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# Performing the Bad Marriage? The Transition from a Troubled to a Troubling Family in the Course of Fault Divorce in the 21st Century

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**Abstract:** Austrian family law stands out in Europe because, in Austria, fault-based divorce is still legally valid. In these divorces, the suing partner attempts to prove in court that the other partner is at fault for the breakdown of the marriage. Thus, proving in court that a relationship is deficient in order to obtain a divorce is a common family transition practice in Austria. In this contribution, I seek to identify the practices that are associated with fault divorce proceedings and look at how these practices are related to normative and legal ideas of marriage. Based on a qualitative multiple case study, I analysed 17 fault divorce lawsuits filed by heterosexual couples in the 2014–2016 period. To do so, I used situational analysis, trans-sequential analysis, and an analytical framework that was developed within the research project. The spouses' involvement in the proceedings relied on two main approaches: *First*, the divorce was justified by an event that was disruptive enough to 'keep things short'. These narratives were related to the divorce grounds explicitly mentioned in family law. *Second*, the divorce was justified through narratives of a 'normal' marriage that became a 'bad' marriage over time. These narratives relied upon characterisations of the other spouse as deficient. These deficiencies were related to normative expectations associated with particular life stages and gendered life course trajectories and mirrored the nuclear family ideal.

**Keywords:** union dissolution; divorce; transitions; life course; family practices; qualitative case studies; family law



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## 1. Introduction

In recent decades, the relationship patterns and perceptions of divorce in Western societies have changed (Raley and Sweeney 2020; Perelli-Harris and Lyons-Amos 2015; Amato 2010), and these changes are also reflected in family law (Kreyenfeld and Trappe 2020). Whereas just a few decades ago, a divorce was seen as a disruptive event that was the fault of individual partners, and thus the last phase in the evolution of a family, there has been a shift in the social and scientific perspectives on divorce, starting in the early 2000s (Smart 2004; Kitson 2006). Since this shift, divorce has generally been seen as one transition in the course of multiple transitions in a family's evolution that reorganises family relations and can lead to the divorced spouses forming new partnerships and remarrying (Amato 2010). Even though there appeared to be a slight backlash against liberal attitudes towards divorce in most European countries after the early 2000s, these overall changes in recent decades have been reflected in family law. Thus, in most European countries today, fault-based divorce has been abolished (Kreyenfeld and Trappe 2020).

Together with a few other countries, Austria stands out in Europe with regard to family law because, in Austria, fault divorce is still legally valid (for an overview, see Antokolskaia 2016; Zartler 2013). This means that a partner whose spouse does not agree with the decision to divorce either has to wait until the couple has been separated for six years to obtain a legal divorce or has to file for a fault divorce. In the latter case, the initiating partner has to prove to the court that the other spouse has failed to fulfil his or her marital obligations. The law states that a fault divorce can be granted 'if the other

[partner] has culpably disrupted the marriage through serious misconduct or through dishonourable or immoral behaviour to such an extent that the restoration of a normal marital union cannot be expected' (Ehegesetz 1999).

Thus, in these divorce proceedings, the fault of one of the spouses for the disruption of a marriage must be proven in court by providing details about the marriage and, particularly, about the matrimonial offenses of the spouse. From the perspective of divorce as a transition within the life course (Zartler et al. 2015; Shapiro and Cooney 2007; Elder 1985), divorce includes multiple tasks related to numerous transitions on different levels, namely the emotional divorce, the legal divorce, the economic divorce, the community divorce, the coparental divorce and the psychic divorce (Bohannon 1970, quoted in Ponzetti 2013). Filing for a fault divorce in court can be seen as a family practice (Morgan 2011) that has to be performed to obtain the legal divorce in the first instance, but which is obviously embedded into the other divorce transitions mentioned above. As I will demonstrate below, displaying family (Finch 2007) through performing the practice of divorce can be described as a 'performance of the bad marriage', which is entangled in multifaceted social contexts, such as divorce law, normative ideas about the family (Parisot et al. 2021), and expectations regarding the specific life stages in which the divorce takes place (Shapiro and Cooney 2007). Against this background, I examine the narratives that are generated about marriage and the partner's behaviour to obtain a legal fault divorce in the 21st century and look at how these narratives are related to normative and legal ideas about marriage in particular life stages.

### 1.1. Fault Divorces in the 21st Century

Even though most European and North American states have abolished fault-based divorces, there has been a long and still ongoing discussion about the appropriateness of fault divorces (Bendall 2020; Black 2019; Morgan 2019b; Antokolskaia 2016; Marschall 2012; Adams and Coltrane 2007; Ellman and Lohr 1997; Parkman 1992). Critics of the fault divorce argue that long proceedings aimed at determining who is at fault for the disruption of a marriage unnecessarily prolong the suffering of family members in the course of a divorce (Ellman and Lohr 1997), and that providing intimate details about the partner or the marriage to the court violates the spouses' privacy (Black 2019). By contrast, proponents of fault divorce argue that the existing no-fault divorce laws have, albeit unintentionally, led to financial disadvantages for divorced women and children in post-divorce families (Parkman 1992).

If fault-based divorce were abolished in Austria, it is likely that divorced women and their children in Austria would experience similar disadvantages, because the current fault-based divorce legislation significantly strengthens and protects their position in terms of maintenance and social insurance (Marschall 2012). Although the Austrian divorce law includes a number of exceptions with regard to maintenance decisions, Austrian courts are obliged to consider both the fault aspect of divorce as well as (previous) care obligations of the spouses in their decisions. The fault of a spouse within fault-based divorces in Austria refers mainly to the concept of 'matrimonial offenses': 'A spouse is considered guilty of serious marital misconduct particularly if he or she broke the marriage vows or inflicted physical violence or severe mental suffering on the other' (Ehegesetz 1999). Other matrimonial offenses refer to the spouses' marital obligations, which are, more or less, vaguely formulated in Austrian Civil Law as, for example, to live together, to form a comprehensive matrimonial partnership, to be faithful, to engage in respectful treatment, and to provide support (Austrian Civil Code 2018). Among all fault-based divorces in Austria in 2020, men were convicted of being at fault in 48 percent of cases and women were convicted of being at fault in 9 percent of cases (in 30 percent of the cases, both spouses were convicted of being at fault, and in 13 percent of the cases, neither spouse was found to be at fault) (Statistics Austria 2021a). Because men have been more likely than women to be convicted of being at fault for the aforementioned severe matrimonial offenses (such as adultery, violence, or leaving the household), and maintenance payments and social

insurance claims are connected to (non-)fault, the availability of fault divorce seems to improve the post-divorce socio-economic situations of women who have been the main providers of childcare during and after the marriage (Marschall 2012).

Bendall (2020) has further argued that fault divorce 'offers people an opportunity to have their hurt recognized in an official setting; to engage in conflict in a contained way; and, crucially, to work through the narrative of where their relationships went wrong' (Bendall 2020, p. 345). However, the question of where a relationship goes 'wrong' or becomes intolerable is strongly connected to constructions and ideals of the family. The extensive discussion, including in family research, about whether fault divorce is an appropriate concept for relationship reorganisation or dissolution seeks to shed light on the continuous normative implications of what is considered a good family transition (Smart 2004; Amato et al. 2011).

Ribbens McCarthy et al. (2019) have observed that there are currently two different bodies of work in family studies that differ in their understanding of family troubles and that merely communicate with one another. On the one hand, there are family studies that deal with what are and were considered to be 'ordinary' families and how these families have been changing in recent decades, e.g., through increasing divorce and separation rates. These are referred to as mainstream family studies. On the other hand, there are family studies that deal with 'problematic' families. These studies are more focused on aspects of family life that are generally seen as problematic and are, therefore, much more concerned with allegedly dysfunctional behaviours that are relevant to professionals and practitioners and are often linked to interventions (Ribbens McCarthy et al. 2019). This division seems to arise from an implicit normative understanding of what an 'ordinary family' is and what a 'problematic family' is, even in family research (Ribbens McCarthy et al. 2019). Because fault divorces are unilateral divorces, this type of divorce can be rejected as an intervention in family life (for an example, see the 'Owens divorce' in 2018, Morgan 2019b). This is the case when a marriage is not seen as problematic enough to be divorced. The boundary between an 'ordinary' and a 'problematic' marriage is thus highly relevant for courts as well, as they are tasked with determining at what point the behaviour of a spouse becomes problematic enough for the spouse to be considered at fault in the disruption of the marriage.

With regard to the life course, a divorce is a transition that statistically takes place during particular life stages and is, therefore, embedded in particular social contexts. On the one hand, the median age at divorce has increased in the last 10 years and the number of 'grey divorces' in later life has been rising (Raley and Sweeney 2020; Lin et al. 2018; Brown and Lin 2012). On the other hand, given that, in Austria, the median age at first-time marriage is now 33 years for men and 31 years for women (Statistics Austria 2021b), the average duration of a marriage is 11 years, and the median age (in 2020) at divorce is 46 years for men and 42 years for women, it is clear that divorces in Austria often take place in the middle stage of life (Statistics Austria 2021a; for the U.S., see Schweizer 2020).

Furthermore, divorce and its consequences are gendered. Because the experience of divorce is gendered, family researchers have divided heterosexual divorces into 'his' divorce and 'her' divorce (Zartler 2011). Women are more likely than men to initiate divorce (Kalmijn and Poortman 2006) and the consequences of divorce are statistically different for men and women. For example, while women experience more long-term economic disadvantages than men, the temporary emotional strain of a divorce is greater for men than for women (Leopold 2018). Thus, the following question arises: To what extent is the assessment of a spouse's behaviour in a fault-based divorce proceeding connected with particular images of a good or a bad partner or marriage within a particular life stage and within the particular trajectory of a gendered life course? Before I discuss the methods I used to examine this question in more detail, I will describe the praxeological framework of my research and its implications.

### 1.2. Theoretical Scope

To overcome the separation between the ‘ordinary’ and the ‘problematic’ family, and to provide a less normative perspective on families and their troubles, [Ribbens McCarthy et al. \(2019\)](#) introduced the concept of ‘troubled’ and ‘troubling’ families, which enables researchers to draw attention to the point, at which “‘family troubles’ become sufficiently “troubling”—whether to family members themselves or to others—to require some sort of action or “intervention”” ([Ribbens McCarthy et al. 2019](#), p. 2212). As I noted above, in the course of a fault divorce, the spouses have to explain why their marriage does not fit the legal concept of marriage. In presenting such arguments, the spouses ‘display’ ([Finch 2007](#)) their ‘troubling’ or ‘bad’ marriage to the court, the details of which are documented in divorce files. By looking at these files, we can gain insight into a perspective on families that focuses on precisely where these boundaries between an accepted family (practice) and a problematic family (practice) lie, as reported by family members and other relevant actors in the divorce proceedings.

From a praxeological perspective, the transition of divorce is generated through routinised practices ([Schatzki 2002](#)). Every transition is—depending on the subject—more or less regulated through its social or institutional context and its history ([Wanka et al. 2020](#)), such as through family courts and former family law provisions. Stages of life ‘can be defined as bigger complexes of practices, which are, in turn, organised within lifestyles and fields’ ([Wanka et al. 2020](#), p. 187 [own translation]). Therefore, divorce can be seen as a transition that is related to the transformation of other practices within a life phase or the life course and is also strongly connected to processes of subjectification. The practices of a transition consist of a series of interconnected individual practices that are characterised through the ‘orchestration of practices of identification, addressing, and representation’, which are, in sum, practices of subjectification. Thus, the following question arises: ‘How are transition practices performed, and how are they linked to each other?’ ([Wanka et al. 2020](#), p. 201 [own translation]).

Given that, in a fault divorce proceeding, the partners perform and display their bad marriage in court by ‘work[ing] through the narrative of where their relationships went wrong’ ([Bendall 2020](#), p. 345), I combine the two aforementioned approaches of the troubling family and divorce as a transition within the life course as a complex of practices that relate to the subjectification of the family members. I argue that creating particular narratives about a troubling or a bad marriage shapes the transition and the subjectification of families undergoing a divorce in particular ways. Against this background, I focus on the narratives in fault divorce lawsuits that problematise the partner and the marriage.

## 2. Materials and Methods

To gain insight into the practices that are employed by spouses in court to obtain a divorce, I analysed fault divorce lawsuits. Court files reflect specific perspectives. On the one hand, these files are part of family legislation, which is generated by ‘technologies of culture’ ([Vismann 2011](#), p. 309), such as files. This means that, as well as being generated by following family law provisions, court files also form an important basis for future family law decisions. On the other hand, court files provide insights into a reality that is intersubjectively created by individual, collective, and institutional actors ([Parisot et al. 2021](#)). Therefore, these files represent an encounter between legal and social norms, and, more importantly, they form an important part of family reality ([Arni 2004](#)).

### 2.1. Data Collection and Sample

The data were selected at the very beginning of the research project (*Doing Divorce: Scheidungsprozesse vom 18. Jahrhundert bis zur Gegenwart* [Doing Divorce: Divorce Proceedings From the 18<sup>th</sup> Century Until Today]). The analysed court files were selected from the 2017 volume of the Familien- und erbrechtliche Entscheidungen (Family and inheritance law rulings), which is a series that covers precedent-setting decisions in Austrian family law (e.g., [Gitschthaler 2020](#)). Thus, most of the lawsuits in the sample were filed in 2015

and ended with a decision issued in 2016. Because the decisions in the selected court files were found to be precedent setting by the editors of the series, the recorded rulings are juridically preselected. This implies that the rulings were also subject to a certain social desirability bias in the legal context. After selecting the files, we asked the Austrian Ministry of Justice for permission to access and copy the files for scientific purposes, and our request was approved. For reasons of data protection, informed consent could not be obtained from the actors involved in the lawsuits. This also explains the particular sensitivity of the data, which must be taken account when considering issues of research ethics and data protection (for a detailed description of and reflections on the issues related to data collection and ethics in the research project, see [Parisot et al. 2021](#)).

Based on a qualitative multiple case study, I analysed 17 fault-based divorce files from the 2014–2016 period in Austria. Because same-sex marriage has been permitted in Austria since only the beginning of 2019, data from same-sex couples are still limited. Thus, I restricted my analysis to divorces of heterosexual couples. The duration of each marriage in the files from the date of the wedding until the date of the lawsuit ranged from 2 to 22 years, with an average duration of 11 years. The women in the sample were between 29 and 58 years old (eight were younger, while nine were middle-aged). The men in the sample were between 32 and 78 years old (six were younger, eight were middle-aged, and three were older). Except for two couples, all of the couples in the sample had between one and five joint children, with ages ranging from two years old to adult ages that were not provided in detail. For 22 of the spouses, the divorce was their first; for 6 of the spouses, the divorce was their second; and for 6 of the spouses, the number of the marriage was not mentioned. Two of the couples can be described as empty nesters and another two of the couples married late in life (the husbands were 78 and 72 years old and the wives were 58 and 47 years old) and had relatively short marriage durations of five and two years, respectively.

## 2.2. Analysis

For this contribution, I limited the analysis of the files—each of which consists of several hundred pages per file—to the first document within each file. The first document is the lawsuit of the partner who initiates the fault divorce. This document reflects the first practice in the court proceeding, i.e., the involvement of the spouses in the proceeding. The lawsuits can be filed in court orally or in written form. To analyse this first practice thoroughly, and to examine how it relates to normative and legal ideas of marriage within a life stage, I focused on the construction of the narratives that I found in these documents. To analyse the documents, I used situational analysis ([Clarke et al. 2015, 2018](#)), as well as trans-sequential analysis ([Scheffer 2015](#)), which originates from the sociology of law.

Situational analysis is based on the Grounded Theory Methodology and consists of different analytical tools that can be used singularly or sequentially. The most important epistemological aspect for the analysis was that any separation between the context of a situation and the situation itself becomes dissolved in the analysis. For this contribution, I used the typology of different elements that can be found in situations. This was especially useful to find, e.g., human actors, non-human actants, discursive constructions, or spatial and temporal elements that are relevant in the ‘situation’ of a lawsuit.

Trans-sequential analysis (TSA) is based on ethnomethodology and is especially useful to an analysis that focuses on particular parts—here, ‘objects’ ([Scheffer 2015](#), p. 228, [own translation])—of social situations and their interrelations. In my analysis, such objects are individual stories that are developed and processed by those involved in the proceeding through various episodes of the proceeding (e.g., the lawsuit, the interrogation of the spouses, the judgment). These objects can be found in divorce lawsuits—with the lawsuit being the starting point of every case—as narratives about parts of a marriage (practices) that become problematised in the lawsuit as forms of marital misconduct. Specifically, I used three analytic steps of TSA. In the first step, I asked what ‘situational infrastructures’ (p. 230) guide the orientation of ‘members’ (p. 230) in a given situation (infrastructures are,

for example, the context of an oral versus a written lawsuit, or lawsuits in collaboration with a lawyer versus lawsuits that are written by the spouses without a lawyer). Second, I asked what situations can be identified and what these situations should be called (e.g., opening of a proceeding, stake out new objectives for the proceeding, anticipating arguments of the other party). Third, I examined the objects—i.e., the stories of a marriage—found in the situation and asked what these objects look like on a formal (e.g., description of a partner or an event) and a contextual level (e.g., devaluation of the spouse in particular dimensions).

Furthermore, I used an analytical framework that had been developed within the research project. The analytical framework approaches family court records in two ways: on the one hand, they reflect family practices and, on the other hand, they are family practices themselves. Within the multiple case studies, family court records can be examined from a praxeological and discourse-analytical perspective as an entanglement of family and law (Parisot et al. 2021). The analysis was conducted by different analysis groups and by me.

### 3. Results

The practices in the transition of a fault divorce consist of interconnected individual practices that are characterised through an arrangement of practices of subjectification (Wanka et al. 2020). From this perspective, I focus on the practices of subjectification, such as the addressing or representation of the partners and their marriage, that are used by couples to obtain a fault divorce in the 21st century, and how these practices are related to normative and legal ideas of marriage within a particular life stage.

The results of the analysis showed that, above all, the initiating partners were striving to establish a legitimate divorce narrative. The partners involved in the analysed court proceedings used two ways to establish such a narrative. The first way (see Section 3.1) was to describe a disruptive event—i.e., a turning point—which was, in most cases, a reflection of the grounds for divorce that are explicitly mentioned in law, including violence, adultery, and abandonment. The second way (see Section 3.2) was used when there was no clear distinctive event, and the initiation of the divorce required more explanation. These explanations generally involved a characterisation of the partner instead of a description of a particular event in the marriage. The characterisations of the partner often included a description of the various deficiencies of the spouse that referred to different dimensions of the life course and traced a slow process—i.e., a transition—from the marriage being ‘normal’ to the marriage being ‘bad’. These deficiencies were described in terms of whether the spouse was a healthy and attractive partner (Section 3.2.1), how the spouse performed care work and paid employment (Section 3.2.2), whether the spouse was a decent citizen (Section 3.2.3), and how the spouse managed conflicts and emotions (Section 3.2.4).

Moreover, the data showed that the turning point (Section 3.1) or the transition (Section 3.2) from a marriage being ‘normal’ or ‘good’ to the marriage being ‘troubled’ was established by generating publicness for the result of these narratives, i.e., that the marriage had become ‘bad’. Thus, this process involved moving the marital problems from the private to the public realm (see Section 3.3). In the following, I will describe the ways the problematic nature of the marriage was presented to the court while focusing on how the marriage and the partners were addressed.

#### 3.1. Turning Points within the ‘Good Marriage’: The Troubling Event

The first way to establish a legitimate divorce narrative is to describe the main turning point in the marriage. The lawsuits that cited such a disruptive event were significantly shorter than the lawsuits that included descriptions of the partner, as they generally provided a brief description of the event. These events usually consisted of one of three main types of troubling practices: physical violence (excluding sexualised physical violence, see below), adultery, and abandonment (i.e., leaving the household). These events were characterised as breaches of trust that made it impossible for the partners to recover the former state of their marriage and were cited by the initiating spouse as the reason why she or he decided to file for a divorce, as a wife described in her protocolled oral lawsuit:

*'Recently my husband became violent towards me as well. That is why I am sitting here [in court]' (Case no. 9 Minchew, Wife 2015).<sup>1</sup>*

In cases in which there had never been any physical violence in the marriage (excluding sexualised violence, see below) before the respective event, a physical attack was often cited as an event that confirmed the decision of the initiating spouse to file for divorce. The situation was different for cases in which physical violence had been occurring since the start of the marriage. In these cases, the turning point in the marriage generally occurred when the violence became worse, i.e., when an event of severe violence occurred that received publicness through authorities such as the police (see Section 3.3). Furthermore, experiences of sexualised or psychological violence were usually not referred to as turning points. In the analysed data, it appears that incidences of psychological and sexualised violence were described in much more detail than incidences of physical violence, which indicates that they had to be differentiated before the court from events that might occur in an 'ordinary' marriage. These descriptions suggest that the boundaries between '*normal marital problems*' (Case no. 9 Minchew, Wife 2015) and violence can be blurry and that victims may, therefore, find it harder to characterise their experiences of sexualised or psychological violence as incidences of violence than they would in cases of physical violence. In the sample, most of the initiating partners who claimed to be victims of physical or sexualised violence were women. Although there was one case in which a husband recounted that his wife had used physical violence against him, this event was not described as a turning point but was instead embedded in a broader narrative about the wife's change of character.

Another important turning point cited in these cases was connected to the marital obligation of fidelity. In all of the cases in the sample involving adultery, the point at which the suing spouse had certainty that the other spouse was committing adultery was described as a point of no return, as the quote below illustrates:

*'The defendant committed [...] serious marital misconduct by having regular sexual intercourse with dancers and prostitutes from >spring< 2006 onwards without the plaintiff's knowledge, and thus culpably disrupted the marriage to such an extent that the restoration of a normal marital union is no longer possible' (Case no. 47 Happl, Wife 2015).*

Regarding adultery, the pattern of how these troubling events were negotiated within the marriage and within the proceeding appeared to be gendered. Wives in the sample used concrete terms such as '*intercourse*' (Case no. 47 Happl, Wife 2015) or '*has committed adultery*' (Case no. 50 Sommer, Wife 2015) to describe the behaviours of their husbands. Although there were husbands in the sample who at least *suggested* that their wife had committed adultery, the men tended to specify these events less concretely than the women and claims that the wife had committed adultery were often embedded alongside other grounds for divorce in a general narrative about a 'troubling wife' (see Section 3.2). In cases in which the husband sued his wife for divorce on these grounds, such events were moreover described using less concrete terms than the other way around. This may be an indication that the moral norms regarding sexuality are stricter for women. Thus, women may be more likely than men to endeavour to keep concrete information about their extramarital sexual activities private, which can also make it harder for a suing husband to cite concrete events that led to the breakdown of the marriage.

Interestingly, these short descriptions of events as grounds for divorce are generally in line with the legal grounds for divorce. Since 'adultery' or 'physical violence' or 'severe mental suffering' (Ehegesetz 1999) are the only events that are explicitly mentioned as grounds for divorce in Article 49 Ehegesetz, having proof that the spouse was physically violent or committed adultery means that it is relatively certain that the spouse will be found guilty. In the sample, only claims of physical (in contrast to sexualised and psychological) violence were considered sufficiently clear incidences of violence to keep the narrative in the lawsuit short. The use of different approaches to describe different kinds of violence is, however, contrary to the law, which actually includes 'causing severe mental

suffering' (Ehegesetz 1999) in the explicitly mentioned grounds for divorce. Nonetheless, citing such grounds still requires much more detailed explanations by the suing spouse.

Another type of event that seems to be sufficiently serious to represent grounds for divorce is leaving the marital household without cause, as this act represents a breach of the marital obligation to live together. Apart from initiating a fault proceeding, another option for obtaining a unilateral divorce is for the spouses to live in separate households for three years (exceptions can be made for hardship cases; here, the time limit is expanded to six years). Thus, having left the marital household *'for no reason'* (see quote) is a strong argument for divorce in a fault proceeding as well.

*'Our marriage was damaged when the defendant left the shared marital home for absolutely no reason, taking her movable possessions and the children with her, and now she confronts me with untenable accusations and demands. An attempt to reach an agreement was unsuccessful'* (Case no. 49 Ortlieb, Husband 2015).

Although the quote clearly indicates that the initiating spouse's wife confronted him with accusations, the husband stated in the same sentence that the wife's departure from the marital household was without cause, and thus was clearly a case of *'malicious abandonment'*, which is still a common reason for divorce in judicature. Regardless of the clear contradiction in the husband's statement, claiming abandonment seems to be a legitimate way to convince the court that the conditions of the marriage no longer fit the legal concept of marriage. This contradiction makes visible how strongly the legal concept of marriage can influence the generated narratives about the *'troubling events'* that occurred in a marriage.

In the sample, the troubling events of a *'bad marriage'* that sufficed as a single reason for divorce, and that did not have to be explained in detail, were closely linked to the explicitly mentioned grounds for divorce and to the more specific marital obligations (i.e., *'to live together'* compared to being in *'comprehensive matrimonial partnership'*) mentioned in the law. Therefore, the transition of a (fault) divorce seems to be heavily influenced by current family law. In the sample, the grounds for divorce that could not be supported by a brief explanation, such as acts of psychological and sexualised violence, highlight the meeting of legal and social norms in the practice of fault divorce. Whereas physical violence was seen as legitimate grounds for divorce, as it was clearly labelled as a troubling family practice, and the victims of physical violence could identify themselves as victims, other forms of violence seemed to be more difficult to be addressed using the law. As it appeared to be less common to identify and describe the victim of sexualised or psychological violence by an intimate partner as a victim, such incidences were generally explained in more detail. This may be a sign that social awareness of psychological and sexualised violence within intimate relationships is lower than it is for physical violence.

In sum, the results of the analysis indicated that the legal legitimacy of a marriage was based on three conditions: the co-residence of the spouses (living together), sexual exclusiveness in terms of intercourse, and the absence of physical violence. However, the analysis also showed that the lawsuits that did not primarily rely on a description of events but instead on a description of the partner—as is described in the following—referred primarily to broad marital obligations, such as *'comprehensive matrimonial partnership'*, *'faithfulness'*, *'respectful treatment'*, and *'provision of support'* (Austrian Civil Code 2018).

### 3.2. Transition to the *'Bad Marriage'*: Troubling Life Course Dimensions of Partners

The second approach used in the sample to establish a legitimate divorce narrative required more explanation as it relied on a characterisation of the partner, rather than on a report of a specific event that was seen as a turning point. In such cases, the partner was characterised and addressed through a narrative of development in which the trajectory of the partnership was depicted as following an almost linear process in which it went from being a *'normal'* marriage with *'the naturally occurring differences of opinion that can occur in a long-term relationship'* (Case no. 55 Vorderberger, Husband 2015) to being a

problematic marriage that *'was completely destroyed by the behaviour of the defendant'* (Case no. 55 Vorderberger, Husband 2015).

In some of the cases in the sample, the narrative started off with the statement that the marriage was *'harmonious on the whole'* (Case no. 55 Vorderberger, Husband 2015) or *'normal to happy'* (Case no. 50 Sommer, Wife 2015)—which was also an expression of a specific understanding of what constitutes a 'normal' marriage. In these cases, the suing spouse seemed to want to show that she or he had a rational rather than an idealised happiness-based conception of marriage in order to defend against the charge that his or her 'happiness standards' were too high. In some cases, the introduction of the lawsuit noted that the main subject of the lawsuit was that the other spouse's situation had changed since the beginning of the marriage, e.g., that the spouse's employment status, the extent of the spouse's alcohol consumption, or the spouse's violent behaviour had changed (not in the form of a turning point, as described above, but through a transition). Thus, it was argued that the spouse's status or behaviour had changed or become worse over time since the start of the marriage.

After these introductory remarks, the stories in such cases were focused on establishing a narrative that depicted the marriage as a downward spiral, which was achieved by describing a linear process in which the marriage went from being harmonious to being in a constant state that was hard to bear for the suing spouse. Such descriptions of a permanently negative set of conditions generally involved the subjectivation and representation of the other spouse as someone who was not able to adhere to the marriage contract. Such claims were further supported by citing constant and repetitive practices in the marriage that illustrated the negative state of the marriage. In cases in which there was no particular turning point in the marriage, the partner's deficiencies, and the outcomes of these shortcomings, were described. These cases were, however, particularly informative with regard to the matrimonial obligations that are vaguely formulated in family law, such as maintaining a 'comprehensive matrimonial partnership', 'faithfulness', engaging in 'respectful treatment', and 'the provision of support' (Austrian Civil Code 2018). In this contribution, I decided to focus on the different life course dimensions that were negotiated when a spouse claimed that his or her partner was deficient (Sections 3.2.1–3.2.4). My results showed that being a good partner was closely linked to normative understandings of what a spouse is supposed to accomplish within the particular life phase. The problematised matrimonial offenses extended to some surprising dimensions within the life course, which I will describe one by one in the following sections.

### 3.2.1. Health

In the cases that involved the characterisation and subjectivation of a partner, there was a surprisingly strong focus on the body and the health of the spouse. Apart from sexual health—which is generally seen as a shared responsibility of the spouses who are expected to maintain a shared routine of sexual activity and to remain free of sexually transmitted diseases—some of the cases focused on the body and health of the problematised spouse. This was achieved by describing the 'health career' of the other spouse as a story of bodily decay, such as in the case of Matthias Samuel, whose wife filed for divorce. Although the main narrative was about the husband's unemployment, the state of his health and his body was an important part of the characterisation of the husband as someone who was not able to handle responsibility—not even the responsibility for his own health.

*'He bought the dog back in 2010 because he said that the dog would be useful for dealing with his weight problems, as he would be obliged to go for a walk with the dog every day. However, the husband did not put this plan into action [...] At about the same time as he moved out of the bedroom, the husband was also neglecting his personal hygiene. Everyone recognised at that time that the husband had depressive tendencies, but he was refusing to start therapy. Indeed, he let himself go to such an extent that he no longer has any incisors in his upper jaw, and does not have prosthetic teeth or dentures'* (Case no. 10 Samuel, Wife 2015).

The narrative that addressed the husband described him as a person who lacked psychological and physical health literacy, which was seen as his sole responsibility, and was also depicted as something that he could have changed by deciding to care for himself. The quote clearly suggests that, in the mind of the suing spouse, being ill with depression was mixed up with breaking promises, such as walking the dog to lose weight, and a tendency towards laziness (*'he let himself go'*). The final point in the description of the husband was that he had lost his front teeth and was thus no longer making any effort to be attractive or healthy. The husband was thus addressed as someone who had given up on himself—at least in terms of his health—and was, therefore, no longer able to be a good husband. Being in good health was depicted as something that could be achieved by caring for oneself, and thus as an individual responsibility. This became especially clear in the descriptions of spouses who were suffering from psychological diseases, such as alcohol addiction or adiposity, which were consistently described as 'consuming too much' instead of as signs of a disorder.

The health of the spouses was furthermore negotiated regarding the middle-aged spouses in the sample and was not mentioned in the cases of the older spouses in the sample. This may indicate that serious health issues in middle age are regarded as a deviation from normative body standards in this life phase, which also facilitates the generation of a problem narrative about a bad health status. Furthermore, the narrative about an unhealthy body was often connected with narratives and expectations about the employment and care work of middle-aged spouses who seem to face higher expectations, especially regarding the life context of wage labour, than older spouses. This connection may also be a reason why a bad health status was not mentioned as a problem in the cases of older spouses.

Generally speaking, diseases were depicted as problems that could be solved if the spouse would only put in enough effort to maintain a healthy and attractive body. Therefore, it seems that, for the suing spouse, demonstrating that the other spouse was not making enough effort to be a 'good' spouse was considered an appropriate legal strategy.

### 3.2.2. Care Work and Employment

The employment of the partner was mentioned in almost all of the cases. The perception that the defendant was too involved or not involved enough in a job to be a good partner was closely linked to the life stage of the spouses. This pattern becomes visible when the troubling partners in different life stages are compared. Although the cases involving couples who were empty nesters or who were retired and married late in life included narratives about conflicts over money—such as spending too much money or hiding big expenses—these were not embedded in a general characterisation of the partner as being too lazy or too depressed to work, as was the case for couples in the middle life stage. This pattern highlights that the suing spouse's expectations about the employment of the other partner were not primarily dependent on the actual amount of money the couple had but rather on the specific life phase the partners were in. The problematisation of the employment of wives was often connected to the age of the children, as women were generally expected to return to employment a few years after the birth of a child. This shows that while expectations regarding employment were linked to traditional images of gender, they were also affected by the interrelatedness of life stages and the resulting expectations of other family members.

The sequence described in the narrative below about a husband's unemployment was full of explanations, motives, possible turns, and future prospects, and was thus part of a long story. The long description about the husband's unemployment showed that, according to the wife who was working full time, having an unemployed husband was a problem for the family (with two children), and illustrates that men are often expected to fulfil the ideal of the male breadwinner.

*'In 2012, the husband ran into problems when it became apparent that the advertising business was no longer going well, which is why his company did worse. It would have*

*been easy for the husband to go back to the publishing business at this point. He had also worked as a journalist. His personal pride prevented him from doing so. This resulted in the husband not having a job for years, which could have led to personal bankruptcy' (Case no. 10 Samuel, Wife 2015).*

By contrast, in the sequence quoted below, in a narrative about his wife's unemployment by a husband who was working full time, was a brief note about what had 'obviously' happened to the wife's employment, which did not seem to be crucial to the family's income (with one child). The sequence appeared in the lawsuit as a part of a narrative of inactivity, and thus as a point that did not need to be explained in detail.

*'In >winter< 2014, the defendant also went on sick leave. She was employed by the >insurance company<. This employment has now obviously been terminated due to the long sick leave' (Case no. 21 Tembozi, Husband 2015).*

While Manuel Tembozi (quoted below and above) expressed his concerns about his wife's unemployment in a short sequence only, her shortcomings as a caregiver were extensively problematised by listing all of the domestic and care duties that she was failing to perform.

*'Although he was working full time, the plaintiff had to take care of nearly the entire household. Indeed, by the end of the relationship, he was doing all the household chores, even the ironing, for the defendant, his son, and himself. He bought all of the groceries and did the household chores, such as vacuuming, washing clothes, cooking, ironing, and everything else that needs to be done in a household' (Case no. 21 Tembozi, Husband 2015).*

Furthermore, it appears that the husband based his complaints on a hierarchy of domestic work. The complaint that the husband had to perform 'even the ironing' reinforces the impression that he believed that he was, more or less, obliged to undertake certain kinds of domestic work. This could be because he saw doing the laundry as a female domestic activity or because he had to iron his wife's clothes (and thus believed that his wife should have been caring for her own clothes). Another particular feature of ironing is that ironed clothes are worn outside of the household. Thus, the husband may have interpreted ironing as a sign of caring about whether the family members were perceived as tidy and orderly by the social environment—and thus as a task that should, from his perspective, have been performed by his wife. Either way, it is clear that he did not see ironing as included in the scope of his duties within the marriage. Regarding care work, the narratives about women and their duties were the same in the cases that were filed by husbands who were already retired. This is an indication that women's roles are shaped by the assumption that women are mainly responsible for performing care work over the whole life course and independently of their partner's employment.

Among all of the narratives about troubling partners, I found that the descriptions of troubling partners who did not fulfil expectations related to traditional gender roles were the most detailed. A description of the failure to perform tasks that should be undertaken as a matter of course obviously requires more explanation. It seems that problematising a man who was unemployed had to be explained thoroughly, because a husband was expected to be the male breadwinner, and any deviation from that role had to be described in detail. In contrast, it appears that the narratives about women who refused to perform care work had to be more detailed than the narratives about women who were unemployed.

### 3.2.3. Being a Decent Citizen

Surprisingly, I found that within the analysed practices of 'performing a bad marriage', the narrations referred not only to what had happened within the partnership but extended beyond the relationships of the spouses and the family to the broader society. The spouses seemed to address each other in a dimension that can best be summarised as relating to hegemonic discourses of 'being a decent citizen' in general. To illustrate this point, I describe two dimensions in which this kind of addressing of the 'troubling spouse' happened.

The first dimension applies to cases in which one or both spouses had a migrant background and did not speak German as their first language. Accusing the other spouse of not wanting to integrate into ‘mainstream’ society was seen as an appropriate way to disparage him or her. This was, for example, achieved by depicting the partner as a ‘guest’ in the country who was not interested in the things he or she should be interested in, as described in the quote below:

*‘The defendant has been in Austria since >summer< 2013, and has lived with me since then. In that time, it has become clear that the defendant is not interested in taking up or persevering in an occupation, and is not seriously interested in learning the German language’ (Case no. 52 Faye, Wife 2015).*

Learning the language of the majority was depicted as a way for the husband to show that he wanted to integrate into the (construed) mainstream society, to educate himself, and to have a profession (other than being a musician). Thus, the husband’s unwillingness to learn the language was described as a failure on his part. The description seeks to portray that husband as someone who did not make sufficient efforts to integrate into the mainstream society over the previous two years. Thus, the narrative depicted him as being deficient in dimensions that were related to his migrant background and the implicit image of a ‘good’ migrant who strives to assimilate by learning the language of the majority and by paying taxes in the destination country. It became clear that the transition of the marriage from being ‘normal’ to being ‘bad’ was linked to other dimensions in the life course that the wife believed should have been handled in a particular way and were, therefore, normatively loaded, such as the transition of migrating to and arriving in another country. Moreover, in the narratives, the defendant’s deficiencies were often demonstrated by mentioning his or her previous family transitions, such as his or her previous divorces and separations, as well as his or her failures in these previous marriages, including incidences of adultery.

In other cases, the shortcomings of the other spouse were addressed by suggesting that she or he was guilty of delinquent behaviour. This was accomplished by describing the spouse as a threat to others, such as through drunk driving, as in the quote below:

*‘[T]he defendant ignored the wife’s worries that he was driving a car in this very drunk condition, and said that if he had seven or eight beers, he doesn’t worry at all about driving a car’ (Case no. 54 Lang, Wife 2015).*

The quote not only depicts the husband as someone who was a threat but also as someone who was reckless and unconcerned about those who might be harmed by his behaviour. In other cases, the ‘*criminal behaviour of the defendant*’ (Case no. 65, Husband Spuler 2015) was explicitly mentioned and supported through vocabulary that described criminal behaviour, such as a wife who had ‘*hacked*’ the computer of her suing husband and had ‘*stolen sensitive professional data*’ (Case no. 65 Spuler, Husband 2015). Although these delinquencies were not reported to the responsible authorities, these descriptions seem to strengthen the narrative about the deficiencies of the partner who was supposed to be at fault for the disruption of the marriage. To sum up, the abovementioned cases show that narratives about a spouse’s shortcomings in the marriage could also be extended to include discourses about the spouse’s sincerity and trustworthiness in the broader societal context.

### 3.2.4. Conflict and Emotional Management

Another dimension that was extensively problematised was the way in which the defendant managed conflicts and emotions. In the lawsuits, it was apparent that a ‘rational’ approach to resolving conflicts and arguments—i.e., one based on reason and logic—was seen as the basis for resolving conflicts in a healthy manner. This was especially apparent when the suing spouse problematised the attitudes of the other spouse towards alternative forms of knowledge, such as ‘*shamanism*’ (Case no. 55 Vorderberger, Husband 2015), astrology, or kinesiology (Case no. 15 Lorenz, Husband 2014). These kinds of knowledge

were problematised as representing an irrational basis for decision making and emotional management, as a husband explained in the quote below:

*'The kinesiologist informed the defendant that her outbursts of anger and her rage were part of her personality (!), that this was okay, and that the reasons for her behaviour lay in her environment, and with me in particular. As a result, the defendant blamed me for her outbursts and demanded that I accept her behaviour unconditionally. From then on, the marital situation has been very difficult' (Case no. 15 Lorenz, Husband 2014).*

The husband, who stated that his wife has had outbursts of rage on a regular basis, attributed her troubling behaviour to her dependence on others—such as the kinesiologist mentioned in the quote—instead of problematising her emotional management as insufficient. In another lawsuit, a husband stated that his attempts *'to make his wife come down to earth again'* failed after she started to *'occupy herself with shamanism'* (Case no. 55 Vorderberger, Husband 2015). In the problematisation of these orientations, there was a gendered pattern in the data. Magical thinking was only problematised by husbands who depicted their wives as irrational, manipulable, and directed by others, such as by astrologers or shamans. The wives in these cases were described as making their decisions in the marriage in an irrational way and being dependent on others outside the marriage, which was attributed to a *'mind-set change in relation to the institution of marriage that is, obviously, asking for trouble'* (Case no. 55 Vorderberger, Husband 2015).

*'Clearly because of the influence of various people whom she got to know at her shamanism seminar, she thinks that she had been suppressed [ . . . ] during the whole marriage' (Case no. 55 Vorderberger, Husband 2015).*

As these quotes illustrate, the husband in this case portrayed his *'troubling wife'* as an irrational person who was influenced by others and was not fully capable of making her own decisions. Furthermore, the wives were generally expected by their spouses and by the court to perform more emotional work in their relationships than the husbands. For example, a *'troubling wife'*, as construed in the lawsuits, was described as a woman who refused *'caresses, hugs, and being friendly like greeting in the morning and in the evening'* (Case no. 12 Lutz, Husband 2015) or *'caresses and touches'* (Case no. 56 Dunat and Fahringer, Husband 2015). By contrast, the husbands were considered troubling if they failed to perform adequate emotional work by displaying *'aggressive behaviour'* (Case no. 10 Samuel, Wife 2015) or by issuing *'insults'* (Case no. 53 Nejem and El-Amin, Wife 2015).

To sum up, in the analysis, it appears that the emotional work within relationships was still largely assigned to women. A woman could become a *'troubling wife'* if she refused to perform positive emotional labour in the marriage, such as by ceasing to be friendly, whereas a husband only achieved the status of being a *'troubling husband'* if he displayed negative emotions through destructive behaviours.

### 3.3. From Privacy to Publicness—Generating Publicness for the *'Bad'* Marriage

In narratives about an event as a turning point within a marriage and in narratives about *'normal'* marriages that become worse over time, the last step in the narratives was often when provisionally intra-familiar, problematised events were becoming public. This publicness involved different groups of informal and professional actors, and the problematised events became public, either intentionally or unintentionally. The informal group of actors was generally made up of the couple's own children, other relatives, and friends, but it could also include the village as a whole. These actors were the potential audiences for the performance of the bad marriage. The professional group of actors was comprised of individuals with particular forms of expertise, such as therapists, doctors, police officers, and, ultimately, officers of the court. These groups of actors differed across the life course. For families with younger children, youth welfare services may have been important professional actors (see below). For spouses who were taking care of children over longer periods and for spouses in the third and fourth ages, the court may have been especially relevant because the determination of fault could have implications

for matrimonial maintenance. These audiences were important actors who could have different effects. Moreover, because of their outside perspectives, they were expected to have more power to interpret the conflict than the spouses themselves.

In cases in which there was a long history of violence instead of a single violent event, the last step before the decision to divorce was often an event of severe violence that led to police involvement and a restraining order for the perpetrator. In such cases, the police and the court played a role. These violent situations might have led to official publicness for the first time in the relationship, which may have had important implications for the victims as it confirmed their perspectives. Another important actor was the youth welfare agency who became involved in case no. 53 Nejem and El-Amin. In her lawsuit, the wife stated:

*‘Two weeks ago my husband filed a complaint at the youth welfare services, claiming that I was caring for my children badly. I gave my husband a lot of chances, but now it won’t work anymore’ (Case no. 53 Nejem and El-Amin, Wife 2015).*

This act seemed to be the most important turning point in the marriage, which was described as a process in which the wife gave her husband a lot of chances. Involving youth welfare services—which, in this case, may have been perceived as more of a threat than a support for the wife—made the troubles within the family official and therefore confirmed the internal perspective of the wife, giving her the strength to take the last step of filing for a divorce. In another case, a wife made the following statement in her lawsuit:

*‘The defendant made promises at the family counselling centre which he did not keep at home. After coming home, the defendant berated the plaintiff, asking why she talked about everything at the therapy session, and saying that such matters were their private business’ (Case no. 50 Sommer, Wife 2015).*

This very contradictory concern of the husband illustrates that he still adhered to the ideal of keeping the family’s troubles within the family in order to avoid inviting an outside perspective on the family’s difficulties. Families who follow this norm do not want the degree of normality of their family’s troubles assessed by these outside perspectives as they have their own standards.

Thus, the publicness of family troubles has two important implications. First, the publicness is a crucial part of the transition from being a ‘troubled family’ to being a ‘troubling family’ (Morgan 2019a). Families who are concerned about their troubles or who are facing a troubling transition have their problems—and their deviation from being a ‘normal’ family—confirmed through an outside perspective. Second, actors outside the family can function as allies or opponents of the individual’s own story. Indeed, in a fault divorce, the story of the defendant is contradicted by the other spouse. Being able to involve previously uninvolved third parties appears to generate legitimacy for the version of the story told by the plaintiff, i.e., the story receives confirmation or is at least considered legitimate enough to be told to others as a legitimate version of events. This separation of ‘private’ and ‘public’, alongside the ideal of keeping family troubles within the ‘unproblematic’ family, is strongly aligned with the bourgeois family ideal of a separation of the private and the public sphere (Helly and Reverby 2018).

#### 4. Discussion and Conclusions

In my contribution, I analysed 17 fault-based divorce lawsuits filed by husbands and wives in Austria in the 2014–2016 period. From a praxeological perspective, a fault divorce is a family transition that is undertaken through interconnected individual practices that are characterised by an arrangement of practices of subjectification (Wanka et al. 2020) of the partners and the marriage. Against this background, I analysed the narratives that were generated about the marriage and the partners to obtain a fault divorce in the 21st century, and the extent to which these narratives were related to normative and legal ideas about marriage within a particular life stage, and to divorce as a gendered life course transition. Since a fault divorce can be seen as the transition from being in a ‘troubled family’ to being

in a 'troubling family', I focused on how the marriage and the partners came to be seen as troubling in the course of this transition.

My results showed that the lawsuits thoroughly explained how these troubling marriages, husbands, and wives deviated from the 'standard' model of families. This was achieved in two ways: On the one hand, there was sometimes an event in the marriage that was seen as troubling enough to be a turning point in the marriage by the suing spouse, such as an act of physical violence, adultery, or the abandonment of the marital household. In the lawsuits, such events were generally described briefly because they were related to the grounds for divorce that are explicitly mentioned in family law in Austria, and thus were assumed to be sufficiently legitimate to enable the plaintiff to file for a fault divorce. On the other hand, there were narratives of a gradual transition in which a 'normal' marriage became a 'bad' marriage over time. These stories were focused on establishing a narrative that depicted the marriage as a downward spiral, i.e., a linear process in which a previously harmonious marriage became an irreparably 'bad' marriage. Such descriptions relied on a subjectivation and representation of the other spouse as someone who was not able to adhere to the marriage contract. The descriptions were related to diverse dimensions of a life course and were based on images of what should be achieved in a certain phase of life and within the confines of a gendered life course. The life course dimensions that were negotiated within the troubling marriage were related to diverse life contexts of the partners, which were, in turn, influenced by the transition to a divorce, and which had consequences for both spouses.

The negotiated dimensions, such as caring for one's own health, body, and sexual life in the marriage, which were seen as important conditions for being a 'good' and attractive partner, may have also been related to divorce as a point 'at which people may adopt new ways of negotiating sexual life' (Carpenter 2010, p. 161). Thus, these dimensions of the life course may have been shaped by the narratives that were created within the fault-based divorce. In addition, how the partners negotiated their care work and paid work responsibilities mirrored empirical findings regarding the effects of divorce on the long-term economic well-being of the partners, which tend to be especially negative for women (Leopold 2018). Therefore, it appears that highlighting their partner's deficits in fulfilling traditional gender stereotypes seemed to be an effective way for husbands and wives to problematise the defendant before the authorities. Thus, men's roles in the middle life stage were generally shaped by the ideal of the male breadwinner, while women's roles were primarily negotiated in relation to their care and domestic work responsibilities. These narratives about women appeared even in cases that were filed by older couples in which the husband was retired. This could be an indication that the plaintiffs in such cases adhered to the ideal that women bear the main responsibility for the care work in the family over the whole life course.

Surprisingly, the descriptions of the deficiencies of the partner were related not only to things that happened in the marriage but also to the extent to which the defendant was a 'decent citizen' in general. For example, the partner was devalued through descriptions of his or her delinquent behaviour or through depictions of him or her as 'deficient' in managing other life course transitions, such as the transition of migrating to another country (see also Sportel 2021). Moreover, conflict and emotional management were extensively problematised in the lawsuits. It became apparent that adopting a 'rational' approach to managing conflicts and arguments was seen as the basis for resolving conflicts in a healthy manner. In the sample, women were more likely than men to be depicted as irrational and manipulable, and it appeared that women faced higher expectations to perform emotional work within the marriage. Since filing for a fault divorce can be seen as a transition away from being a 'troubled' family and towards being a 'troubling' family, the perception of the family from the 'outside' was an important factor for plaintiffs who wanted to frame themselves and their troubles as those of 'normal' or 'troubling' families. Given the ideal of keeping family troubles within the family, generating publicness for the family's troubles

was generally seen as the last and most important step towards defining the family as an ‘officially troubling’ family to which the legal concept of marriage no longer applied.

To sum up, the transition to a fault divorce was based on an assessment of diverse life contexts that were connected through narratives about the marriage and the partners. Furthermore, being a ‘good’ partner and having a ‘good’ marriage in terms of the legal concept of marriage seemed to be related to the desire to fulfil an ideal rooted in a Western, bourgeois, nuclear family ideology (Zartler 2012), which is also known as SNAF (Standard North American Family) (Smith 1993; Nelson 2006). According to this ideal, troubles should be kept within the private sphere and dimensions such as good health can be achieved by taking enough responsibility or ‘being a decent citizen’, i.e., individuals are expected to be (self-)responsible and decent citizens who are independent of others (Zverling 2019).

The practices of being a ‘good’ or a ‘bad’ partner were seen as dependent not only on what happened in the relationship but on whether the partner was acting responsibly or irresponsibly with regard to diverse life contexts that were embedded in particular life stages and in gendered images of these life stages. The experience of the transition of a divorce is, therefore, highly dependent on its timing in the life course, and thus linked to historical, generational, and individual time. Furthermore, the generated narratives about family life are not only shaped by institutional practices (in family law) but also shape institutional practices at the same time. Employing the life course perspective makes visible how these interdependencies between the lives of families and institutional practices are reflected also in the institutional context of family law, e.g., through changing divorce laws over time (e.g., changing importance of fault), through changing individual practices and proceedings at court (e.g., inclusion of the voice of children), or the generational change of the staff composition at court (e.g., the share of female judges that has increased over the past decades). In light of these findings, I think that as family researchers, we should pay more ‘sociological attention to the pervasiveness of change and challenges as core for all family lives over time’ (Ribbens McCarthy et al. 2019, p. 2209f); and ‘in particular, how, when, on what basis, and in whose eyes, families with troubles come to be seen as “troubling families”’ (Ribbens McCarthy et al. 2019, p. 2212).

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<sup>1</sup> All cases were pseudonymised and the year refers to the date of the beginning of the proceeding.

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