOW THE COMMUNIST REGIME EVOLVED AFTER THE YEAR. WE WILL ALSO DISCUSS HOW CEAUSESCU AND THE TOTALITARIAN REGIME APPROACHED THE ISSUE OF DIVORCE. THIS TOPIC BECAUSE IT IS INTERESTING IN TERMS OF HOW, IN A FEW DECADES, OPINIONS ABOUT THE GENERAL PATTERNS OF MARRIAGE HAVE CHANGED. IF IN THE PAST PARTNERS WERE MUCH MORE RESPONSIBLE AND MORE INVOLVED IN MARRIAGE, TODAY FREEDOMS HAVE EFFECTS ON FAMILY UNITY. ANOTHER INTERESTING ASPECT THAT CHANGED AFTER 1989 IN ROMANIA WAS THE RADICAL CHANGE OF POSITION OF WOMEN WITHIN THE COUPLE. IF THE TYPICAL IMAGE REPRESENTS HER AS A HOUSEWIFE, WITH RESPONSIBILITIES SUCH AS HOUSEKEEPING AND CHILDCARE, NOW SHE CAN EMBODY THE IMAGE OF A PROFESSIONALLY SUCCESSFUL WOMAN, CONTRIBUTING CONSIDERABLY TO THE MATERIAL WELL-BEING OF THE FAMILY, BUT AT THE SAME TIME MISSING MORE FROM THE BREAST. THEY. WE THEREFORE AIM TO IDENTIFY HOW ALL THESE CHANGES, AT THE LEVEL OF THE COUPLE, CONTRIBUTE TO ITS DISINTEGRATION OR CONSOLIDATION. THUS, WE WILL FIND OUT IF THESE RESTRUCTURINGS MADE WITHIN THE FAMILY ARE BENEFICIAL OR NOT, AND IF IT TURNS OUT THAT THEY CONTRIBUTE TO THE INSTABILITY OF THE COUPLE OR, MOREOVER, TO THEIR BREAKUP, HOW AFFECTED ARE THE PARTNERS WHO FACE THESE PROBLEMS.*

Keywords: *FAMILY. DIVORCE. COMMUNISM. MARRIAGE. FREEDOM*

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INTRODUCTION

In a world characterized by multiculturalism, it is surprising to find, even if in different forms, the notion of marriage, but also the idea of its disintegration. Some people marry out of love, others for purely economic reasons, others because tradition says so. But most of us are aware that sooner or later this moment must come. There are also cases in which a person never gets married, either of his own free will or because he has not found the right person to take this step.

But marriages do not always last until the death of one of the partners. In Romania, in case of identification of certain incompatibilities between the members of the couple, the marriage can be annulled by the divorce decision. This paper aims to analyze the main factors leading to the dissolution of the couple in post-December Romania, but also on the effects that the failure of a marriage has on partners and their children, if they exist and how they approach the authorities in Romania the issue of divorce.

No matter how much we would try to define the family in a correct and complete way, we would not be able to do so because we would certainly be constrained by our own values, opinions, which are often limited to our own experiences. . Therefore, we can say that the family, beyond any appearance, is more than a simple relationship between the two partners, or between the partners and their children (Mitrofan and Ciupercă, 1998, p. 50).

For about two decades, the Ceausescu regime applied a pronatalist and pro-family policy, which was a limited view of the population's issues for political leaders. They had a traditionalist view of the family and its role and sought solutions in the Stalinist model. The adoption of restrictive legislation on abortion appears after 1966, being a type of intervention to support the family, marriage, an intrusion into the private life of the individual, as well as a way for the state to control the population.

After the fall of the communist regimes in 1989, a faster pace of demographic change was observed, similar to all the former communist bloc countries, changes that induced the idea that people felt the need to align with the new family patterns and not only the delay related to the economic sector or the socio-political organization. Each country has certain patterns regarding family behavior and related changes and each of them deserves attention, but in this article we focus on Romania.

In conclusion, the purpose of this study is to provide an overview of the situation of divorce in Romania before and after the communist regime.

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❖ Defining the notion of family

Mihailescu is of the opinion that the definition of the family can be approached taking into consideration two perspectives: a sociological one and a legal one. Thus, the aforementioned author defines the family from a sociological point of view, as representing "*a social group formed on the basis of marriage, cosanguinity and kinship, the members of the group sharing common feelings, aspirations and values.*" According to the aforementioned author, the previous definition highlights the quality of primary group of the approached concept, within which the informal, direct relations predominate. On the other hand, from a legal point of view, "*the family is a group of persons between whom a set of rights and obligations have been established, regulated by legal norms*" (Mihăilescu, 2000, p. 198).

Voinea, like Mihailescu, approaches the family from the same two perspectives. The mentioned author considers that from a sociological point of view, the family "*designates the group of people united by marriage, filiation or kinship, which is characterized by community of life, feelings, interests and aspirations*" (Voinea, 1993, p. 5). The importance of this definition is given by the fact that in it we are presented both the ways in which a family can be born, in a more complete way than Levi-Strauss did, and what characterizes a family. In a legal sense, however, the family was defined as "*a*



group of persons between whom there are rights and obligations, which have their origin in legal acts such as marriage, adoption, kinship, or in relations assimilated to family relations" (Filipescu, apud Voinea, 1993, p. 6).

Levi-Strauss was of the opinion that the family is a group that has its origins in marriage, being made up of husband and wife and children born from their union (group to which other relatives can be added), to which they unite rights and moral, legal, economic, religious and social obligations (including sexual rights or prohibitions) (Levi-Strauss, apud Mitrofan and Mitrofan, 1991, p. 144). This definition highlights, unlike the one proposed by M. Voinea, only one of the ways in which a family (marriage) is officially born, the members of which it is composed, and presents us the types of rights and obligations that family members have.

Brugess and Locke identified the following definition for the family: "*the unit of personal interactions and intercommunications, encompassing the social roles of husband and wife, mother and father, son and daughter, brother and sister*" (Brugess and Locke, apud Mitrofan and Mitrofan, 1991, pp. 145). The importance of this definition for the concept considered in this subchapter is to highlight the fact that each member of a family fulfills a certain role, which differs depending on the position within it, these roles intersect with each other and, inevitably, influence each other.

It can therefore be noticed that the different definitions presented, approached different concepts, but all were used in order to achieve the objective, namely to define, in a way that is as complete as possible, the concept of family.

❖ Understanding the notion of divorce

Before talking about the actual topic of this article, I consider that a presentation of the concept of divorce should be made first.

Therefore, some definitions formulated over time regarding this psycho-social phenomenon will be exposed in the following. Thus, Vlăsceanu and Zamfir concluded that divorce is a "*socially and legally prescribed way of dissolving marriage*" (Zamfir and Vlăsceanu, 1993, pp. 181-182). On the other hand, the definition set out in one of his works by Voinea is more comprehensive, recalling in it that divorce causes certain changes in the lives of both partners and descendants. According to the aforementioned author, divorce is a "*complex psycho-social phenomenon that represents the final form of the dissolution of conjugal life, changing the lives of partners and their descendants*" (Voinea, 1996, p. 65). As it appears from these definitions, divorce represents only the final form of the couples' dissolution, the concretization of a relationship that encountered irremediable and irreconcilable problems. The same obstacles encountered over time by different couples can have different impacts on their members, depending on their degree of acceptability and endurance whether or not they can continue the relationship in which they are involved.

Vlăsceanu and Zamfir, like the author Voinea, identify a number of four stages for this traumatic process, namely:

Conflict and erosion are the first indicators of the dissolution of a marriage, signaling dissatisfaction with living together as a couple. The reasons that cause dissatisfaction are approximately the same for both partners, such as: verbal aggression, value conflicts, infidelity. Even in the situation in which they find their solution, the repeated conflict states put their mark on each partner, increasing the tension within the couple. In the first phase, the husband or wife face their own dissatisfaction, but over time they feel the need to confess to someone, the people being carefully chosen (relatives or very close friends).

Preliminary separation, a stage of family separation that shows that not every separation of two married partners can have the effect of divorce. There are also situations in which the spouses,

following the separation for a certain period, realize that the situation they were in was not particularly serious, so that the partners' defects were amplified by both of them.

Legal dissolution is the stage in which the divorce application filed by one of the spouses, usually by women, is accepted by a court;

Housing in the post-divorce period is a stage in which those who have divorced have to deal with psychological traumas, to get used to the changes generated by divorce (change of domicile that can cause the change of job, accommodation with a lower standard of living, unilateral care of entrusted children, preparation for involvement in a new relationship) (Zamfir and Vlăsceanu, 1993, p. 236).

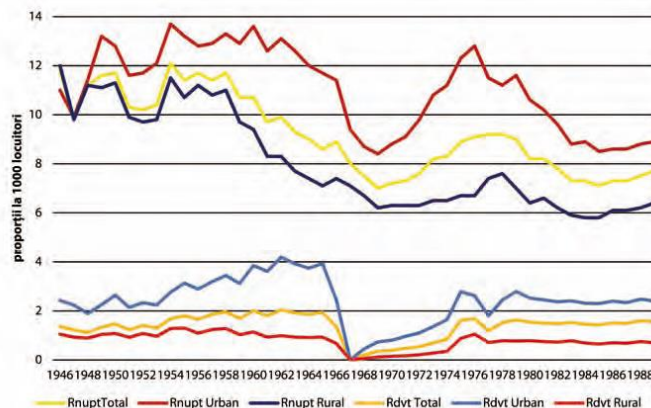
Based on the opinions expressed above, we can conclude that, naturally, divorce is a long process, which goes through certain stages, and which often has a sad ending. If until the concrete constitution of the divorce the transition through all the stages presented above has been made, this is probably the best solution for the two partners, but not necessarily for their children. However, if the pre-divorce stages were not completed, the decision could be considered hasty, unmotivated. This represents a much more painful failure, as it is based on a lack of sincere communication between the two partners and the exploitation of unnecessary ambitions. This is probably the best solution for the two partners, but not necessarily for their children. However, if the pre-divorce stages were not completed, the decision could be considered hasty, unmotivated. This is a much more painful failure, as it is based on a lack of sincere communication between the two partners and the exploitation of unnecessary ambitions.

❖ Divorce before 1989

During the communist regime, marriages were strongly marked by traditions, customs, religion and social norms, divorce being relatively rare. Marriage and divorce rates were on the downward trajectory until 1967, when the divorce rate was almost zero, due to the legislation of the time, which hardened the divorce regime (Mihăescu, 2001).

But the effects of other measures aimed at keeping couples together and having children were also felt. The discrepancy between rural and urban areas is visible, the village world being more conservative and traditional than the city (figure 1). However, marriage rates are higher in urban areas, because the rural population is demographically older than the urban population and therefore less willing to change their lives. As a result, divorce rates are higher in urban areas, both through the volume effect and the behavioral effect that breaks social taboos.

Figure No. 1. Evolutions of marriage and divorce rates by area of residence - Romania 1946 -1989



Source: Demographic Yearbook of Romania - 2015, INS, Bucharest, 2015.



The level of marriage after 1989 really shows the beginning of the decline in the popularity of marriage, even if in the case of Romania, it is not so obvious immediately after the fall of the communist regime and began a little later than in neighboring countries. Along with a declining popularity of marriage, we might expect a growing spread of other forms of marriage. Information about couples living in cohabitation was first published in Romania in the 2002 census, where we find that the proportion of women living in cohabitation between the ages of 20-29 was then 8.5%. The peculiarity of divorce in Romania is that its level has not changed significantly so far (except for the period 1967-1974, when divorce law did not allow divorce), while in other countries, especially in the Netherlands and Hungary, the total divorce rate had an upward trend (Preda, 2002).

In conclusion, we observe from the presented data that in communist Romania divorce was practically forbidden, being a strong policy of controlling the population by prohibiting it and related to abortions.

❖ Divorce after 1989

In 1990, males married at the age of 25, on average, while women married at the age of 22. The average age of first marriage has had an upward trend since then, reaching 31.9 years for men and 28.7 years for women today.

The data below will present an analysis of how Romanian society changed after the 1989 Revolution, focusing on the trends of marriage and divorce in the country.

Romanians marry at an older age, but the number of marriages has decreased in the last 30 years. Over 192,600 marriages were registered in Romania in 1990, and by 2018 their number decreased by almost 50,000, to 143,292. The negative record was recorded in 2011, when the National Institute of Statistics (INS) reported a total of 105,599 marriages. We can say that there was a connection between the low number of marriages registered in 2010, 2011 and 2012 and the economic crisis, which translated into financial problems and economic insecurity for Romanians (Frames Analysis, 2020).

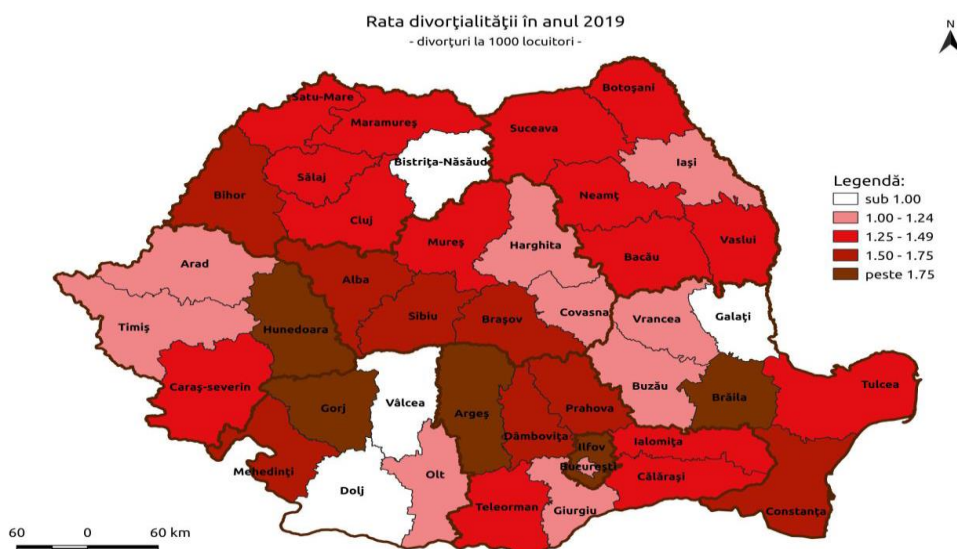
Thus, the marriage rate increased to 6.5 per 1,000 inhabitants in 2018, the highest level in the last 10 years. In 1990, for comparison, there were 8.3 marriages per 1,000 inhabitants.

In 2018, the average age of divorce was 43 years for men and 39.3 years for women. Most divorces were registered in urban areas, Bucharest being at the top of the list (2,888 divorces, or 9.4% of the total). Vâlcea County is at the other end of the ranking - only 215 divorces in 2018.

In 2019, the number of divorces was 30,197, increasing by 660 divorces compared to 2018. The divorce rate decreased from 1.39 divorces per 1000 inhabitants in 2018, to 1.36 divorces per 1000 inhabitants in 2019.

In June 2020, there was just over a third of the number of marriages recorded in the same month in 2019. Thus, in June 2020, 5,389 marriages were registered at the civil status offices, 2,901 more than in May 2020. The number of divorces pronounced by final court decisions and according to Law no. 202/2010 was 2,355 in June 2020, 1,218 more than in May 2020.

Figure no. 2. Divorce rate



Source: National Institute of Statistics, 2020, www.insse.ro

In conclusion, 30 years ago, marriage was an important step for young people, being considered the "maturity exam" by most of them. Marriage and the desire to be married is a social event in which feelings of love were closely linked to habits, the idea of a house, security, a traditional family, especially in traditional, rural areas. In 2020, the Romanian society becomes more and more demanding, with the emancipation of women and more and more sophisticated and skeptical of the idea of marriage, especially in urban areas. Factors such as the level of education, media, the emergence of social media, social emancipation, aspirations related to work, career, leisure options, and the emergence of the Internet led to a change in the concept of "dating", sentimental relationship. The Internet, as well as dating services have significantly influenced the Romanians' desire to have long-term relationships, a phenomenon that is actually found in all Western countries.

CONCLUSION

Divorce has been a point of interest for many Romanian researchers, as evidenced by the data existing even in 1930 on the gross divorce rate (which represents the number of divorces reported per 1000 inhabitants) (Ghebrea, 1995, p. 27).

According to the analysis made by Mihailescu, this increase in the gross divorce rate was considered by the communist authorities as being alarming, which is why certain measures were taken to combat this phenomenon. The result was the predicted one, materializing both by the decrease of divorce in the next period close to zero (in 1967), and by keeping it constant (below 1 %) until 1974 (Mihailescu, 1999, p. 106).

The period 1974-1989 was characterized in the urban environment by an increase of the gross divorce rate, compared to the previous one, up to the average value of 2.40 %, a figure around which the phenomenon was considered stabilized. If we were to compare the gross divorce rate in urban areas with that in rural areas, the "advantage" is undoubtedly on the urban side. The only period in which the divorce in the rural area exceeded the threshold of 1 % was that between 1946-1957 (1.07 %). The



regulations of the authorities regarding the dissolution of couples also had an effect in rural areas, the lowest divorce registered in rural areas was, as in the case of urban areas, between 1967-1974 (of only 0.16 ‰) (Ghebrea, 1995, p 28).

Following the analysis of the structure of the dissolution of the couples according to the duration of the marriage (in the period 1989-2004), we notice that most divorces take place after 5-9 years from the conclusion of the marriage. Simion also notes that the frequency of divorces after a period of 20 years of marriage or even more increased between 1989 and 2004 by about 5 percentage points (Simion, 2006, p. 28).

If we analyze the average duration of marriage dissolved by divorce according to the correlated level of education of the spouses, we will notice that the longest-lived couples who eventually divorce are those whose members have attended either higher education or primary education. On the other hand, a shorter duration of marriage is found in the case of couples who have attended high school.

As it was pointed out, the gross divorce rate did not want a linear evolution, but an uneven one, being influenced in some moments substantially by the communist authorities. After the Revolution of 1989, however, the respective decree on divorce was repealed, the percentages recorded as a result of various researches and aimed at the dynamics of divorce were not influenced in any way by certain constraining factors.



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