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DISSOLUTION OF MARRIAGE:
PUBLIC POLICY
AND
“THE FAMILY-APART”

A thesis submitted in partial fulfilment
of the requirements for the degree of
Master of Arts

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ABSTRACT

Policy making is a process which involves negotiation and reconciliation of the economic interests and well-being of citizens. Similarly dissolution of marriage is a process of negotiation and conciliation. At the level of the family, economic resources and the social and emotional needs of adults and children are negotiated. This thesis applies Considine's value-critical model of the policy process to the laws which have governed dissolution of marriage for families in Aotearoa New Zealand since 1840.

The study has a dual purpose. One purpose is to illuminate the values which underpin dissolution policies and the second purpose is to explore the impact that contemporary policies have on family members. This qualitative study examines the policies in the context of the experiences of seven mid-life Pakeha women from long term marriages with dependent children. Legal professionals, judges and political actors share their respective professional experiences of implementing and making dissolution policy.

Literature is analysed within a policy framework that includes policy actors, the policy culture, the political economy and policy institutions. Policy documents, statutes, court cases, parliamentary debates and research studies are examined and integrated with themes that have emerged, in chronological order.

In this study the participants experiences and professional observations identify two important policy principles, gender equality and economic independence following dissolution. Those two principles are reconciled by policy makers at the level of the law and family members at the level of daily life. Some women from long term traditional marriages find that economic outcomes are not equal on dissolution when they have foregone employment to provide primary care giving for the children of the marriage. During the study it emerged that some men find custody and care arrangements difficult when they have foregone parenting for paid employment during marriage. The equal sharing of these advantages and disadvantages of marriage are at the heart of disagreement during the transition from a nuclear family to a family-apart.

Drawing from the literature and the findings seven key areas for the consideration of families and policy makers emerge. They include the interests of the children, equality, economic independence, property, maintenance, conflict, and the legal process.

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