Money and Betrayal: Perceptions of Alimony Fairness in Relation to Infidelity

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Alimony is a contentious topic often argued over during a divorce. Individuals getting divorced seek fairness in an alimony settlement, but due to how laws are written this can seem arbitrary. Public policy suggests laws should reflect the suggestions of the people it affects. Thus, public perception of alimony fairness is an important component in the discussion of what is fair for spouses. In addition, infidelity in marriage might change how the public views what is fair. This study collected data from 1,285 individual United States participants. Participants were randomly assigned a vignette condition related to a hypothetical alimony scenario where one of the spouses had committed infidelity. Using logistic regression and multivariate Heckman selection models, we find when the higher wage earner has an affair, they are punished with a higher alimony amount for a longer period. Further, t-tests indicate that men are punished more than women. Finally, comparisons are made to three alimony formulas used across the United States. Financial therapists may be able to use this information to help divorcing couples separate the emotional aspect of an affair and the needs or ability to pay related to alimony. The results of this can be two-fold: keep the marital estate intact and help the couple heal emotionally.

Keywords: alimony; divorce; fairness; infidelity; selection bias

Divorce remains a difficult, but common, experience across contemporary American families (Cherlin 2009). While there has been a decline in divorce among younger ever-married people, the rise in divorce among individuals older than 50 has been much more significant. By 2010, about one-half of ever-married persons will have experienced a divorce or separation by their late 50s (Kennedy & Ruggles 2014). Those undergoing such a marital breakdown frequently report that it is a highly stressful event (Simon 2002). In about 12% percent of those divorces, alimony is awarded (Workman, 2011).

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While alimony has been a topic of increasing public discourse, it has received relatively little attention in the social science literature (Shehan et. al., 2002) leaving family and financial therapists with little empirical evidence from which to support their practice. Little is known about the emotional and economic dynamics between separating spouses. Amato (2000) performed a meta-analysis examining the short- and long-term effects of divorce on adults and children, however, alimony was not considered a covariate in the studies examined. An examination of the effect of divorce on wealth management further explored the short- and long-term effects on personal finances (Kothakota, 2019).

Alimony in divorce

Alimony is a consequence of divorce and is a reallocation of income from one spouse for the support of another. Both the amount and the length of time alimony lasts are largely determined arbitrarily (Kothakota & Heckman, 2018). Spouses in the midst of a contentious divorce often disagree about both the amount and term of alimony (Ambler, et. al., 2019). Attorneys experienced in family law matters often make assessments as to what a fair amount of alimony might be. Such speculation is often wrong as it relates to actual alimony outcomes in divorce scenarios (Wery, et. al., 2017) and can be in opposition to public policy.

Public perceptions of alimony

Public policy as it relates to alimony is to follow laws seen to be fair to both spouses. In a democracy, public opinion is often how laws are shaped. How the public actually perceives the fairness of alimony is integral to a family legal framework (Starnes, 2012). However, fairness is subjective and public policy often does not align with what may be seen as fair by the public. Spouses going through a divorce may have a different view than happily married couples. Younger generations who have yet to experience pay discrepancies may view alimony differently than older generations taking advantage of economies of scale (Stevenson & Wolfers, 2007).

In addition, the public may have opinions with regard to the circumstances of divorce. An individual may have a different opinion about what is considered fair. This study examined the case of infidelity as it relates to fairness in alimony. Specifically, in heterosexual marriages, what does the public believe is a fair alimony outcome for a higher wage-earning spouse who cheats versus a lower wage-earning spouse who cheats, and are there any gender differences?

Emotions, infidelity, and alimony

Divorcing spouses experience elevated levels of stress before and during the process of dissolving a marriage (Amato, 2000). Feelings about an inequitable or unfair division of assets can only increase that level of stress and emotional anguish. The additional stress and feelings of betrayal associated with infidelity can compound. This examination of the effects of money, power, and infidelity as it relates to alimony and divorce can provide information to practitioners working with divorcing individuals. Results indicate enough variation among demographics that will help financial therapists and financial planners assist clients in money decisions surrounding divorce. Financial therapists and financial planners working with divorcing couples may find it useful to have a good understanding in helping their clients understand the connection between the pain and hurt associated with infidelity and a desire for financial recompense.

Statement of purpose

The purpose of this paper is to provide financial therapists and financial planners with information around public perceptions related to alimony, and comparisons with what may actually happen in a divorce scenario so financial experts may help their clients move forward in a cost-effective way.

LITERATURE REVIEW

History of alimony

Dissolution of marriage has existed for millennia. The Code of Hammurabi outlines specifically how former spouses are to divide or share resources after the marriage has ended. Passages describe why resources might be shifted from one spouse to another, mostly as it relates to the responsibility to children.

> "If a man wish to separate from a woman who has borne him children, or from his wife who has borne him children: then he shall give that wife her dowry, and a part of the usufruct of field, garden, and property so that she can rear her children. When she has brought up her children, a portion of all that is given to the children, equal as that of one son, shall be given to her. She may then marry the man of her heart" (Harper, 1904).

In the United States, much of the reasoning behind alimony is taken from English law. In the first half of the 19th century, women were unable to have legal ownership of property and were mandated to give any inheritance to their husbands (McCoy, 2005). At the time, the reasoning was women were subsumed into a single unit with their husbands. However, in exchange for not having control over financial matters, wives were entitled to be provided for their entire lives.

This could be seen as an early form of alimony. Compounding matters was that the Church of England could not grant an absolute divorce, and marriages had to be legislatively

dissolved by Parliament. Parties would not officially be divorced unless the particular couple was extremely wealthy (Oldham, 2008). Divorce 'from bed and board' was the solution. Husband and wife did not live together, and the husband was required to 'maintain' his wife's expenses. Divorce from bed and board is still used in some states in the United States where there is alleged abuse.

Gender and alimony

Historically, the construct of alimony is rooted in gender and gendered marital roles. Alimony was the mechanism used to support a woman after the dissolution of her marriage. Early alimony theories describe how gender roles impact the financial health of both spouses. Wives' prioritization of household and family labor generates costs in the form of lost earnings, as well as a loss of market earning power through depreciation of market skills previously acquired (Landes, 1978; Beninger & Wielage Smith, 1982). The wage gap between men and women incentivized couples to make such gendered marital investments. Further, career assets are not generally considered marital property in court. As such, the husband retains his career assets accumulated during marriage, while the wife, who has invested in her family and her husband's career, is deprived of a return on her marital investment (Singer, 1989). The Theory of Alimony describes compensation for the disproportionate gender burden in divorce, in which the wife may experience more difficulty finding a new spouse, and she suffers a disproportionate financial loss because of her domestic role impeding her career advancement. This division of labor was seen as rational, as the spouses view their marriage as a shared enterprise, and conclude it is advantageous for the lower-earning spouse to assume the marital domestic needs, and maximize the income of the higher-earning spouse. However, if the parties divorce the spouse who has specialized in domestic affairs suffers a disproportionate loss (Ellman, 1989).

Contemporaneously, in 1979, a Supreme Court decision required gender neutrality in marital property division and alimony settlements as a matter of equal protection (Melli, 1996; Orr v. Orr, 440 U.S. 268). Nearly 40 years later, alimony is still predominately awarded to women. In 2013, approximately 344,000 women and 22,000 men were receiving alimony in the U.S. (Crowley, 2016).

Alimony and infidelity

Historically, the tie of alimony to infidelity has less to do with financial considerations such as need and ability to pay as it does with punishment (Starnes, 2011). In the case of a woman who commits infidelity and who is the lower wage-earning spouse, this has historically been a bar to alimony as women were considered chattel (McMullen, 2011). Thus, a woman committing infidelity meant that she no longer needed her husband to support her. In some cases, it may also be considered as if the woman was 'stolen' from her current spouse. This has since become gender neutral, and anybody committing infidelity might be barred from alimony in certain states.

For the higher wage-earnings spouse, many states have statutes where the higher wage-earning spouse must pay alimony even if the difference in incomes is minor (Morgan & Kothakota, 2012). This is seen more as a punishment and as recompense for diverging from monogamous marriage. Many family law professionals suggest the resultant alimony is either greater in amount, longer in term, or both (Starnes, 2011).

Awarding of alimony

In the United States, some states have an alimony formula, but by and large, the determination of alimony is either negotiated between parties or ordered by a court. There have been attempts to create a national alimony formula (Kisthardt, 2008) and a few states have alimony formulas they are either required to use or may choose to use as a guideline (Wery, et. al., 2017). Various states allow the courts to consider certain general factors and idiosyncratic factors specific to the couple getting divorced. Many divorcing individuals will listen to a 'Greek chorus' of friends or people who think they know what an alimony outcome should look like (Morgan & Kothakota, 2012). This can cause bottlenecks in the divorce process as a person may perceive they are being treated unfairly. By examining what the public thinks about how alimony should be awarded and the ways in which it is actually awarded, financial professionals can help their clients cut through unhelpful perceptions and potentially reduce costs. To that end, we propose the following research questions:

RQ1: Is the infidelity of a higher-wage earning spouse more likely to cause the public to think alimony should be awarded?

RQ2: Is the infidelity of the lower-wage earnings spouse more likely to cause the public to think alimony should not be awarded?

RQ3: Does the amount of alimony the public thinks should be awarded increase or decrease with regard to whether a spouse has committed infidelity?

RQ4: How does the amount of alimony the public thinks should be awarded compare to existing alimony formulas?

Theory

While this study is exploratory in nature, there is some philosophical reasoning for how infidelity and alimony awards may intersect. The Retributive Justice Theory of Punishment relies on a historical perspective similar to the Code of Hammurabi or the Bible's 'eye for an eye' mentality (Nozick, 1981). In the case of divorce, that would be if one spouse feels put upon by the other, they would expect some retribution. Specifically, the spouse having infidelity perpetrated upon them would expect some sort of recompense or remuneration (i.e., alimony). Using this theory, the following hypotheses are developed:

H1: In situations where men commit infidelity and they are the higher-wage-earning spouse, respondents will be more likely to award alimony.

H2: In situations where women commit infidelity and they are the higher-wage-earning spouse, respondents will be more likely to award alimony.

H3: In situations where men commit infidelity and they are the higher-wage-earning spouse, respondents will award more alimony, for a longer period than if they did not commit infidelity.

H4: In situations where women commit infidelity and they are the higher-wage-earning spouse, respondents will award more alimony, for a longer period than if they did not commit infidelity.

METHOD

Sample

To investigate the factors associated with perceived fairness in alimony awards where infidelity is present, we surveyed participants (n=1285) via SurveyMonkey™—a web-based survey application that is commercially-available in the United States. IRB permission was obtained via Kansas State University prior to administering the survey. Participants were recruited via a SurveyMonkey™ panel from an existing pool of United States citizens who have signed up to participate in survey research. Participants were compensated for participation through a donation to charity and a chance to win a sweepstakes prize, which is believed to encourage honest and thoughtful responses. The donation and sweepstakes specifics were not disclosed to the authors. Per SurveyMonkey™, the pool is representative of the adult U.S. population with internet access; however, it may not be representative of the total U.S. population (SurveyMonkey, 2017). The parameters provided to the vendor included only completed cases; therefore, there was no missing data. The survey was cross-sectional in nature and participants were only surveyed at a single point in time.

Measures

We used an indirect, or implicit, measurement approach to reduce the effect of bias associated with social desirability (Fisher, 1936). Rather than directly asking participants about their attitudes about alimony awards, indirect measures infer attitudes from participants' behaviors (Banse & Imhoff, 2013). Participants were asked to engage in a performance-based task: to make a recommendation of a fair alimony award to a friend after reading a short vignette about that friend's marriage. Each vignette was presented individually without reviewing responses to previous vignettes. There were two vignettes. Descriptive and demographic items followed.

Vignette Manipulation

We developed four sets of two vignettes that briefly described a couple in the process of dissolving their marriage, and each of those vignettes were manipulated by varying the gendered point of view (POV; i.e., the friend was either a man or woman), and financial status within the marriage (FS; i.e., the friend was either the supporting or dependent spouse), which resulted in four variations of each vignette: (a) friend who is a woman is the supporting spouse, (b) friend who is a man is the supporting spouse, (c) friend who is a woman is the dependent spouse, and (d) friend who is a man is the dependent spouse. Vignettes were brief and consistent. Each included: (a) the name and age of the friend, and implied gender (POV); (b) name and age, and implied gender of the friend's spouse; (c) names and ages of the children; (d) length of the marriage; (e) spouse's professions with annual and monthly income; and (f) which person committed infidelity. Each vignette followed the same structure and the gender and role of the spouse was manipulated as described above. Pronouns and spousal terms (e.g., husband, wife) changed as appropriate. After each vignette, participants were asked to record a fair monthly alimony award (in US dollars) and length (in years).

An example follows:

Your long-time friend Alecia (aged 53) has been married to her husband Dave (aged 52), for 22 years and has 1 child, Brittany (aged 14). Alecia is a technology director at a pharmaceutical company and earns $175,000 per year ($14,583/month). Dave is an architect and earns $73,000 per year ($6083/month). They live in a beautiful four-bedroom and have little debt beyond their mortgage. Alecia has $250,000 in her 401(k), and Dave has $120,000 in his. Recently, Dave told Alecia he has been having an affair with a high school friend. Alecia cannot forgive him and has filed for divorce. What is a fair alimony offer for Alecia to make Dave in $_____ for _____ years?

Outcome Variables

The outcome variables, alimony award (in US dollars), and alimony length (in years) were collected after each vignette.

In addition, the ratio of alimony amount to differences in income was also calculated as follows:

$$r_a = \frac{\text{suggested alimony amount}}{(\text{vignette higher income} - \text{vignette lower income})}$$

where r_a is the ratio of alimony to the differences in spousal income.

Independent Variables of Interest

The primary variable of interest was whether the person having the affair was in the 'power' position (i.e., had higher income) by gender (e.g., 'Man in power'). Also, of interest

were the POV (point of view) and gender effects on the outcome variables (e.g., Man POV). In other words, was there an effect of affinity to the person committing infidelity or the person having infidelity committed on them by their friend, or whether the gender of the respondent had an effect.

Independent Variables

After responding to both vignettes, we asked participants about their demographics (e.g., age, gender, race/ethnicity, state of residence, employment status, and household income) and other characteristics related to their marital history. Age was a categorical variable consisting of four levels; 18-29, 30-44, 45-59, and 60 and above. Gender was binary only and consisted of men and women. Employment status consisted of those individuals who indicated they were employed and those who indicated they were unemployed. Household income was collapsed into categories and consisted of: $0-24,999; $25,000 - $49,999; $50,000-$99,999; $100,000 - $124,999, and $125,000 or greater.

These items reflect those present in the vignettes and include: (a) marital status, (b) length of current marriage, (c) presence of children from the current or other relationship, (d) experience as a stay-home spouse, (e) experience with extra-marital affairs, and (f) experience with divorce.

Analysis

Logistic regression was used to examine differences in the likelihood that the participant would order any alimony at all. Thus, any amount of alimony was coded as '1' and if there were no amounts of alimony, they would be coded '0'. This was particularly important to identify any other demographic differences such as age or race associated with assigning alimony.

Both outcome variables are important to the alimony award. Due to the fact that participants may award zero alimony in certain circumstances, estimates may be biased if examined using ordinary least squares regression with two outcome variables. Endogeneity from selection bias was addressed using a multi-variate Heckman selection model (Yen, 2005). Upon visual inspection of the distribution of amount awarded, in many cases the amount of alimony was skewed right, and most observations were below the mean. In order to reduce the effect of any heteroskedasticity, the outcome variable was transformed to the log amount. Length of term was treated as linear for purposes of this analysis.

Three t-tests were performed to examine the alimony as a ratio difference between men having an affair and women having an affair. Despite providing different vignette amounts of income based on gender, the ratios should be similar if there is no gender bias. Welch's t-test provides accurate estimates of the differences between ratios (Delacre et. al., 2017). Further, in order to test the differences in power within affair groups, a t-test was conducted for men having affairs comparing a man in power and woman in power. A similar test was conducted for the woman having an affair condition.

Finally, the average amount of alimony awarded, and length of term was compared to three formulas purporting to be fair amounts. The American Academy of Matrimonial Lawyers provides a formula they deem nationally applicable (Willick, 2015). Also considered a fair formula is the '1/3, 1/3, 1/3' formula, where you add both spouse's income, divide by three, and then subtract the lower income from that amount. If the amount is greater than zero, that is the amount of alimony that should be paid. Finally, there is the Ginsburg formula, calculated as 30% of the payor's gross income minus 20% of the payee's gross income, not to exceed 40% of the combined gross income of both the payor and payee (Dugan & Feder, 2002).

RESULTS

Descriptive statistics of the sample are outlined in Table 1. Ages were divided into groups that mirror 'titled' generations. The mean alimony amount ordered was $1,278 ($1,554), and the length of term was 5.86 years (5.79), while the log amount of alimony was 3.11 (0.44) and the log amount of the length of term was 0.82 (0.28). The group 18-29 represented 17.2% of the participants, 30-44 was 21.9%, 45-59 was 26.6% and 60 and older was 33.4%. The majority of the participants identified as White at 83%, while 4.6% of the sample identified as Black, LatinX was 5.1%, Native American/Alaska Native was 1%, Asian or Pacific Islander was 2.3%, and two or more races or other was 4%. Women were 59.70% of the sample, with men comprising 40.3% of the sample. Married individuals in their first marriage were 40.40% of the sample; 17.80% of the sample were married, but previously divorced; 15.3% identified as divorced; 4.4% identified as widowed; and 22.10% identified as single or cohabitating. Most of the participants were employed at 65.5%, while 34.5% were not employed. Participants who earned approximately the same as their spouse made up 12.3% of the sample, while 42.40% earned less than their spouse and 45.10% earned more than their spouse.

Money and Betrayal: Perceptions of Alimony Fairness in Relation to Infidelity

Table 1.

Variable Descriptive Statistics (n=1285)

Variable		Percentage	M (SD)
Log amount of alimony			3.11 (0.44)
Length of alimony			5.86 (5.79)
Age			
	18-29	17.20%	
	30-44	21.90%	
	45-59	26.60%	
	60 and older	33.40%	
Race			
	White	83.00%	
	Black	4.60%	
	Hispanic/LatinX	5.10%	
	Native American or Alaska Native	1.00%	
	Asian or Pacific Islander	2.30%	
	Two or more races/Other	4.00%	
Gender			
	Woman (1)	59.70%	
	Man (0)	40.30%	
Marital status			
	Married (first marriage)	40.40%	
	Married (previously divorced)	17.80%	
	Divorced	15.30%	
	Widowed	4.40%	
	Single	22.10%	
Income			
	$0 - $24,999	6.43%	
	$25,000 - $49,999	27.80%	
	$50,000 - $74,999	24.80%	
	$75,000 - $99,999	12.97%	
	$100,000 - $124,999	9.80%	
	$125,000 - $149,999	7.10%	
	$150,000 - $174,999	4.80%	
	$175,000 - $199,999	3.40%	
	$200,000 or greater	2.90%	
Employment status			
	Employed	65.50%	
	Unemployed	34.50%	
Relative income			
	Same as spouse	12.30%	
	Less than spouse	42.40%	
	More than spouse	45.20%	

Logistic regression results

Logistic regression results for the man having an affair condition are contained in Table 2. In the man having an affair condition, when the supporting spouse was a man, participants had 7.56 [CI 5.45; 10.03; p<.01] greater odds that a respondent would think he should pay alimony than if he did not commit infidelity. Participants who were of Asian/Pacific Islander descent had 4.096 [CI: 1.170; 14.336, p<.01] greater odds to think alimony should be paid when compared to White participants. No other variables were significant in the man having an affair regression.

Table 2.

Logistic Regression Man Affair – Awarding alimony

Variable		Est.	SE	OR	LB	UB	*p*
Intercept		0.23	0.24	-	-	-	0.92
Man in power		2.00	0.16	7.4	5.45	10.03	***<.01
Man POV		0.22	0.15	1.24	0.93	1.66	0.13
Age							
	18-29	-0.19	0.28	0.83	0.48	1.42	0.49
	30-44	-0.35	0.2	0.71	0.48	1.05	.09*
	45-59	-0.08	0.18	0.93	0.66	1.31	0.66
Race							
	Black	0.44	0.38	1.55	0.73	3.27	0.25
	Hispanic/LatinX	0.16	0.33	1.18	0.62	2.25	0.62
	Native American or Alaska Native	-0.19	0.69	0.83	0.22	3.19	0.78
	Asian or Pacific Islander	1.41	0.64	4.1	1.17	14.34	**.03
	Two or more races/Other	-0.32	0.75	0.72	0.17	3.16	0.67
Sex							
	Man	0.31	0.15	1.36	1.01	1.85	**.05
Marital status							
	Married (first marriage)	-0.27	0.22	0.77	0.50	1.18	0.22
	Married (previously divorced)	0.42	0.24	0.65	0.41	1.05	*0.08
	Widowed	0.18	0.37	1.20	0.58	2.49	0.63
	Single	-0.12	0.26	0.89	0.53	1.48	0.65
Income							
	$0 - $24,999	0.38	0.24	1.46	0.87	2.46	0.15
	$25,000 - $49,999	0.29	0.21	1.33	0.88	2.01	0.18
	$50,000 - $99,999						
	$100,000 - $124,999	0.32	0.25	0.138	0.85	2.24	0.20
	$125,000 or greater	0.22	0.22	1.25	0.81	1.93	0.31

AIC = 1326.41; -2 Log L = 1278.408; pseudo r-squared = 0.17; c=0.76;
*p<.10, **p<.05, ***p<.01

Results for the woman had affair condition are contained in Table 3. In the woman had affair condition, when the supporting spouse was a woman, participants had 3.21 [CI

2.39; 4.04; p<.01] greater odds to think she should pay alimony than if she did not commit infidelity. There were no other significant variables in the Woman had affair regression.

Table 3.

Logistic Regression Woman had affair – Awarding alimony

Variable	Est.	SE	OR	LB	UB	p
Intercept	0.31	0.24	-	-	-	0.2
Woman in power	1.13	0.13	3.11	2.39	4.04	***<.01
Woman POV	-0.21	0.14	0.81	0.62	1.06	0.12
Age						
18-29	-0.14	0.26	0.87	0.52	1.46	0.59
30-44	-0.24	0.19	0.79	0.55	1.13	0.2
45-59	-0.28	0.16	0.76	0.55	1.04	*.09
Race						
Black	0.48	0.36	1.62	0.8	3.28	0.19
Hispanic/LatinX	0.02	0.30	1.03	0.57	1.85	0.94
Native American or Alaska Native	0.14	0.70	1.15	0.29	4.55	0.84
Asian or Pacific Islander	1.40	0.63	4.04	1.17	13.89	**.03
Two or more races/Other	0.90	0.84	2.47	0.48	12.73	0.28
Sex						
Man	-0.02	0.14	0.98	0.74	1.29	0.87
Marital status						
Married (first marriage)	-0.07	0.20	0.93	0.63	1.36	0.70
Married (previously divorced)	0.09	0.22	1.10	0.71	1.70	0.68
Widowed	0.41	0.39	1.51	0.71	3.23	0.29
Single	0.23	0.24	1.36	0.79	2.00	0.34
Income						
$0 - $24,999	0.45	0.24	1.57	0.97	2.53	0.20
$25,000 - $49,999	0.61	0.20	1.84	1.24	2.74	***<.01
$50,000 - $99,999						
$100,000 - $124,999	0.31	0.22	1.36	0.88	2.11	0.17
$125,000 or greater	0.29	0.20	1.33	0.9	1.98	0.16

AIC = 1478.74; -2 Log L = 1430.74; pseudo r-squared = 0.08; c=0.68;
*p<.10, **p<.05, ***p<.01

T-test

Results comparing the ratios of men who had affairs and woman who had affairs are in Table 4. The mean percentage of income when the man is in the power position and the man has the affair is 30.02% [SD: 31.84%] and the mean percentage of income when the woman is in the power position and the woman has the affair is 25.86% [SD: 22.12]. Results were significant ($p<.01$) and the mean difference was greater than zero. This suggests respondents punish men more than women.

Table 4.

t-test Results Ratio between Man having affair and Woman having affair

Power	n	Mean	SD	t-cal	t-crit	df	*p*
Man	628	30.02%	31.84%	2.16	1.96	627	***<0.01
Woman	628	25.86%	22.12%				

Heckit regression results

Results for the multivariate selection model for when men have an affair are outlined in Table 5. The estimates in the case where the man is the higher-wage earner are 0.59 log amount ($p<.01$) and 2.44 on alimony term ($p<.01$) were significant. Black participants were awarded -0.41 log alimony amount ($p<.05$) when compared to White participants. Asian and Pacific Islander participants were awarded -0.52 log alimony amount ($p<.05$) when compared to White participants. Single individuals were awarded -0.21 when compared to married individuals ($p<.05$). When compared to women, men were awarded -1.21 more years of alimony ($p<.05$).

Results for the multivariate selection model for when the woman had an affair are outlined in Table 6. The estimates in the case where the woman is the higher-wage earner are 0.27 log amount ($p<.01$) and 1.06 on alimony term ($p<.01$) were significant. When compared to those age 60 and older, respondents aged between 30-44 ordered -1.38 years ($p<.01$), and when the respondent was a man ordered -0.14 log alimony amount ($p<.05$) and 0.47 years ($p<.05$).

Table 5.

Multivariate Selection Model Results – Man Log alimony amount and length of term

	Log alimony amount				Length of term			
Variable	Est.	SE	F-value	p	Est.	SE	F-value	p
Intercept	6.93	0.26	718.96	***<.01	7.53	1.41	28.18	***<0.01
Man in power	0.58	0.7	63.66	***<.01	2.46	0.4	37.54	***<0.01
Man POV	0.04	0.07	0.34	0.56	0.07	0.4	0.03	0.86
Age								
18-29	-0.1	0.14	0.52	0.47	-0.33	0.74	0.2	0.66
30-44	0.08	0.1	0.57	0.45	-0.15	0.56	0.08	0.78
45-59	0.1	0.09	1.36	0.24	0.62	0.49	1.59	0.21
Race								
Black	-0.39	0.16	5.49	**0.02	-0.32	0.9	0.13	0.72
Hispanic/LatinX	0.01	0.16	0	0.97	-0.94	0.87	1.16	0.28
Native American or Alaska Native	0.02	0.36	0	0.95	-0.62	1.95	0.1	0.75
Asian or Pacific Islander	-0.56	0.21	6.89	***<0.01	-0.64	1.16	0.31	0.58
Two or more races/Other	-0.19	0.61	0.1	0.75	-3.44	3.37	1-.4	0.31
Sex								
Man	-0.12	0.07	2.66	0.10	-1.31	0.411	10.16	***<.01
Marital status								
Married (first marriage)	-0.06	0.11	0.32	0.57	0.09	0.58	0.02	0.88
Married (previously divorced)	-0.15	0.12	1.57	0.21	-0.43	0.68	0.41	0.52
Widowed	-0.05	0.19	0.06	0.80	-0.55	1.03	0.28	0.59
Single	-0.17	0.12	1.79	0.18	0.11	0.68	0.02	0.87
Income								
$0 - $24,999	-0.16	0.12	1.63	0.20	0.94	0.68	1.9	0.17
$25,000 - $49,999	-0.19	0.10	3.45	*0.06	-0.03	0.69	0	0.96
$100,000 - $124,999	0.03	0.12	0.07	0.79	0.43	0.67	0.42	0.52
$125,000 or greater	0.06	0.11	0.3	0.58	-0.03	0.62	0	0.96
More than spouse								

R-Square=0.1023; C(p)=25;
*p<.10, **p<.05, ***p<.01

R-Square=0.0635; C(p)=25; *p<.10,
**p<.05, ***p<.01

Table 6.

Multivariate Selection Model Results - Woman Log alimony amount and length of term

Variable	Log alimony amount				Length of term			
	Est.	SE	F-value	p	Est.	SE	F-Value	p
Intercept	7.15	0.25	848.39	***<0.01	11.88	1.36	76.37	***<0.01
Woman in power	0.27	0.06	20.09	***<0.01	1.06	0.34	9.85	***<0.01
Woman POV	-0.07	0.06	1.13	0.29	0.35	0.34	1.05	0.31
Age								
18-29	-0.18	0.12	2.28	0.13	-1.24	0.64	3.68	*.06
30-44	-0.09	0.09	0.99	0.32	-1.38	0.48	8.26	***<.01
45-59	0.03	0.08	0.11	0.74	-0.57	0.43	1.75	0.19
60 and older								
Race								
White								
Black	-0.26	0.14	3.38	*.07	-0.22	0.78	0.08	0.77
Hispanic/LatinX	-0.11	0.14	0.58	0.45	-1.67	0.77	4.75	**0.03
Native American or Alaska Native	0.28	0.29	0.95	0.33	0.58	1.61	0.13	0.72
Asian or Pacific Islander	-0.09	0.18	0.23	0.63	0.75	1	0.56	0.45
Two or more races/Other	-0.21	0.38	0.32	0.57	-1.51	2.09	0.53	0.47
Sex								
Man	-0.14	-0.07	4.64	**.03	0.47	0.36	1.66	0.2
Marital status								
Married (first marriage)	-0.14	0.09	2.24	0.13	0.43	0.52	0.69	0.41
Married (previously divorced)	-0.15	0.11	2.08	0.15	-0.5	0.59	0.71	0.4
Divorced								
Widowed	0.00	0.16	0.00	0.99	-0.37	0.87	0.18	0.67
Single	-0.14	0.11	1.71	0.19	-0.16	0.61	0.07	0.79
Income								
$0 - $24,999	-0.15	0.11	1.86	0.17	1.37	0.6	5.19	**.02
$25,000 - $49,999	-0.15	0.09	2.99	*.08	-0.1	0.49	0.04	0.84
$100,000 - $124,999	0.07	0.11	0.43	0.51	0.84	0.6	1.97	0.16
$125,000 or greater	0.03	0.10	0.12	0.73	-0.64	0.55	0.138	0.24

R-Square=0.1023; C(p)=25   *R-Square=.0528; C(p)=25*

Comparison of average amounts from respondents versus existing formulas

Table 7 outlines comparisons of average experimental outcomes with existing formulas for the man having an affair condition. All amounts suggested by respondents were lower than those for the AAML formula, the 'rough cut' formula, and the Ginsburg formula. The average where the man had an affair amount suggested was $1,507 per month, but when the man was the higher wage earner, the average amount suggested was $2,120, and when the man was the lower wage earner, the average amount suggested was $860. The AAML formula suggests $2,183, slightly higher than when the man is the higher wage earner. The rough-cut formula is $2,833, and the Ginsburg formula suggests $3,102 per month in alimony.

Table 8 outlines comparisons of average experimental outcomes with existing formulas for the woman had affair condition. The results for these comparisons are more mixed than when the man had an affair, suggesting a non-linear connection between the formulas. The average when the woman had the affair amount suggested was $1,016 per month, but when the woman was the higher wage earner, the average amount suggested was $1,275, and when the woman was the lower wage earner, the average amount suggested was $758. The AAML formula suggests $550, lower by $725 than when the woman had an affair. The rough-cut formula is $1,416, higher than all of the amounts and the Ginsburg formula suggests $1,250 per month in alimony, slightly lower than the high end of when the woman had the affair.

Table 7.

Comparison of experimental outcomes with existing formulas - Man Having Affair

	Man having affair experiment overall	Man having affair experiment man in power	Man having affair experiment woman in power	AAML formula	'Rough cut - 1/3, 1/3, 1/3'	Ginsburg
Suggested amount awarded	$1,507	$2,120	$860	$2,183	$2,833	$3,102

Table 8.

Comparison of experimental outcomes with existing formulas - Woman had affair

	Woman having affair experiment overall	Woman having affair experiment man in power	Woman having affair experiment woman in power	AAML formula	'Rough cut - 1/3, 1/3, 1/3'	Ginsburg
Suggested amount awarded	$1,016	$758	$1,275	$550	$1,416	$1,250

DISCUSSION

The results suggest there is still a punishment factor for divorcing individuals who commit infidelity. Participants are more likely to suggest alimony be awarded when the person committing infidelity is the higher wage-earner. However, when alimony is awarded, both the amount and length of term are greater when the offender is a man. As many states move towards laws abolishing the awarding of alimony based upon infidelity (Gallacher, 2014), the public seems to feel as if infidelity should have economic consequences.

All hypotheses were upheld. Participants suggested both men and women who committed infidelity and were the higher wage-earning spouse should be more likely to pay alimony than higher wage earnings spouses who did not (H1 and H2). Participants also suggested men who committed infidelity should pay more monthly alimony and for a longer period than those men who did not commit infidelity (H3). Women who commit infidelity also should be required to pay more in alimony according to participants (H4). All results are consistent with the Retributive Justice Theory of Punishment.

The *t*-tests illustrated the within-treatment differences. The mean difference when the person who had an affair was the higher wage earner was significant. Further, when comparing the ratios of alimony awarded to income, respondents suggested men should pay a greater percentage of their income. One possible reason is perhaps respondents are penalizing men due to the wage gap (Hegewisch, 2018).

Most other variables were not significant. However, there was some minor evidence that younger generations are both less likely to award alimony than older generations and will award less for shorter periods of time. This may suggest that younger generations do not feel as strongly about punishing those who have affairs. Interestingly, this is in contradiction to work done by Twenge, et. al. (2015) who suggested younger generations are less accepting of extramarital sex. Perhaps they are less accepting of extramarital sex but are able to separate infidelity from financial issues. As these generations get married and subsequently divorced, it will be interesting to see if they hold to such notions or if they follow in the footsteps of older generations.

When comparing the results from the survey with existing formulas, when the income disparity is greater, respondents generally suggested lower monthly alimony awards. The Ginsburg formula suggested that 46.3% more alimony be awarded in the condition where the man had an affair than in the woman had an affair condition. In the woman had an affair condition, the 'Rough cut' and Ginsburg formulas were close to the amount of alimony respondents suggest be awarded when the woman was the higher wage earner. However, the AAML formula resulted in a smaller amount than any of the respondents' suggested amounts of alimony that should be awarded. The AAML formula is the formula created by the association of family lawyers and judges and is associated with a push towards a national alimony formula (Morgan & Kothakota, 2012).

Implications for practice

Financial therapy practitioners may use this information to help clients understand both the client's own expectations as well as the broader legal estimates around alimony. Alimony is an emotional issue, and one most often argued about. Practitioners that help a client gain perspective on what the public views as a fair amount may help the client move to a problem-solving approach to managing their financial affairs. In addition, practitioners may be able to assist the client and their legal representative in the negotiation process by communicating general perceptions. This can enhance the negotiation process and perhaps make it more efficient and less costly to the clients.

Limitations

This study made use of a complicated design and randomization to examine whether punishment was still a factor in participants' perceptions of what are just and fair alimony awards. Despite this, surveys are still rife with social desirability bias. It would be difficult to examine which direction the biases move in awarding alimony. Perhaps many view alimony as archaic (Nannarone, 2019) and as a result, choose either a small amount for a short period or no alimony at all. While being divorced was not found to be significant, an individual may bias their estimate downward to appear more magnanimous.

In addition, it would have been useful to examine affairs by gender directly. Since the vignettes for when the man had an affair and woman had an affair were materially different fact patterns, the dollar comparisons are difficult to make, which is why we used ratios. Without including similar fact patterns, such results are inconclusive.

Future research

More research into perceptions of fairness will need to be conducted. Often, there is an educational discrepancy between spouses, and the public may have opinions on these cases. In many cases, a couple may choose to have a spouse stay at home, affecting their earning capacity and long-term human capital. Examining whether men and women are treated differently with regard to how alimony is actually awarded is also important. Finally, comparing public estimates versus judicial and attorney estimates of what is fair would help in determining whether there is a disconnect between the people served by the law, and those who practice the law.

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APPENDIX

Vignettes

Man having an affair

POV M, Power M:
Your long-time friend Dave (aged 52), has been married to his wife, Alecia (aged 53) for 22 years and have 1 child, Brittany (aged 14). Dave is a technology director at a pharmaceutical company, and earns $175,000 per year ($14,583/month). Alecia is an architect and earns $73,000 per year ($6083/month). They live in a beautiful four-bedroom and have little debt beyond their mortgage. Dave has $250,000 in his 401(k), and Alecia has $120,000 in hers. Recently, Dave told Alecia he has been having an affair with a high school friend. Alecia cannot forgive him and has filed for divorce.
What is a fair alimony offer for Dave make Alecia ($___), (length of time)

POV F, Power M:
Your long-time friend Alecia (aged 53) has been married to her husband Dave (aged 52), for 22 years and have 1 child, Brittany (aged 14). Alecia is an architect and earns $73,000 per year ($6083/month). Dave is a technology director at a pharmaceutical company and earns $175,000 per year ($14,583/month). They live in a beautiful four-bedroom and have little debt beyond their mortgage. Dave has $250,000 in his 401(k), and Alecia has $120,000 in hers. Recently, Dave told Alecia he has been having an affair with a high school friend. Alecia cannot forgive him and has filed for divorce.
What is a fair alimony offer for Dave make Alecia ($___), (length of time)

POV M, Power F:
Your long-time friend Dave (aged 52), has been married to his wife, Alecia (aged 53) for 22 years and have 1 child, Brittany (aged 14). Dave is an architect and earns $73,000 per year ($6083/month). Alecia is a technology director at a pharmaceutical company and earns $175,000 per year ($14,583/month). They live in a beautiful four-bedroom and have little debt beyond their mortgage. Alecia has $250,000 in her 401(k), and Dave has $120,000 in his. Recently, Dave told Alecia he has been having an affair with a high school friend. Alecia cannot forgive him and has filed for divorce.
What is a fair alimony offer for Alecia make Dave ($___), (length of time)

POV F, Power F:
Your long-time friend Alecia (aged 53) has been married to her husband Dave (aged 52), for 22 years and have 1 child, Brittany (aged 14). Alecia is a technology director at a pharmaceutical company and earns $175,000 per year ($14,583/month). Dave is an architect and earns $73,000 per year ($6083/month). They live in a beautiful four-bedroom and have little debt beyond their mortgage. Alecia has $250,000 in her 401(k), and Dave has $120,000 in his. Recently, Dave told Alecia he has been having an affair with a high school friend. Alecia cannot forgive him and has filed for divorce.
What is a fair alimony offer for Alecia make Dave ($___), (length of time)

Woman having an affair

POV M, Power M:
Your long-time friend Christopher (aged 42), has been married to his wife, Heather (aged 41) for 15 years and have 2 children, Madeline (aged 12) and Jake (aged 6). Christopher is a real estate agent and earns $120,000 per year ($1,000/month). Heather is an accountant and earns $69,000 per year ($5750/month). They live in a four-bedroom colonial and have little debt beyond their mortgage. Christopher has $150,000 in his 401(k), and Heather has $120,000 in hers. Recently, Heather told Christopher she has been having an affair with a high school friend. Christopher cannot forgive her and has filed for divorce.
What is a fair alimony offer for Christopher make Heather ($__), (length of time)

POV F, Power M:
Your long-time friend Heather (aged 41) has been married to her husband, Christopher (aged 42), for 15 years and have 2 children, Madeline (aged 12) and Jake (aged 6). Heather is an accountant and earns $69,000 per year ($5750/month). Christopher is a real estate agent and earns $120,000 per year ($1,000/month). They live in a four-bedroom colonial and have little debt beyond their mortgage. Heather has $120,000 in her 401(k) and Christopher has $150,000 in his. Recently, Heather told Christopher she has been having an affair with a high school friend. Christopher cannot forgive her and has filed for divorce.
What is a fair alimony offer for Christopher make Heather ($__), (length of time)

POV M, Power F:
Your long-time friend Christopher (aged 42), has been married to his wife, Heather (aged 41) for 15 years and have 2 children, Madeline (aged 12) and Jake (aged 6). Christopher is an accountant and earns $69,000 per year ($5750/month). Madeline (aged 12) and Jake (aged 6). Heather is a real estate agent and earns $120,000 per year ($1,000/month). They live in a four-bedroom colonial and have little debt beyond their mortgage. Christopher has $120,000 in his 401(k) and Heather has $150,000 in hers. Recently, Heather told Christopher she has been having an affair with a high school friend. Christopher cannot forgive her and has filed for divorce.
What is a fair alimony offer for Heather make Christopher ($__), (length of time)

POV F, Power F:
Your long-time friend Heather (aged 41) has been married to her husband, Christopher (aged 42), for 15 years and have 2 children, Madeline (aged 12) and Jake (aged 6). Heather is a real estate agent and earns $120,000 per year ($1,000/month). Christopher is an accountant and earns $69,000 per year ($5750/month). They live in a four-bedroom colonial and have little debt beyond their mortgage. Heather has $150,000 in her 401(k) and Christopher has $120,000 in his. Recently, Heather told Christopher she has been having an affair with a high school friend. Christopher cannot forgive her and has filed for divorce.
What is a fair alimony offer for Christopher make Heather ($__), (length of time)