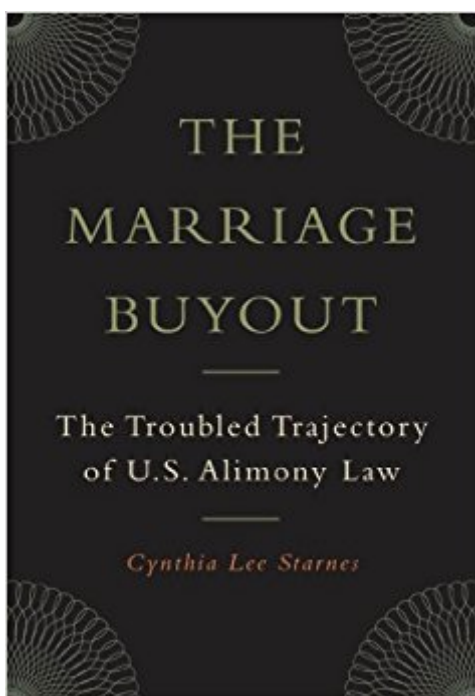


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The Marriage Buyout: The Troubled Trajectory Of U.S. Alimony Law (Families, Law, And Society)



Synopsis

From divorce court to popular culture, alimony is a dirty word. Unpopular and rarely ordered, the awards are frequently inconsistent and unpredictable. The institution itself is often viewed as an historical relic that harkens back to a gendered past in which women lacked the economic independence to free themselves from economic support by their spouses. In short, critics of alimony claim it has no place in contemporary visions of marriage as a partnership of equals. But as Cynthia Lee Starnes argues in *The Marriage Buyout*, alimony is often the only practical tool for ensuring that divorce does not treat today's primary caregivers as if they were suckers. Her solution is to radically reconceptualize alimony as a marriage buyout. Starnes's buyouts draw on a partnership model of marriage that reinforces communal norms of marriage, providing a gender-neutral alternative to alimony that assumes equality in spousal contribution, responsibility, and right. Her quantification formulae support new default rules that make buyouts more certain and predictable than their current alimony counterparts. Looking beyond alimony, Starnes outlines a new vision of marriages with children, describing a co-parenting partnership between committed couples, and the conceptual basis for income sharing between divorced parents of minor children. Ultimately, under a partnership model, the focus of alimony is on gain rather than loss and equality rather than power: a spouse with disparately low earnings isn't a sucker or a victim dependent on a fixed alimony payment, but rather an equal stakeholder in marriage who is entitled at divorce to share any gains the marriage produced.

Book Information

Series: Families, Law, and Society

Hardcover: 235 pages

Publisher: NYU Press (May 16, 2014)

Language: English

ISBN-10: 0814708242

ISBN-13: 978-0814708248

Product Dimensions: 6 x 0.7 x 9 inches

Shipping Weight: 1.1 pounds (View shipping rates and policies)

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Customer Reviews

"The Marriage Buyout is a comprehensive and thorough review of alimony's history, rationale, promises, and pitfalls. To solve the dilemmas of contemporary alimony law, the book advocates a pathbreaking solution that makes 'I do' really matter. Cynthia Lee Starnes is already widely recognized for her profound insights into alimony, and this book provides an even stronger basis for that reputation. Although the book is centered on alimony, Starnes applies her analytical lens to other issues that arise at the end of marriage, providing new insights into our entire system of divorce."-Naomi Cahn, Harold H. Greene Professor of Law, George Washington University Law School

"The Marriage Buyout is an unusual book: it is both entertaining and profound. Professor Starnes has produced a readable and incisive critique of alimony law within the United States and elsewhere as well as a creative framework for reform. Law students and practicing lawyers will surely benefit from her careful exposition of competing approaches to alimony. Her proposed use of a partnership buyout model would take us a long way toward a coherent and fair theory of alimony. The book should be read, and read again, by any groups involved in family law reform."-Barbara A. Atwood, Mary Anne Richey Professor of Law Emerita, University of Arizona

Starnes provides a historic overview of alimony, detailing its evolution, justification, and criticism overtime. The first part of the book reviews the history of alimony, grounded in old legal theories that the interests of women merged with their husbands and therefore the latter had a perpetual duty to support them. This section also discusses the decline of alimony with changes in marriage law in the 1970s and the many myths that surround spousal support. Parts 2 and 3 discuss how current alimony law operates and the crisis in theories justifying it. The last part of the book offers a new theory of alimony as a buyout for stay-at-home moms who have been partners in a marriage and who have forgone income in return for raising children. This delightfully written and informative book on an overlooked subject is suited for collections on family law, feminism, and gender politics.

Summing Up: Highly Recommended.

Choice

"Professor Starnes rigorously analyzes our outmoded, gender-imbalanced approach to the financial effects of marital, cohabitant and co-parental relationship dissolution. Her devastating analysis makes it clear that policymakers concerned about the well-being of all family members after divorce or separation should take heed of her courageous, well-grounded and clear-sighted proposals to reconceptualize economic justice in the family."-Theresa Glennon, Temple University Beasley School of Law

Cynthia Lee Starnes is The John F. Schaefer Chair in Matrimonial Law at Michigan State University College of Law.

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