Individual Entitlement to the Financial Benefits of a Professional Degree: An Empirical Study of the Attitudes and Expectations of Married Professional Students and their Spouses

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INDIVIDUAL ENTITLEMENT TO THE FINANCIAL BENEFITS OF A PROFESSIONAL DEGREE: AN EMPIRICAL STUDY OF THE ATTITUDES AND EXPECTATIONS OF MARRIED PROFESSIONAL STUDENTS AND THEIR SPOUSES†

Rebecca Redosh Eisner* and Ruth Zimmerman**

Before John started medical school, his wife Pam had been developing her own business. When John began school, Pam took a job offering a regular salary, but with little chance for advancement. Though she preferred running her own business, the couple needed a consistent income during John’s schooling and residency. Her salary at the new job was enough to pay all of the couple’s living expenses as well as all of John’s school expenses. John and Pam decided to divorce two months after he had completed his residency. The only asset they accumulated during their marriage was $2,500 in a joint checking account. Pam’s expected yearly income is $23,000. After John establishes his practice, his income will be about $65,000 per year.1

In many states an individual who helps his spouse attain a professional degree by providing financial or other support is entitled to no compensation for such contributions upon dissolution of the marriage.2 In other states the spouse may receive a

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1. This vignette is one of the 128 vignettes that were used in the study. See infra note 39 and Appendix 2.

2. “We recognize there are inequities which may result from the failure to compensate the spouse who supports the other through college or professional school. . . . However, the trial court is limited by our basic community property laws in making a division. . . . We hold that a professional education acquired during marriage is not a
small amount of remuneration through alimony, maintenance, property division, or expense reimbursement. In California, a spouse can recoup all of the money she spent on the education of the other spouse. In Michigan and New York, courts label the professional degree "marital property" and award the spouses part of the value of that degree.

Many courts and commentators have considered the question of whether a professional degree acquired during marriage should be valued and divided upon divorce. The variety of resulting opinions has been so great that no clear rationale has surfaced for recognizing the contributions made by a supporting property right and is not divisible upon divorce." Frausto v. Frausto, 611 S.W.2d 656, 659 (Tex. Civ. App. 1980) (holding that the court had discretion to consider difference in earning capacities). See also Mahoney v. Mahoney, 91 N.J. 488, 502, 453 A.2d 527, 535 (1982) ("The Court does not hold that every spouse who contributes toward his or her partner's education or professional training is entitled to reimbursement alimony."). In the case of In re Marriage of McManama, 272 Ind. 483, 399 N.E.2d 371 (1980), the only assets the couple had at the time of divorce were real estate, personal property and $96 in savings. The trial court divided these according to statute. On appeal, an award of $3,600 that had been given in an attempt to compensate the wife for contributions to the husband's law school expenses was vacated. She effectively received nothing above what she would have had she not supported her husband through a year of school. "The thirty-six hundred dollar ($3,600) award to the wife is above the total value of the marital assets. . . . [T]his amount would be paid as an award of the husband's future income. The only way the trial court could have given any additional amounts . . . would have been [through] either support or maintenance [for which the wife did not qualify]. . . ." Id. at 487, 399 N.E.2d at 373.

3. In re Marriage of Horstmann, 263 N.W.2d 885, 891 (Iowa 1978) (allowing future earning capacity of husband to be considered in alimony award); Daniels v. Daniels, 20 Ohio App. 2d 458, 185 N.E.2d 773 (1961) (taking into account future earning capacity of husband with medical degree in determining wife's alimony award); Hubbard v. Hubbard, 603 P.2d 747, 751 (Okla. 1979) (allowing compensation for amount of wife's direct financial investment in education through property settlement alimony); Haugan v. Haugan, 117 Wis. 2d 200, 343 N.W.2d 796 (1984) (allowing compensation through maintenance payments, property division, or both, though the degree was not considered as property).

4. See infra note 25.


6. Cases from the 30 jurisdictions that have considered this issue are cited in Daley, Is the Professional Degree Marital Property?, 24 Trial 24, 27 n.1 (April 1988).

spouse. Whether a supporting spouse should receive any recompense at all remains a hotly debated issue.

When confronted with the issue, most courts have framed their decisions around the expectations that the couples held regarding the acquisition of the degree. Because the couples' beliefs about their contributions to the marital unit may be drastically different when divorce is contemplated, courts usually face the uncertain task of recreating the couples' probable expectations while the degree was pursued. Judges' core beliefs regarding marriage affect their assumptions about couples' expectations. For example, some courts assume that supporting spouses contributed with the expectation of an improved lifestyle as a result of their spouses' professional degrees. Other courts assume that the supporting spouses harbored no expectations about the advantages of a degree, selflessly making contributions out of commitment to their partners.

When judges impose their private opinions about marriage on divorcing couples, the outcomes vary from court to court. Similarly situated couples receive differing treatment, and the fairness of divorce proceedings is undermined. In current cases, courts rely too heavily on their personal views of marriage when they frame awards for supporting spouses. Courts should place more emphasis on less subjective factors to determine whether a supporting spouse may rightfully lay claim to part of the value of a professional degree.

This empirical study attempted to discover which objective factors cause a couple to consider a professional degree attained during the marriage to be divisible like marital property. These

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8. One author summarized the legal theories applied to the cases in the following way: "Courts have likened the marriage to a partnership or an investment and have used a variety of legal remedies, including alimony, property settlements, rehabilitative alimony, spousal support and maintenance. In addition, courts have proposed or provided equitable awards through restitution, reimbursement, quasi-contract, and recoupment." Note, Educational Degrees at Divorce: Toward an Educated Dissolution, 59 S. Cal. L. Rev. 1351, 1353-54 (1986) (footnotes omitted) [hereinafter Educated Dissolution].

9. For a discussion of these expectations, see infra, text accompanying notes 13-25.

10. See infra text accompanying notes 13-25.
objective factors should, in part, replace the courts' practice of reconstructing uncertain expectations and imposing their personal considerations upon couples embroiled in a divorce. The participants in the study were married professional students and their spouses. The study tested whether these couples believed that supporting spouses merit compensation upon divorce. It also gauged the effect of certain objective factors in a marriage upon the level of compensation that couples felt was appropriate. At least one person in each marriage was attending professional school at the time of the couples' participation.\textsuperscript{11}

Part I of this Note describes the case law that delineated the factors examined in the study. Those factors are the financial support provided by the supporting spouse, the extent of personal sacrifice made by the supporting spouse, the length of the marriage and corresponding accumulated assets of the marriage at the time of the divorce, and the relative earning capacities of the two parties after the divorce. Part II discusses the design of the study, and specifically how we manipulated these factors in hypothetical vignettes to measure reactions to the factors. Part III presents the results and our conclusions about the participants' attitudes. Finally, Part IV concludes that our participants felt that the presence of these factors in marriages similar to ones in our vignettes should lead to compensation for the supporting spouses. From that conclusion we argue that courts should consider these factors in framing divorce awards that compensate supporting spouses.

\section{I. Common Factors in the Cases}

Courts have expressed widely varying opinions about marriage in cases where a supporting spouse sought remuneration for contributions toward a professional education.\textsuperscript{12} These views on marriage have, in large part, guided the outcome of divorce cases where a professional degree was at issue.

\begin{footnotesize}
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\item Of 239 participants, four couples answered that they both attended professional school. Four student respondents had spouses who also attended a professional school but did not participate in the study. \textit{See infra} text accompanying notes 51-53 (Table 1).
\item \textit{See infra} text accompanying notes 13-25.
\end{enumerate}
\end{footnotesize}
A. Marriage as an Altruistic Relationship

Some courts express the view that marriage is an altruistic relationship. Each partner helps the other without regard to repayment for their contributions. These courts emphasize that marriage is "more than an economic undertaking." \(^{13}\) Couples "provide financial support and non-financial services to each other, and they do not place values on their respective contributions, nor do they expect to pay each other for those contributions." \(^{14}\)

Courts holding this view assert that compensation to the supporting spouse would inappropriately treat the couple as if they were business partners. The supporter would then be seen as making a capital investment in the human commodity of the other's professional training. These courts balk at applying such a cold concept to their idealized version of marriage. \(^{15}\)

Courts that articulate the altruistic view award either too little compensation to the supporting spouse or none at all. They reject business partnership analogies and other commercial contract expectation theories because, in their view, these theories are inappropriate in the context of a marital relationship. \(^{16}\) The courts assume, in the absence of a contract or agreement, that the decision to educate one spouse encompasses a mutual selfless sacrifice by both parties. That assumption works to the detriment of the supporting spouse in many cases. \(^{17}\)

B. Marriage as an Investing Partnership

Other courts have embraced the partnership view of marriage. These courts argue that partners in marriage make investment decisions similar to those made by businesses. \(^{18}\) When one spouse foregoes immediate opportunities to allow the other to...
pursue an advanced education, "this sacrifice is made with the expectation that the parties will enjoy a higher standard of living in the future." Under this theory of marriage, partners receive a "return on their investment in the marriage," whether good or bad.

Supporting spouses benefit from courts that accept the business analogy. When both parties worked toward the education of one, according to this view, the supporting spouse should receive a share of the anticipated enhanced earnings of the educated spouse. "Marriage should not be a free ticket to professional education and training without subsequent obligations." Between these two extremes of "altruism" and "corporate partnership," courts express more moderate opinions about marriage.

A flat rule applicable to all cases is not the chosen solution. Rather, some courts examine individual fact situations to decide whether the supporting spouse merits dividends from the future earnings of the educated spouse.

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21. Id.
22. Mahoney, 91 N.J. at 503, 453 A.2d at 535.

In a marital partnership where both parties work toward the education of one and the marriage ends before the economic benefit is realized, it is "patently unfair that the supporting spouse be denied the mutually anticipated benefit while the supported spouse keeps not only the degree, but also all of the financial and material rewards flowing from it." Id. at 500, 453 A.2d at 533-34.

23. Even the courts that assert more moderate opinions that lie somewhere between the "altruistic" and "corporate partnership" paradigms make assumptions about what the parties thought and expected. These moderate assumptions offer no more guidance on compensation of the supporting spouse than assumptions based on the partnership view. The following are more moderate but equally vague statements about marriage and compensation of a supporting spouse:

"When a person supports a spouse through professional school in the mutual expectation of future financial benefit . . . but the marriage ends before that benefit can be realized, that circumstance is a 'relevant factor' which must be considered in making a fair and equitable division of property. . . ." In re Marriage of Washburn, 101 Wash. 2d 168, 178, 677 P.2d 152, 158 (1984) (emphasis added). The concept of mutual expectation is an assumption made by the court.

"[D]istrict Courts are guided by equitable principles in determining the rights and liabilities of parties upon a dissolution of the marriage relationship." DeLa Rosa, 309 N.W.2d at 758.

"Marriage is not a business arrangement in which the parties keep track of debits and credits, their accounts to be settled upon divorce. . . . '[M]arriage is a shared enterprise, a joint undertaking . . . in many ways it is akin to a partnership.' But every joint undertaking has its bounds of fairness." Mahoney, 91 N.J. at 500, 453 A.2d at 533 (quoting Rothman v. Rothman, 65 N.J. 219, 229, 320 A.2d 496, 501 (1974)).

24. In Haugan, the court stated, "[N]o mathematical formula or theory of valuation settles the case. Each case must be decided on its own facts. The guiding principles for the trial court are fairness and justice." Haugan, 117 Wis. 2d at 214, 343 N.W.2d at 803. One commentator stated upon review of a number of cases, "The preceding cases demon-
Wide variation demonstrates the confused state of the law. It is apparent from the cases that courts merely speculate about the parties' expectations regarding their individual entitlements to the benefits of an advanced degree. To make retrospective guesses, the courts reconstruct parties' expectations and rely on personal perceptions of marriage. Some state statutes provide a general framework of factors to consider when dividing assets of a marriage, but state legislatures have given little guidance to courts, especially with regard to the value of professional degrees at divorce.

Because no consistent public expression of societal views exists on this subject, courts should look to objective factors present in individual marriages. As this study shows, the following list of factors affected whether or not our participants compensated the supporting spouses in the study: the extent of support given to the student spouse by the supporting spouse, the length of the marriage after the professional degree was attained, the assets available for distribution upon divorce, the comparative earning capacities of the husband and wife after the divorce, and whether or not the supporting spouse made an unusual sacrifice, such as abandoning her own education in favor of her spouse's.

strate a willingness on the part of the courts to look to the particular facts of each case in reaching a solution that treats both litigants fairly." Note, Family Law: Ought a Professional Degree Be Divisible As Property Upon Divorce?, 22 WM. & MARY L. REV. 517, 539 (1981).

25. At present, California's Family Law Act is the only statute to address specifically any form of compensation upon divorce to a spouse who supported another through professional school. CAL. CIV. CODE § 4800.3 (West Supp. 1989). The amendments enacted in 1984 provide for reimbursement of community contributions toward the education or training of a spouse. This provision imitates a strict restitution theory and does not compensate for differences between the spouses in earning capacity, lost opportunity, costs, or any of the other sacrifices commonly occurring when one spouse supports the other through school. For a full examination of the California approach see Educated Dissolution, supra note 8, at 1370-81.

A handful of state divorce statutes specifically mention contributions made to education, training, or the increased earning power of the professional spouse as factors that should affect the division of property. The monetary contribution may be recouped at the discretion of the courts in these states, but such recoupment ignores other less quantifiable contributions. See, e.g., IND. CODE ANN. § 31-1-11.5-11(c)(1) (West Supp. 1988); N.Y. DOM. REL. LAW § 236(B) (McKinney 1986); N.C. GEN. STAT. § 50-20 (1987); PA. STAT. ANN. tit. 23, § 401 (Purdon 1988); TENN. CODE ANN. § 36-4-121 (1984); VT. STAT. ANN. tit. 15, § 751 (1988).
C. Recurring Facts and Important Factors

The facts in the reported cases follow a consistent pattern. The wife usually supported the husband through professional school. She often worked and contributed some percentage of her earnings to the couples' living expenses. In many cases she financed part of her husband's education as well. The divorce usually occurred near or at the end of the education—on the brink of the man's professional career.

In most of the cases, statutes provide that the court should divide the assets acquired during a marriage equitably, taking into consideration a variety of factors such as earning capacity and ability for self-support. The problem with relying solely on statutes, however, is that most of these marriages produced few

26. Although this issue need not be separated by gender, in the overwhelming majority of reported cases, women have sued their husbands for some reimbursement of their contributions to the husbands' educations. As the numbers of women in professional schools rise, we might expect to see more claims for reimbursement from men who supported women through school. See Ellesmere v. Ellesmere, 359 N.W.2d 48 (Minn. Ct. App. 1984); St. Pierre v. St. Pierre, 357 N.W.2d 250 (S.D. 1984).

The authors feel strongly that the arguments made in this note apply equally to men and women as supporters. However, several other considerations distinguish those marriages in which a female supports a male through an advanced degree program from those marriages in which a male supports a female through such a program.

It is quite probable that if a man sued for part of the value of his wife's degree, several mitigating factors would weaken the argument for an award. For example, if a man is relatively more established in his career when his wife attends school than is the typical supporting female, he would contribute a proportionally smaller part of his income to finance his wife's educational costs because of his higher earning capacity. Similarly, he is less likely to have made a career sacrifice like those made by women in the reported cases.

That earning capacities of men and women are still unevenly tempered by societal forces is another mitigating factor. The gap in earning capacity between the average professional woman and her non-professional husband is most likely smaller than the difference in earning capacities between a professional man and his non-professional wife because women executives, administrators, and managers earn a median of 61 percent of their male counterparts. Bureau of the Census, U.S. Dept. of Commerce, Statistical Abstract of the United States 1988, 395 (108th ed.). A similar discrepancy is likely to appear in marriages in which both the man and woman are professionals. Women in professional specialties earn 66 percent of their male counterparts. Id. These statistics encompass the professionals discussed in this Note.

Further, if the sex of the student and supporter had been varied in the vignettes, participants' reactions to men as supporters versus women as supporters may have masked their reactions to the other factors in the vignettes. Thus, we presented all the supporters in our vignettes as females.

27. Nine states divide marital property according to community property statutes. They are: Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington, and Wisconsin. Fam. L. Rep. Ref. File (BNA) 406i. In these jurisdictions, both spouses own the assets acquired during marriage. At divorce, the assets are normally divided equally or according to statute. Educated Dissolution, supra note 8, at 1357.
assets to divide. The lack of assets results from the burden of educational expenses combined with the student spouse’s foregone wages while he attends school. In many cases the only item of significant value gained during the marriage is the education itself. The wife often lags behind her spouse in level of education, and as a result, lacks his increased earning capacity as well. If these marriages continued, both partners would enjoy the benefits of increased earnings through the husband’s degree.

Finally, in many cases the wife claims that she sacrificed her career goals, personal expectations, or both, to aid in the pursuit of her husband’s advanced degree. For example, one couple decided that the wife would postpone her professional education until her husband completed his. In several situations, however, the sacrifices were not so blatant. Many wives had to move with their husbands to their school locations. Some attempted to restart their careers in the new location with little success. Others worked in jobs for the sole purpose of meeting the couple’s expenses.

From the common fact patterns in the reported cases we chose four “factors” to examine in this study. These factors were discussed frequently in the reported cases and in articles. Although

Four states, Florida, Georgia, Mississippi, and Ohio, have no statutory provision for dividing property. Fam. L. Rep. Ref. File (BNA) 400:ii. Presumably, the courts abide by precedent in dividing property.

The remaining 37 states use what is known as equitable distribution. Id. In these states, the courts are not bound to distribute a fixed percentage of assets to each spouse. Rather, they have discretion to arrive at an equitable distribution. In most equitable distribution states the law would allow, if the judge so decided, a significant award to a spouse who supported the other through school (when there are sufficient assets to divide).

28. For example, in Haugan v. Haugan, 117 Wis. 2d 200, 343 N.W.2d 796 (1984), the wife earned $20,000 per year at the time of the divorce, while her husband expected to earn $48,000 per year. In Lesman v. Lesman, 88 A.D.2d 153, 452 N.Y.S.2d 935 (1982), the difference was more pronounced. The husband earned $45,000 per year while his wife earned $96 a week for a total yearly earnings of about $4,800.

29. We do not address the problems of the displaced homemaker as they exceed the scope of this Note. We recognize, however, that the displaced homemaker problem may exist in many of the cases in which the marriage endures for a long period before divorce.


32. See, e.g., Woodworth v. Woodworth, 126 Mich. App. 258, 337 N.W.2d 332 (1983) (wife worked full time so husband could attend law school; family goal was for husband to obtain law degree).

33. The factors included in this study were mentioned by courts in the reported cases and are factors that should be considered in arriving at equitable property divi-
courts take note of these factors, they have not often recognized them as a basis for an award. Some courts provide minimal relief for the supporting spouses through alimony payments, property settlements, or other avenues of state law. But few courts acknowledge that an amount in the divorce award should be given specifically to compensate the non-professional spouse for the value of the professional degree.

The authors of this Note hypothesized that the presence or absence of certain factors in a marriage would influence whether participants felt that compensation to a supporting spouse was appropriate, and if so, at what level. The factors were: 1) the money provided by the supporter for both living expenses and educational costs ("financial support"); 2) the nonmonetary sacrifice undertaken by the wife so the husband could attain his degree ("sacrifice"); 3) the duration of the marriage after the husband attained his degree and the extent of the assets the couple had accumulated during the marriage ("length/assets"); and 4) the difference in future earning capacities of the husband and wife at the time of divorce ("comparative earning capacity"). The factors were presented to participants in hypothetical vignettes.

Participants’ reactions to these factors should measure their estimations of the relative importance of the factors in framing a fair settlement. By logical extension, participants would presumably wish to have courts consider these factors if they themselves were to divorce. Thus, increased reliance on such factors by the judiciary would increase the fairness and predictability of the law. Judicial focus would then shift from personal visions of marriage to objective and compensable factors.

II. EXPERIMENTAL DESIGN

We chose a vignette format for this study to avoid asking our respondents to imagine the dissolution of their own marriages, which we felt might interfere with respondents’ objectivity.34 The study tested participants’ responses to vignettes about hypothetical couples who were divorcing. The stories presented in the vignettes incorporated variations in the variables (hereinafter...
ter "factors") we wished to test. The husbands in the vignettes were enrolled in a graduate professional school and the wives in the vignettes were non-students who worked outside of the home. 35

A. The Questionnaire

Each subject in our study was asked to respond to eight vignettes. 36 Eight hypothetical couples were created, and a profession chosen for each husband. 37 The factors we wished to test were then incorporated into the vignettes in various combinations. 38 Sixteen vignettes were created around each hypothetical couple. 39 Test booklets of eight vignettes were then assembled.

35. We did not vary the student/supporter role of husband and wife for reasons outlined supra note 26. In addition, variation in the roles of husband and wife would probably have had a powerful effect on our subjects' responses. To include a variation of student or supporter role between husbands and wives in our vignettes would have entailed adding another independent variable to an already quite complex experimental design. Similarly, we chose not to include another factor that could have been very powerful: the presence or absence of children in the marriage.

Our choice not to include these and other factors does not reflect our estimation of the importance of these issues. The decision was simply a judgment that they were beyond the scope of this inquiry. It is our hope that this initial study will stimulate further investigations into this area.

36. Because one of the test factors in the study was a necessary confoundment (or merging) of two factors (length of marriage and extent of accumulated marital assets), a ninth "experimental" question was added to each questionnaire booklet in order to gauge the independent effects of each. Appendix 1 addresses the design of the experimental question and the outcome of that portion of the study.

37. The participants in our study were drawn from the medical, dental, business, and law schools of the University of Michigan. We limited our participants to students from these fields because they are almost certainly enabled to command a relatively high salary upon graduation. For similar reasons, we used these careers in composing the vignettes in our study. Because vignettes were presented randomly, particular participants may have been presented with any or all of the four professions in the vignettes. The career of each hypothetical husband, once chosen, remained constant, while the factors in the study were varied to test their effect on participants' attitudes. The study contained eight hypotheticals—two hypothetical husbands were doctors, two were lawyers, two were dentists, and two had MBA degrees.

The husbands in some of the vignettes earned relatively large salaries very shortly after graduation. To make these vignettes believable, we included a clause that explained that they would earn this amount after they had become established in their careers. Conservative figures were chosen for salaries so that they would be believable both for newly graduated professionals and for those who had been practicing for a number of years.

38. See infra text accompanying notes 44-49, The Factors, for an explanation of how variables were combined and presented in the vignettes.

39. One of these sets of vignettes has been included in this Note as Appendix 2.

Because we used eight hypothetical couples, and sixteen vignettes for each couple, a total of 128 vignettes were composed.
by randomly selecting one vignette from the set of vignettes that had been created around each hypothetical couple. The order of the questions within each test booklet was also random.

To eliminate any question of whether the husband or the wife caused the failure of the hypothetical couple's marriage, participants were instructed that the decision to divorce had been mutual. Participants were also instructed that by state law, marital assets would be divided evenly between the husband and wife. After each vignette, participants were asked to answer two questions:

1) After dividing the marital assets equally between the two, the judge was faced with the question of whether or not to award a portion of the husband's income to the wife. Do you think such an award should be given in this case?

   Yes_________ No_________

2) If the judge decided to give the wife a percentage of the husband's income for the next ten years, what percentage do you think would be appropriate in this case?

   Enter a figure between 0% and 100% _____________

Each vignette followed by the above questions was presented on an individual page, and subjects were instructed not to return or refer to completed pages.

An array of demographic questions was included at the end of the questionnaire to test whether participants' responses were influenced by their personal characteristics. A few questions required participants to make subjective evaluations of themselves and their friends. A space was also provided in which participants could state what influenced them most in answering the questions.

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40. We limited the time period in this question to ten years to avoid ambiguity. If such a specific time period had not been included, participants might have made varying assumptions about the length of time in which the award was to continue.

The posited time period is not meant to suggest that most courts frame (or should frame) relief in this way. Awards to supporting spouses in the reported cases have varied from a one-time lump sum through lifetime support, temporary alimony, or nothing at all.

41. These questions are reproduced as they appeared in the questionnaire in Appendix 3.

42. These questions are also reproduced as they appeared in the questionnaire in Appendix 3.

43. The answers to this question confirmed that subjects had responded to the four tested factors. This study did not include, however, an analysis of these non-quantitative responses.
B. The Factors

This study investigated the effect of four factors on participants' responses to various vignettes. Participants' responses were measured by the percentage of the husband's salary awarded in each vignette. As described in Part I, the four tested factors were: 1) "support," 2) "sacrifice," 3) "length/assets," and 4) "comparative earning capacity."

Each of the first three factors (support, sacrifice, length/assets) appeared in vignettes in one of two possible ways, which were termed "positive" or "negative." The positive and negative expressions for each factor within the vignettes were constructed in ways we hypothesized would cause participants to either increase (positive factor) or decrease (negative factor) awards.

1. The support factor—When this factor was positive in a vignette, the wife contributed all of the couple's living expenses, as well as most or all of her husband's educational expenses, while the husband attended professional school. When the factor was negative, the wife paid only about half of the couple's living expenses, and the husband paid his own educational expenses with a scholarship or through the beneficence of relatives.

2. The sacrifice factor—When this factor was positive in a vignette, the wife made a significant personal sacrifice to advance her husband's goal of obtaining his professional degree. Some examples are: the wife had to reestablish her business when the couple moved to the town where her husband would attend professional graduate school; the wife lost an opportunity for a promotion when they moved to the town where the husband's school was located, and she was only able to find an entry-level job with little opportunity for advancement; the wife gave up working on her graduate degree and took a job to support them both while her husband completed his professional training.

44. For an explanation of the three variables and their positive and negative values, see infra text accompanying notes 45-48.

45. The writers wished to avoid further (and unmeasurable) complications that would be added if the husband in the vignette financed his education through loans that had to be paid back, or by working at a full or part-time job while he attended school. For the same reasons, relatives in the vignettes who contributed to the husband's educational expenses were identified as the husband's relatives. This was done so that participants would not think that the wife, through her relatives, had indirectly contributed to the husband's educational expenses.

46. The three examples are three of the variations that were used in this study for the positive value of this variable.
When this variable was negative, the wife worked at her chosen career throughout the marriage and continued in the career after the divorce. The wife’s career was chosen to allow for a wide variability in income, which was the fourth factor we tested. The careers chosen included insurance salesperson and owner of a consulting business.47

3. The length/assets factor48— When this factor was positive in a vignette, the couple divorced within a few months after the husband attained his professional degree. Because a large percentage of the couple’s resources had been invested in the husband’s education and because there was little time to recoup that investment with the husband’s professional salary, the marital assets accumulated by the couple were minimal.

When this variable was negative, the couples continued their marriages for several years after the husband began to practice as a professional. Because of the length of time the husband had been earning a large salary, the couple had accumulated substantial assets.

4. The comparative earning capacity factor— The six variations of this factor were based upon the amount of money earned by the wives in the vignettes. In variation one, the wife’s salary was only 25 percent of her husband’s salary. In variation two, the wife’s salary was 35 percent of her husband’s salary, and so on, up to 75 percent for variation six. For example, if the husband in a vignette earned $63,000, and variation three was used, the wife in that vignette would earn 45 percent of $63,000, or $28,000. If the husband in a vignette earned $67,000, and va-

The experimenters were concerned that participants would attempt to draw parallels or comparisons between the vignettes if very similar facts or figures appeared in each. This, it was feared, would lead participants to attempt to make correlations in their responses among the vignettes. Because we wished each vignette to be uniquely considered on its own facts, we created “variations” for each positive and negative value of the first three factors. We also varied the figure to be used for the husband’s salary. We hypothesized that participants would have roughly equivalent responses to the variations of the positive variations as a group and to the negative variations as a group. Analysis of responses indicates that the positive values for each factor were clearly differentiated from the variations for the negative value. Appendix 4 contains a list of all the variations employed. Part III of this Note demonstrates that as desired, participants’ responses to the positive or negative value of the variable vastly overshadowed any minor response differences between equivalent value variations.

47. These two careers are examples of the variations used in this study for the negative value of this variable. See supra note 46 and Appendix 4.

48. Length of marriage and the amount of accumulated assets were necessarily confounded (merged) in this study. See supra note 36 and Appendix 1.
Variation five was used, the wife in that vignette would earn 65 percent of $67,000 or $43,000.\textsuperscript{49}

C. Factorials

Vignettes were designed to test the effect of each factor independently, and also the effect of any interactions between the factors. Thus, factors appeared in varying combinations within the vignettes. Considering only the first three factors that could be either positive or negative, it was necessary to construct eight different combinations (in statistical terms, a “two by two by two factorial”) to cover all the possible ways the three variables could be combined.\textsuperscript{50} We will refer to these eight combinations as “factorials.” Each particular combination is represented consistently throughout this Note as Factorial 1, Factorial 2, Factorial 3, etc., (or “F1”, “F2”, “F3”, …).

\begin{table}
\begin{tabular}{|c|c|c|}
\hline
FACTORIAL & SUPPORT & SACRIFICE & LENGTH/ASSETS \\
\hline
1 & + & + & + \\
2 & + & + & - \\
3 & + & - & + \\
4 & - & + & + \\
5 & + & - & - \\
6 & - & + & - \\
7 & - & - & + \\
8 & - & - & - \\
\hline
\end{tabular}
\end{table}

\textsuperscript{49} See infra note 60 for an explanation of the slight variations that were used in the husbands’ salaries. See also Appendix 4.

\textsuperscript{50} A simple illustration of this statistical concept is the possible results of a coin flipped three times. “Heads” in this study would correspond to a positive variable, and “tails” to a negative variable. One possible combination is “heads, heads, heads” (or +, +, +). A second possibility is “heads, heads, tails” (or +, +, -). A third possibility is “heads, tails, heads” (or +, -, +), and so on.

The eight possible combinations of positive and negative forms for the first three variables of this study are presented above:
D. Completion of the Vignettes

To test more fully the fourth factor of comparative earning capacity in combination with the other factors, we doubled the eight factorial vignettes that had been created for each hypothetical couple, and randomly assigned variations of the fourth factor to each vignette. Thus, sixteen vignettes were created for each of the eight hypothetical couples.

E. The Participants

The participants in this study were married students who were enrolled in professional schools at the University of Michigan and their spouses. The students attended either the Dental, Medical, Law, or Business Schools during the 1987-88 academic year. Questionnaires were completed during winter term of 1988. Table 1 presents the distribution of participants in several demographic categories.

<table>
<thead>
<tr>
<th>TABLE 1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Demographic Distributions of Respondents</strong></td>
</tr>
<tr>
<td>Total Respondents: 239</td>
</tr>
<tr>
<td>Students: 133</td>
</tr>
<tr>
<td>Spouses who were also professional students:*2 4</td>
</tr>
<tr>
<td>Male: 120</td>
</tr>
<tr>
<td>Medical students: 24</td>
</tr>
<tr>
<td>Dental students: 29</td>
</tr>
<tr>
<td>Business students: 38</td>
</tr>
<tr>
<td>Law students: 42</td>
</tr>
<tr>
<td>Participants in first marriage: 223</td>
</tr>
<tr>
<td>Participants who had been married before present marriage: 16</td>
</tr>
<tr>
<td>Participants whose parents have not divorced: 202</td>
</tr>
<tr>
<td>Participants whose parents have divorced: 37</td>
</tr>
<tr>
<td>First year students: 36</td>
</tr>
<tr>
<td>Second year students: 56</td>
</tr>
<tr>
<td>Third year students: 16</td>
</tr>
<tr>
<td>Fourth year students: 7</td>
</tr>
</tbody>
</table>

---

51. Fewer spouses than students responded.
52. In order to avoid confusion, the professional student who was originally requested to participate in the study will be termed "student". That student's spouse will be termed "spouse", though he or she may be a student also.
53. Only the medical school and dental school have four-year programs. Law school is a three-year program and business school is a two-year program.
F. The Administration of the Questionnaire

Names of married students in the four schools were obtained through the school administrations or through married student organizations within the schools. We initially contacted the participants in this study by telephone. We met the students at convenient locations where they completed the questionnaires in our presence. Each student respondent was then given another questionnaire for his or her spouse to complete at home. These were returned to us in a postage-paid envelope. Student participants were given both written and oral instructions to refrain from any discussion of the questionnaire or its subject matter until after their spouses had completed it.54

Because the dental, medical, business, and law schools had relatively small enrollments of married students, all of those students for whom telephone numbers could be obtained were contacted.55 Of those students called, only two declined to participate. Of the 159 students who agreed to participate, 133 (84%) actually did. Of the 133 spouses of participating students 106 (80%) returned completed questionnaires. Because the selection process nearly exhausted the available population of subjects, the authors feel confident that we eliminated the problem of participant self-selection.56

We wished to know whether the spouse participants took more time to complete the questionnaire than the students (and thus, perhaps, gave the questions more thought). To test this, we arranged to meet with a small sample of law student spouses in the same way we met with our student participants so that the spouses could answer the questionnaire under the same conditions as the student participants. The average completion time for spouses was 19.5 minutes, and those spouses who completed the questionnaires in our presence had an average completion time of 21.3 minutes. Thus, spouses completing their forms at home actually took slightly less time than those who completed

54. Unfortunately, there was no way that this instruction could be enforced.
55. Students who were not citizens of the United States were excluded from the study.
56. Studies are often criticized for the lack of a random sample of the population available for testing. If we had mailed questionnaires to students' homes and asked them to return them, our study population might have been biased because it would have contained only those people who were willing to take the time to answer the questionnaire and send it back. This is self-selection. Instead, we approached all of our participants and were successful in getting a very high percentage of them to respond. Thus, a potential source of bias in the study has been largely eliminated.
them in our presence. We presume from this data that spouses completing the questionnaires at home and students completing them in our presence gave the task approximately equal thought and attention.

III. Analysis and Results

We used regression and Analysis of Variance (ANOVA) analyses in this study. A regression analysis predicts the value of a dependent variable, given certain values of independent variables. For example, the percent of a husband's salary that a participant is likely to award for a particular vignette can be predicted using regression analysis. An ANOVA analysis indicates the variation range of a dependent variable based on variations of an independent variable. The dependent variable used in this study was the percent of the husband's future earnings participants awarded in situations described by vignettes ("percent award"). The four factors incorporated into the vignettes and responses participants gave to demographic questions were independent variables.

Regression and ANOVA analyses determine which independent variables have statistically significant effects on the dependent variable. A significance of less than five percent (.05) indicates a less than five percent probability that the effect attributed to the independent variables was caused by chance.

57. Recall that our participants were asked whether an award of the husband's salary in the questions should be given. Participants then indicated for each vignette the percentage of the husband's salary that the wife should be awarded. Participants were asked to assign a percentage between 0 and 100 regardless of whether they answered yes or no to the first question.

An analysis of the percentage awarded for those questions in which the respondents answered no compared to those in which the respondents answered yes revealed, as expected, that yes responses were accompanied by much higher awards. These results were highly significant at 0.0000.

We determined, in light of this strong correlation, that we would confine our analysis of dependent variables to the percent awarded. This variable allowed for greater variation and is a more sensitive measurement of the responses than a measurement of simply the yes/no response.

It is interesting to note that even those who consistently answered "no" gave small percentage awards. The average was 4%.
A. Summary of Results

Participants reacted to factors in this study in the predicted way. When most factors in the vignette were positive, awards to the wife were highest. As factors became negative, award levels fell. All four of the factors tested produced statistically significant effects on the dependent variable, percent award. The financial support factor had the strongest effect, followed by comparative earning capacity, sacrifice, and length/assets. Based on regression analyses, only four demographic characteristics significantly affected the awards given by participants. The results allow us to predict what individuals who possess these characteristics are likely to award. Overall, women are likely to award slightly more than men. Individuals who strongly support feminism are likely to award almost seven percent more than those who strongly oppose feminism. Surprisingly, spouses of students who think that they contribute more than their spouses to the couple's living expenses are likely to give lower awards than those who think that their spouses contribute the majority of their living expenses. Finally, dental students and their spouses are likely to give slightly higher than average awards, and business students and their spouses are likely to give slightly lower than average awards.

The demographic characteristics of participants accounted for very little of the variation in the percent award variable. Variations of the factors within the vignettes accounted for almost all of the variation in the dependent variable, that is in award levels. In other words, participants were largely unaffected by characteristics that were specific to them individually, and responded instead to factors that were universally regarded as important in framing an equitable award. Demographic categories of respondents that had no systematic correlation to the dependent variable included: 1) whether the participants or their parents had been divorced; and 2) whether participants felt that many of their peers would divorce in the future. Similarly, a participant's status as "supporter" or "supported" generally was not a good predictor of award levels.
B. Regression of the Vignette Factors

Recall that three of the four factors (support, sacrifice, length/assets) in the study vignettes were either positive or negative.\textsuperscript{58} The positive and negative values were further divided into six variations, so that each of the three factors had twelve variations.\textsuperscript{59} We hypothesized that within each factor the six positive levels would produce approximately the same effect on the dependent variable, percent award. Similarly, we hypothesized that the six negative variations would produce approximately the same effect. Occasionally, however, the effects of the variations within the positive and negative groups differed significantly from each other. For example, an eight-year marriage and a thirteen-year marriage, both negative variations of the length/assets factor, produced significantly different effects on award levels in a regression analysis.

However, when variations within a factor were grouped, the effect on award levels of positive variations when compared to the effect of negative variations was so pronounced (i.e., highly significant) that the comparatively minor differences between individual variations was ignored for purposes of further analysis. The effect of each of these factors was then analyzed as though it varied only in its positive or negative value, as portrayed in the factorial chart (table 4).

We then analyzed the effects of the first three factors in their positive/negative forms in a series of regression equations that tested not only each factor independently, but also each factor combined with every other factor to determine if any interaction effects occurred. An interaction effect occurs when two factors present together produce an even larger effect than the sum of the effects produced by each alone.

Financial support, sacrifice, and length/assets had statistically significant main effects on the percent award. (significance < .005). The fourth factor, comparative earning capacity, also had a statistically significant main effect (significance < .005).\textsuperscript{60} The financial support factor and the length/assets factor produced a

\textsuperscript{58} See supra text accompanying notes 45-48.

\textsuperscript{59} See supra note 46.

\textsuperscript{60} The wife's future salary factor was measured as a percentage of her husband's future salary. The husband's salary varied between $61,000 and $71,000. We assumed the slight differences in the husband's salary would have no effect, and thus could be treated as a constant. An ANOVA analysis revealed that the lowest level of the husband's salary, $61,000, differed significantly from all other levels up to $71,000. This effect disappeared in a later regression of demographic variables, factors, and interactive effects. Because it
significant interaction effect (significance < .005). No other interactions were significant.

The significant effect caused by each of the four factors demonstrates that when different vignettes were produced by manipulating the factors, participants reacted to that manipulation. That is, they perceived the descriptions given in the vignettes as presenting significantly different situations, and they reacted by giving significantly different awards to the supporting spouses. As predicted, participants gave higher awards as the number of positive factors in the vignettes increased and as the discrepancy in earning capacity widened between the husband and wife. With information from regression analyses, individuals’ percent award responses to any combination of factors in the vignettes can be predicted.61

Recall that there were eight possible combinations of the three factors that had either positive or negative values. We called these eight possibilities “factorials.” Table 2 shows the eight combinations of the three variables and how we can predict “percent award” will change, based on a regression analysis of the factors financial support, sacrifice, length/assets, comparative earning capacity, and interaction between factors.62

61. Recall that participants were asked after each vignette whether a portion of the husband’s income should be awarded to the wife. Some of our participants (24) answered “no” for each vignette, and some (21) answered “yes” for each. We were concerned that the responses from these participants would skew the results of our other participants who reacted more sensitively to the variations in the vignettes and answered some questions “yes” and others “no.” We performed further analyses, dividing the groups up by the way they answered—always “yes”, always “no”, or a mixture of “yes” and “no” responses—and determined that the people who always answered “yes” cancelled out the responses of people who always answered “no.” Therefore, the extremity in their responses was of little consequence to the study’s results. It is interesting to note that the members of the always “yes” or always “no” groups had no distinguishing demographic characteristics that could explain the source of their intransigence.

62. See Appendix 5 for regression table.
The regression equation result gives a constant (13.82) to which the effects of the factors are either added or subtracted, depending on whether their coefficient in the regression is positive or negative. For example, if the factor financial support was positive, the figures obtained from a regression analysis indicate that it would increase a predicted award by 3.90 percentage points. If it was negative the percent awarded would be 3.90 percentage points lower.

By adding the effect of comparative earning capacity to the figures obtained from the effect of the first three factors, a predicted response to the various vignettes (that varied all four factors) can be obtained. Using the expected value from table 2 for each factorial, the effect of each level of comparative earning capacity is added or subtracted. Table 3 gives the coefficients for each level of comparative earning salary.

## TABLE 2
PREDICTED RESPONSES TO FACTORIALS WITHOUT EFFECT OF FOURTH FACTOR

<table>
<thead>
<tr>
<th>Factorial</th>
<th>Constant</th>
<th>Support</th>
<th>Sacrifice</th>
<th>Length/Assets</th>
<th>Support/Length Assets Interaction</th>
<th>Predicted Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>F1</td>
<td>13.82</td>
<td>+3.90</td>
<td>+1.75</td>
<td>+1.29</td>
<td>+1.12</td>
<td>21.88</td>
</tr>
<tr>
<td>F2</td>
<td>13.82</td>
<td>+3.90</td>
<td>+1.75</td>
<td>-1.29</td>
<td>-1.12</td>
<td>17.06</td>
</tr>
<tr>
<td>F3</td>
<td>13.82</td>
<td>+3.90</td>
<td>-1.75</td>
<td>+1.29</td>
<td>+1.12</td>
<td>18.38</td>
</tr>
<tr>
<td>F4</td>
<td>13.82</td>
<td>-3.90</td>
<td>+1.75</td>
<td>+1.29</td>
<td>-1.12</td>
<td>11.84</td>
</tr>
<tr>
<td>F5</td>
<td>13.82</td>
<td>+3.90</td>
<td>-1.75</td>
<td>-1.29</td>
<td>-1.12</td>
<td>13.56</td>
</tr>
<tr>
<td>F6</td>
<td>13.82</td>
<td>-3.90</td>
<td>+1.75</td>
<td>-1.29</td>
<td>+1.12</td>
<td>11.56</td>
</tr>
<tr>
<td>F7</td>
<td>13.82</td>
<td>-3.90</td>
<td>-1.75</td>
<td>+1.29</td>
<td>-1.12</td>
<td>8.34</td>
</tr>
<tr>
<td>F8</td>
<td>13.82</td>
<td>-3.90</td>
<td>-1.75</td>
<td>-1.29</td>
<td>+1.12</td>
<td>8.00</td>
</tr>
</tbody>
</table>

## TABLE 3
EFFECT OF WIFE'S SALARY FACTOR

<table>
<thead>
<tr>
<th>Wife's salary as percent of husband's salary</th>
<th>Add to or subtract from the figures from table 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>25%</td>
<td>+4.50</td>
</tr>
<tr>
<td>35%</td>
<td>+2.53</td>
</tr>
<tr>
<td>45%</td>
<td>+0.82</td>
</tr>
<tr>
<td>55%</td>
<td>+0.06</td>
</tr>
<tr>
<td>65%</td>
<td>-3.03</td>
</tr>
<tr>
<td>75%</td>
<td>-4.88</td>
</tr>
</tbody>
</table>
By combining figures from table 2 and table 3 the expected response can be calculated at each level of comparative earning capacity in each factorial. For example, if an F1 vignette (positive for all factors) stated that the wife earned 25% of her husband’s future salary, 4.50 percentage points (from table 3) is added to the expected value of 21.88 percent (from table 2) to give a predicted response of 26.38 percent. GRAPH I63 depicts the predicted values for each factorial at each level of the wife’s salary.

The results demonstrate that our participants reacted strongly to the discrepancy in future earnings of the wife as compared to her husband’s. As expected, participants gave larger percentage awards as the husband earned more and the wife earned less.

C. Mean Responses to Factorials

The 128 vignettes used in this study were organized into eight groups of sixteen vignettes designed to test eight combinations of the first three factors, combinations that we have termed factorials.64 Table 4 shows that mean responses participants gave to each of the factorial combinations grew progressively smaller from factorial one (all three factors positive) to factorial eight (all three factors negative).

<table>
<thead>
<tr>
<th>Factorial</th>
<th>Support</th>
<th>Sacrifice</th>
<th>Length/Assets</th>
<th>Mean</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>23.23</td>
</tr>
<tr>
<td>2</td>
<td>+</td>
<td>+</td>
<td>-</td>
<td>18.38</td>
</tr>
<tr>
<td>3</td>
<td>+</td>
<td>-</td>
<td>+</td>
<td>18.34</td>
</tr>
<tr>
<td>4</td>
<td>-</td>
<td>+</td>
<td>+</td>
<td>14.06</td>
</tr>
<tr>
<td>5</td>
<td>+</td>
<td>-</td>
<td>-</td>
<td>14.13</td>
</tr>
<tr>
<td>6</td>
<td>-</td>
<td>+</td>
<td>-</td>
<td>10.93</td>
</tr>
<tr>
<td>7</td>
<td>-</td>
<td>-</td>
<td>+</td>
<td>9.24</td>
</tr>
<tr>
<td>8</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>8.30</td>
</tr>
</tbody>
</table>

63. See Appendix 6.
64. See supra note 50.
65. See Appendix 6.
The variations in the means of the eight factorials reflect the relative strength of each factor. Financial support was by far the strongest. When it alone was positive (factorial 5) the award was larger than when either the sacrifice or length of marriage factors alone were positive (factorials 6 and 7, respectively). Similarly, when sacrifice alone was positive (factorial 6) participants' awards were larger than when the length/assets factor alone was positive. These results indicate that the support factor in vignettes had the strongest effect on award levels, followed by comparative earning capacity, sacrifice, and length/assets.

D. Regression of Significant Demographic Variables

We asked participants questions to test whether their demographic characteristics affected percentage award responses. In a regression of demographic variables alone, few had a significant effect on the dependent variable, percent award. Furthermore, the few that did produce a significant effect explained very little of the change in the percent award. 66

Five demographic variables produced significant effects: 1) gender, 2) support for feminism, 3) perception of contribution to living expenses, 4) professional school of enrollment, and 5) politics. In regression analysis incorporating these significant demographic variables, as well as the four factors and all the interactions of factors, all remained significant with the exception of politics.

GRAPH III (Appendix 6) demonstrates the minimal effect of the demographic factors. The solid line represents the expected value for the eight factorials when the effect of the demographic variables has been held constant. 67 The dotted line represents mean responses given by participants, responses that were necessarily affected by participants' demographic characteristics.

Each participant's answers were affected both by the factors and by the demographic characteristics specific to that person. The two lines show that variations in the factors accounted for

66. For example, the demographic variable that had the largest effect on percentage award was gender. However, the fact that a participant was male or female only accounted for six percent of the variability in their answers (R-square = .067) when all other factors were held constant. Other demographic variables explained even less variability. This result demonstrates that the participants' awards were influenced very little by their personal characteristics.
67. See Appendix 5 for regression table.
much more of the effect on the percent award than did the demographic characteristics of participants.

1. Gender—Gender produced the strongest effect on percent awarded of all of the demographic factors. The regression allowed us to predict that a male answering any vignette in the study would be likely to award 2.67% less than a female answering the same vignette. This was the strongest effect produced by any of the tested demographic characteristics.

2. Support for feminism—A majority of participants favored feminism. This variable produced a highly significant effect on percent awards. Table 6 demonstrates that as an individual's support for feminism decreases, each decreasing level should produce a decline in percent award of 1.35%. An individual that was very opposed to feminism would be likely to award 6.75% less (given a similar vignette) than an individual who was very supportive of feminism.

### TABLE 5
SUPPORT FOR FEMINISM*

<table>
<thead>
<tr>
<th></th>
<th>participants</th>
<th>% of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Supportive</td>
<td>69</td>
<td>29.2%</td>
</tr>
<tr>
<td>Somewhat Supportive</td>
<td>116</td>
<td>49.2%</td>
</tr>
<tr>
<td>Neutral</td>
<td>34</td>
<td>14.4%</td>
</tr>
<tr>
<td>Moderately Opposed</td>
<td>12</td>
<td>5.1%</td>
</tr>
<tr>
<td>Very Opposed</td>
<td>5</td>
<td>2.1%</td>
</tr>
</tbody>
</table>

*Three of 239 participants did not answer this question.

### TABLE 6
FEMINISM EFFECT ON PREDICTED AWARDS

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Very supportive</td>
<td>-1.3502</td>
</tr>
<tr>
<td>Somewhat supportive</td>
<td>-2.7004</td>
</tr>
<tr>
<td>Neutral</td>
<td>-4.0506</td>
</tr>
<tr>
<td>Moderately opposed</td>
<td>-5.4008</td>
</tr>
<tr>
<td>Very Opposed</td>
<td>-6.7510</td>
</tr>
</tbody>
</table>

In interpreting this table it is important to understand that an individual's attitude toward feminism does not reduce predicted awards in an absolute sense. Rather, the table shows the direction that predicted responses can be predicted to change as individuals move from very supportive to very opposed.
3. *Living and educational expense contributions*—We predicted that the amount of money students and spouses contributed to the couple's educational and living expenses would affect the dependent variable, percent award. Only one of these demographic factors, however, the contribution to living expenses, produced a significant effect.

We asked participants whether they or their spouses contributed the majority of living expenses; a similar question addressed contributions to educational expenses. Participants chose one of the following responses for the two questions: 1) "I contribute more than 50% of the living (educational) expenses in our family"; 2) "My spouse contributes more than 50% of the living (educational) expenses in our family"; or 3) "My spouse and I contribute equally." Table 7 and table 8 show the distribution of participants' responses to these question.

**TABLE 7**
**EDUCATION EXPENSES CONTRIBUTION**

<table>
<thead>
<tr>
<th></th>
<th>I contribute &gt;50%</th>
<th>My Spouse contributes &gt;50%</th>
<th>Both contribute equally</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>92</td>
<td>76</td>
<td>53</td>
</tr>
<tr>
<td>Students</td>
<td>70</td>
<td>15</td>
<td>20</td>
</tr>
<tr>
<td>spouses</td>
<td>22</td>
<td>60</td>
<td>23</td>
</tr>
<tr>
<td>male</td>
<td>61</td>
<td>24</td>
<td>25</td>
</tr>
<tr>
<td>female</td>
<td>31</td>
<td>52</td>
<td>28</td>
</tr>
</tbody>
</table>
TABLE 8
LIVING EXPENSES CONTRIBUTION

<table>
<thead>
<tr>
<th></th>
<th>I contribute &gt;50%</th>
<th>My Spouse contributes &gt;50%</th>
<th>Both contribute equally</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total</strong></td>
<td>104</td>
<td>84</td>
<td>33</td>
</tr>
<tr>
<td><strong>Students</strong></td>
<td>21</td>
<td>73</td>
<td>18</td>
</tr>
<tr>
<td><strong>spouses</strong></td>
<td>79</td>
<td>11</td>
<td>15</td>
</tr>
<tr>
<td><strong>male</strong></td>
<td>57</td>
<td>38</td>
<td>15</td>
</tr>
<tr>
<td><strong>female</strong></td>
<td>47</td>
<td>46</td>
<td>18</td>
</tr>
</tbody>
</table>

Note: Students whose spouses did not respond to the study were eliminated from this analysis.

The tables highlight an interesting anomaly. If each participant had given an accurate response concerning his or her contribution to the family expenses, the numbers on opposite ends of the arrows in table 7 and table 8 would have been equal. The discrepancies indicate that the perceptions of husbands and wives within some marriages do not match with respect to individual financial contributions. These discrepancies might engender disputes should the couples divorce in the future. Because the support factor had such a strong effect on awards in this study, a divergence in perceptions about support could be an underlying basis for a discrepancy the parties’ beliefs about what constitutes a “fair” outcome in the divorce award.

ANOVA analyses were conducted with the living and educational expense variables to discover what variation they caused in the percent awarded. The spouse participants who stated that they contributed more than 50 percent to the educational expenses gave awards of about 2.6 percent less than those who indicated that they contributed less than 50 percent (significance = .03).68 Spouses who indicated that they contribute more than half of the living expenses gave about 6 percent less than the spouses who stated that they contributed less than 50 percent (significance = .0001). The spouses who said they contributed

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68. Participants were instructed to attribute all of the contributions to their family’s finances to one or the other spouse. For example, loans were to be attributed to the spouse who was responsible to repay them; if both were responsible, the amount of the loan was to be attributed to each equally. Scholarships, gifts from relatives, and proceeds from sales of homes were to be attributed in a similar fashion.
more to living expenses gave 2.25 percent less than those spouses who said both parties contribute equally. One possible explanation for this effect is that spouses who contribute the most to the living expenses probably do not feel much empathy for vignette wives perceived as “dependent.” Because high contributors would have less need for supplemental income should they divorce, they are not willing to award as much in the vignettes. On the other hand, spouses who depend on their student/spouses may empathetically project their financial dependence on the vignette wives, which could account for the slightly higher awards they gave.

Regression analysis confirmed this interesting effect, but only for the living expense contribution variable among spouse respondents. The differences expressed in Table 9 below were slight, but significant (at .01). From the regression, we would expect a spouse who perceived that he or she contributed more than half of the couple’s living expenses to award 1.36% less than a spouse who believes that he or she contributes less than half of the living expenses.

**TABLE 9**

<table>
<thead>
<tr>
<th>Spouse Living Expense Contribution</th>
<th>Coefficient</th>
</tr>
</thead>
<tbody>
<tr>
<td>I contribute more</td>
<td>-1.0327</td>
</tr>
<tr>
<td>My spouse contributes more</td>
<td>+.33650</td>
</tr>
<tr>
<td>We contribute equally</td>
<td>+.6962</td>
</tr>
</tbody>
</table>

We had hypothesized that the more either party contributed to expenses in their marriage, the more they would expect in return in the event of a divorce. Based on that assumption, we projected that if a party expected a larger award in return for the contributions, that party would award more of the husband’s salary to the hypothetical wife who also contributed more to the living expenses. The results of the regression, like the ANOVA analysis, show exactly the opposite effect; those who contributed more to their own marriages gave less to the supporters in the study vignettes, and those who contributed less gave more. We offer the same explanation for the regression results as the ANOVA results. To repeat, it may be that spouses who contribute the most to family expenses do not feel much empathy for vignette wives perceived as “dependent.” Because high contributors would have less need for supplemental income should they divorce, they are not willing to award as much in the vignettes.
Alternatively, spouses who depend on their student/spouses may empathetically project their financial dependence on the vignette wives. For that reason, they give slightly higher awards.

4. Professional school affiliation— We have already presented information on the makeup of our participant group in Part II (Table 1). The awards given by dental students and dental student spouses differed significantly from all the other professional schools. Business students and their spouses differed significantly as well. Dental school students and spouses gave slightly higher awards than did participants affiliated with all other schools (significance = .0002), while business students and their spouses gave slightly lower awards than did participants from other schools (significance = .0201).

TABLE 10

PROFESSIONAL SCHOOL AFFILIATION EFFECT ON PREDICTED RESPONSE

<table>
<thead>
<tr>
<th>Professional School Affiliation</th>
<th>Effect on Predicted Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical school students and spouses</td>
<td>-0.85962</td>
</tr>
<tr>
<td>Dental school students and spouses</td>
<td>+1.9971</td>
</tr>
<tr>
<td>Business school students and spouses</td>
<td>-1.0997</td>
</tr>
<tr>
<td>Law school students and spouses</td>
<td>-0.03000</td>
</tr>
</tbody>
</table>

Upon discovery of this effect, further analyses were performed to determine if the variations among participants from different professional schools could be explained by other demographic characteristics. Students and spouses of those schools, however, were distributed evenly throughout the demographic categories tested so this effect cannot be explained solely by demographic variations among respondents.

5. Political attitudes— Political moderates were the most numerous group in the study, with a slight overall tilt toward
conservatism. In the regression of all significant variables, however, political attitudes became insignificant. 69

<table>
<thead>
<tr>
<th>POLITICAL ATTITUDES</th>
<th>participants</th>
<th>% of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Conservative</td>
<td>11</td>
<td>4.7%</td>
</tr>
<tr>
<td>Moderately Conservative</td>
<td>79</td>
<td>33.5%</td>
</tr>
<tr>
<td>Moderate</td>
<td>68</td>
<td>28.8%</td>
</tr>
<tr>
<td>Moderately Liberal</td>
<td>56</td>
<td>23.7%</td>
</tr>
<tr>
<td>Very Liberal</td>
<td>22</td>
<td>9.3%</td>
</tr>
</tbody>
</table>

6. Estimates of divorce among peers— Participants were asked the following question: “Among your friends in professional school who are married, what percentage would you estimate will divorce within the next seven years?” The authors intended this question to indirectly gauge participants’ contentment with their own marriages. We did not question participants directly about their personal contentment, because participants probably would not have answered the question objectively. Whether the question actually measured participants’ contentment with their marriage is irrelevant because the re-

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69. Because the effect of political attitudes on percent award was significant when regressed with the other demographic variables, this information is presented in the table below only as a point of interest.
sponses to this question had no significant effect on participants responses to the vignettes. 70

IV. CONCLUSIONS

The authors tested participants' responses to factors commonly found in reported cases where one spouse supports another through professional school. Participants were in relatively the same position as couples in the reported cases before they divorced. This study is premised on the assumption that participants' choices of equitable awards for hypothetical divorcing couples gauge the expectations they hold with respect to their own marriages before divorce is contemplated.

Analysis of participants' responses to vignettes indicates that variation of the tested factors in combination with each other affected vignette award levels. We conclude that when a spouse 1) provides monetary support, 2) makes a personal sacrifice, 3) divorces shortly after the spouse attains a degree, leaving few assets to divide, and 4) possesses a lower earning capacity than the professional spouse, participants feel that the supporting spouse deserves recompense. Furthermore, the results show that if some or all of these factors are present in a marriage, both spouses think that the supporting spouse should be compensated. Thus, this study identifies some expectations married partners hold about entitlements conferred by mutual labor toward a professional degree.

Courts have avoided making objective judgments in these cases, apparently because they deviate from personal ideals of marriage—ideals that have often been translated into assumptions about the parties' expectations. If judges consider the ex-

70. Responses to this question are given in the table below merely as a point of interest.

EXPECTED DIVORCE RATES AMONG PEERS

<table>
<thead>
<tr>
<th>Percent</th>
<th># of participants</th>
<th>% of participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-10</td>
<td>84</td>
<td>35</td>
</tr>
<tr>
<td>11-20</td>
<td>45</td>
<td>19</td>
</tr>
<tr>
<td>21-30</td>
<td>33</td>
<td>14</td>
</tr>
<tr>
<td>31-40</td>
<td>14</td>
<td>6</td>
</tr>
<tr>
<td>41-50</td>
<td>30</td>
<td>12</td>
</tr>
<tr>
<td>&gt;50</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>NO RESPONSE</td>
<td>27</td>
<td>11</td>
</tr>
</tbody>
</table>

MEAN RESPONSE: 28.8%
pectations divorcing parties hold about the entitlement of a supporting spouse to a part of the value of a professional degree, they should consider *objective* factors on which those expectations are based. A fair and predictable award, that compensates the supporting spouse for these and other relevant factors can be fashioned from such an objective foundation.
APPENDIX 1

THE “EXPERIMENTAL QUESTIONS”

The factors of length of marriage and accumulated assets were combined (or in statistical terms, confounded) in this study because if they were varied independently to test them separately, many of the resulting vignettes would be absurd or unbelievable. For example, a couple that divorced one month after the husband graduated would be very unlikely to have accumulated $75,000 in assets, and conversely, a couple who had been married for ten years, during which time the husband had been practicing as a doctor or a lawyer, would be quite unlikely to live in a rented apartment and to have only $2,500 in the bank.

Because we wanted to obtain a measurement of the relative effects of each of these two factors uninfluenced by the other, we included in each test booklet one of two “experimental” vignettes (chosen randomly). These questions presented just such absurd situations as given in the example above, but the absurdity of the situation was explained away. Except for the factor to be tested, all other factors in the vignettes were negative. Following are the two experimental vignettes as they appeared in the questionnaires:

Question 1: (“Length” is positive; all other factors negative.)

Rob is a dentist. His wife Denise had worked as an architect the entire time Rob attended dental school. Her salary enabled her to pay about half of the couple’s living expenses while Rob was in school. He had a scholarship which paid the rest of the living expenses and his educational costs. Ten years after Rob began his practice, he and Denise decided to divorce. Despite their long marriage, the couple had only accumulated $5,000 in assets due to their spending habits. Rob earns about $63,000 a year in his dental practice. Denise will continue to earn about $42,000 at the architectural firm where she works.

Question 2: (“Assets” is positive; all other factors negative.)

Rob is a dentist. His wife Denise had worked as an architect the entire time Rob attended dental school. Her salary enabled her to pay about half of the couple’s living expenses while Rob was in school. He had a scholarship which paid the rest of the living expenses, as well as his educational costs. One year after Rob began his practice as a dentist, he and Denise decided to divorce. During their marriage the couple had inherited a sub-
sstantial sum from an elderly neighbor who had passed away. Therefore, at the time of the divorce, the couple had about $80,000 in assets. Rob will earn $63,000 in his dental practice once he is established. Denise will continue to earn about $42,000 in her architectural firm.

RESULTS:
On average, participants awarded 8.5% of the husband’s future salary to the wife for the first question, and 8.1% of the husband’s salary for the second question. From these results, we surmised that neither the length of marriage nor the amount of assets the couple had accumulated had a stronger effect than the other. Even when length and assets were combined, the effect on participants’ responses was the weakest of the four factors that were tested, and only slightly stronger than the interaction effect between the length/asset and support factors. (See Part III, Analysis and Results).
Vignette Couple 1: Variation 1
Before John started medical school, his wife Pam had been developing her own business. When John began school, Pam took a job offering a regular salary, but with little chance for advancement. Though she preferred running her own business, the couple needed a consistent income during John’s school and residency. Her salary at the new job was enough to pay all of the couple’s living expenses as well as all of John’s school expenses. John and Pam decided to divorce two months after he had completed his residency. The only asset they accumulated during their marriage was $2,500 in a joint checking account. Pam’s expected yearly income is $23,000. After John establishes his practice, his income will be about $65,000 per year.

After dividing the marital asset equally between the two, the judge was faced with the question of whether or not to award a portion of the husband’s income to the wife. Do you think such an award should be given in this case?
YES _______ NO _______

If the judge decided to give the wife a percentage of the husband’s income for the next ten years, what percentage do you think would be appropriate in this case?
Enter a figure between 0% and 100% ___________.

AFTER COMPLETING THIS PAGE, PLEASE DO NOT RETURN OR REFER TO IT.
Vignette Couple 1: Variation 2
During the years John was in medical school and residency, his wife Pam worked as a real estate agent. Pam’s job enabled her to pay all of their living expenses and all of John’s educational expenses. John and Pam decided to divorce five months after John completed his residency. The couple had accumulated two used cars and $1,000 in savings during their marriage. Pam has an expected income as a real estate agent of $24,000 per year. John’s income, once he establishes his practice, will be about $67,000 per year.

After dividing the marital assets equally between the two, the judge was faced with the question of whether or not to award a portion of the husband’s income to the wife. Do you think such an award should be given in this case?
YES ________ NO ________

If the judge decided to give the wife a percentage of the husband’s income for the next ten years, what percentage do you think would be appropriate in this case?
Enter a figure between 0% and 100% ________________.
AFTER COMPLETING THIS PAGE, PLEASE DO NOT RETURN OR REFER TO IT.
Vignette Couple 1: Variation 3
Pam worked for a company for the entire time her husband John was in medical school and residency. This enabled her to pay about half of the couple's living expenses during that time. Pam had been nurturing a small business of her own before John started school, but she reluctantly gave it up for a more secure position with an established company, because the couple needed a more reliable income. Four months after John completed his residency, he and Pam decided to divorce. The only asset they accumulated during their marriage was the inexpensive furniture in their apartment. Pam's income will continue to be around $38,000 per year. John's expected income will be about $69,000 per year, once his practice is established.

After dividing the marital asset equally between the two, the judge was faced with the question of whether or not to award a portion of the husband's income to the wife. Do you think such an award should be given in this case?
YES ________ NO ________

If the judge decided to give the wife a percentage of the husband's income for the next ten years, what percentage do you think would be appropriate in this case?
Enter a figure between 0% and 100% ____________.

AFTER COMPLETING THIS PAGE, PLEASE DO NOT RETURN OR REFER TO IT.
Vignette Couple 1: Variation 4
John is a doctor. Early in his marriage to Pam, when John had entered medical school, Pam regretfully left the business she had been developing. She did this because the couple would need more money while John was in school. She took a job with a regular salary, but with little opportunity for advancement. Her salary provided for all of the couple’s living expenses while John was in school, and almost all of John’s educational expenses. Twelve years after John started his practice, he and Pam decided to divorce. During their marriage, the couple had accumulated about $95,000 in assets. John’s income averages about $71,000 per year; Pam makes $40,000 per year.

After dividing the marital assets equally between the two, the judge was faced with the question of whether or not to award a portion of the husband’s income to the wife. Do you think such an award should be given in this case?

YES _______ NO _______

If the judge decided to give the wife a percentage of the husband’s income for the next ten years, what percentage do you think would be appropriate in this case?
Enter a figure between 0% and 100% ____________.

AFTER COMPLETING THIS PAGE, PLEASE DO NOT RETURN OR REFER TO IT.
Vignette Couple 1: Variation 5

John is a doctor. While John had been completing his medical school education, his wife Pam reluctantly gave up working on her graduate degree and took a job so that she could contribute more money for the couple's expenses. As a result, she was able to pay about half of their living expenses while John was in school. John's father paid for his educational expenses and the rest of the couple's living expenses. Twelve years after John began his practice, he and Pam decided to divorce. During the marriage the couple had accumulated about $95,000 in assets. John's expected income is $63,000 per year, and Pam's is $29,000 per year.

After dividing the marital assets equally between the two, the judge was faced with the question of whether or not to award a portion of the husband's income to the wife. Do you think such an award should be given in this case?
YES ________ NO ________

If the judge decided to give the wife a percentage of the husband's income for the next ten years, what percentage do you think would be appropriate in this case?
Enter a figure between 0% and 100% ___________________.

AFTER COMPLETING THIS PAGE, PLEASE DO NOT RETURN OR REFER TO IT.
Vignette Couple 1: Variation 6

John is a doctor. His wife Pam had worked as an architect during the time John was in medical school and residency and so was able to pay for the couple’s living expenses and all of John’s educational costs. After John has been practicing medicine for ten years, he and Pam decided to divorce. The couple had accumulated $85,000 in assets during their marriage. John’s expected income is $71,000 per year, and Pam’s salary as an architect is $39,000 per year.

After dividing the marital assets equally between the two, the judge was faced with the question of whether or not to award a portion of the husband’s income to the wife. Do you think such an award should be given in this case?

YES ______ NO ______

If the judge decided to give the wife a percentage of the husband’s income for the next ten years, what percentage do you think would be appropriate in this case?

Enter a figure between 0% and 100% _______________.

AFTER COMPLETING THIS PAGE, PLEASE DO NOT RETURN OR REFER TO IT.
Vignette Couple 1: Variation 7
Pam had worked as an insurance agent during the entire time her husband John had attended medical school and completed his residency. This enabled her to pay half of the couple's living expenses. John paid for his own educational expenses and the rest of their living expenses with money he had saved before their marriage. Three months after John completed his residency, he and Pam decided to divorce. The only asset they had accumulated during their marriage was $2,500 in joint savings and checking. When John has established his practice, he will earn about $63,000 per year. Pam earns about $29,000 per year as an insurance agent.

After dividing the marital asset equally between the two, the judge was faced with the question of whether or not to award a portion of the husband's income to the wife. Do you think such an award should be given in this case?
YES ________ NO ________

If the judge decided to give the wife a percentage of the husband's income for the next ten years, what percentage do you think would be appropriate in this case?
Enter a figure between 0% and 100% _______________.

AFTER COMPLETING THIS PAGE, PLEASE DO NOT RETURN OR REFER TO IT.
Vignette Couple 1: Variation 8
While John attended medical school, his wife Pam had contributed about half of the couple's living expenses from her income as a business consultant. John had some investments and savings he had acquired before they were married, with which he paid his school expenses and the rest of their living expenses. Eleven years after John had begun his practice, he and Pam decided to divorce. During their marriage, the couple had accumulated about $90,000 in assets. John's estimated yearly income is about $67,000 per year. Pam expects to make about $24,000 per year as a business consultant.

After dividing the marital assets equally between the two, the judge was faced with the question of whether or not to award a portion of the husband's income to the wife. Do you think such an award should be given in this case?

YES ________ NO ________

If the judge decided to give the wife a percentage of the husband's income for the next ten years, what percentage do you think would be appropriate in this case?

Enter a figure between 0% and 100% ________________.

AFTER COMPLETING THIS PAGE, PLEASE DO NOT RETURN OR REFER TO IT.
Vignette Couple 1: Variation 9
Before John started medical school, his wife Pam had been developing her own business. When John began school, Pam took a job offering a regular salary, but with little chance for advancement. Though she preferred running her own business, the couple needed a consistent income during John’s school and residency. Her salary at the new job was enough to pay all of the couple’s living expenses as well as all of John’s school expenses. John and Pam decided to divorce two months after he had completed his residency. The only asset they accumulated during their marriage was $2,500 in a joint checking account. Pam’s expected yearly income is $16,000. After John establishes his practice, his income will be about $63,000 per year.

After dividing the marital asset equally between the two, the judge was faced with the question of whether or not to award a portion of the husband’s income to the wife. Do you think such an award should be given in this case?
YES ________ NO ________

If the judge decided to give the wife a percentage of the husband’s income for the next ten years, what percentage do you think would be appropriate in this case?
Enter a figure between 0% and 100% ________________.

AFTER COMPLETING THIS PAGE, PLEASE DO NOT RETURN OR REFER TO IT.
Vignette Couple 1: Variation 10
During the years John was in medical school and residency, his wife Pam worked as a real estate agent. Pam’s job enabled her to pay all of their living expenses and all of John’s educational expenses. John and Pam decided to divorce five months after John completed his residency. The couple had accumulated two used cars and $1,000 in savings during their marriage. Pam had just received her broker’s license, and now expects to make about $48,000 per year. John’s income, once he establishes his practice will be about $63,000 per year.

After dividing the marital asset equally between the two, the judge was faced with the question of whether or not to award a portion of the husband’s income to the wife. Do you think such an award should be given in this case?
YES _______ NO _______

If the judge decided to give the wife a percentage of the husband’s income for the next ten years, what percentage do you think would be appropriate in this case?
Enter a figure between 0% and 100% _______________.

AFTER COMPLETING THIS PAGE, PLEASE DO NOT RETURN OR REFER TO IT.
Vignette Couple 1: Variation 11
Pam worked for a company for the entire time her husband John was in medical school and residency. This enabled her to pay about half of the couple's living expenses during that time. Pam had been nurturing a small business of her own before John started school, but she reluctantly gave it up for a more secure position with an established company, because the couple needed a more reliable income. Four months after John completed his residency, he and Pam decided to divorce. The only asset they accumulated during their marriage was the inexpensive furniture in their apartment. Pam's income will continue to be around $36,000 per year. John's expected income will be about $65,000 per year, once his practice is established.

After dividing the marital asset equally between the two, the judge was faced with the question of whether or not to award a portion of the husband's income to the wife. Do you think such an award should be given in this case?
YES ________ NO ________

If the judge decided to give the wife a percentage of the husband's income for the next ten years, what percentage do you think would be appropriate in this case?
Enter a figure between 0% and 100% _______________.

AFTER COMPLETING THIS PAGE, PLEASE DO NOT RETURN OR REFER TO IT.
Vignette Couple 1: Variation 12

John is a doctor. Early in his marriage to Pam, when John had entered medical school, Pam regretfully left the business she had been developing. She did this because the couple would need more money while John was in school. She took a job with a regular salary, but with little opportunity for advancement. Her salary provided for all of the couple's living expenses while John was in school, and almost all of John's educational expenses. Twelve years after John started his practice, he and Pam decided to divorce. During their marriage, the couple had accumulated about $95,000 in assets. John's income averages about $71,000 per year; Pam makes $40,000 per year.

After dividing the marital assets equally between the two, the judge was faced with the question of whether or not to award a portion of the husband's income to the wife. Do you think such an award should be given in this case?

YES _______ NO _______

If the judge decided to give the wife a percentage of the husband's income for the next ten years, what percentage do you think would be appropriate in this case?

Enter a figure between 0% and 100% _______________.

AFTER COMPLETING THIS PAGE, PLEASE DO NOT RETURN OR REFER TO IT.
Vignette Couple 1: Variation 13
John is a doctor. While John had been completing his medical school education, his wife Pam reluctantly gave up working on her graduate degree and took a job so that she could contribute more money for the couple’s expenses. As a result, she was able to pay about half of their living expenses while John was in school. John’s father paid for his educational expenses and the rest of the couple’s living expenses. Twelve years after John began his practice, he and Pam decided to divorce. During the marriage the couple had accumulated about $95,000 in assets. John’s expected income is $65,000 per year, and Pam’s is $17,000 per year.

After dividing the marital assets equally between the two, the judge was faced with the question of whether or not to award a portion of the husband’s income to the wife. Do you think such an award should be given in this case?

YES ________ NO ________

If the judge decided to give the wife a percentage of the husband’s income for the next ten years, what percentage do you think would be appropriate in this case?
Enter a figure between 0% and 100% _______________.

AFTER COMPLETING THIS PAGE, PLEASE DO NOT RETURN OR REFER TO IT.
Vignette Couple 1: Variation 14

John is a doctor. His wife Pam had worked as an architect during the time John was in medical school and residency and so was able to pay for the couple's living expenses and all of John's educational costs. After John has been practicing medicine for ten years, he and Pam decided to divorce. The couple had accumulated $85,000 in assets during their marriage. John's expected income is $65,000 per year, and Pam's salary as an architect is $49,000 per year.

After dividing the marital assets equally between the two, the judge was faced with the question of whether or not to award a portion of the husband's income to the wife. Do you think such an award should be given in this case?
YES ________ NO ________

If the judge decided to give the wife a percentage of the husband's income for the next ten years, what percentage do you think would be appropriate in this case?
Enter a figure between 0% and 100% __________________.

AFTER COMPLETING THIS PAGE, PLEASE DO NOT RETURN OR REFER TO IT.
Vignette Couple 1: Variation 15

Pam had worked as an insurance agent during the entire time her husband John had attended medical school and completed his residency. This enabled her to pay half of the couple's living expenses. John paid for his own educational expenses and the rest of their living expenses with money he had saved before their marriage. Three months after John completed his residency, he and Pam decided to divorce. The only asset they had accumulated during their marriage was $2,500 in joint savings and checking. When John has established his practice, he will earn about $65,000 per year. Pam received a promotion just after they separated and now earns about $36,000 per year in her job.

After dividing the marital asset equally between the two, the judge was faced with the question of whether or not to award a portion of the husband's income to the wife. Do you think such an award should be given in this case?

YES ______ NO ______

If the judge decided to give the wife a percentage of the husband's income for the next ten years, what percentage do you think would be appropriate in this case?

Enter a figure between 0% and 100% ________

AFTER COMPLETING THIS PAGE, PLEASE DO NOT RETURN OR REFER TO IT.
Vignette Couple 1: Variation 16
While John attended medical school, his wife Pam had contributed about half of the couple’s living expenses from her income as a business consultant. John had some investments and savings he had acquired before they were married, with which he paid his school expenses and the rest of their living expenses. Eleven years after John had begun his practice, he and Pam decided to divorce. During their marriage, the couple had accumulated about $90,000 in assets. John’s estimated yearly income is about $65,000 per year. Pam expects to make $49,000 per year as a business consultant.

After dividing the marital assets equally between the two, the judge was faced with the question of whether or not to award a portion of the husband’s income to the wife. Do you think such an award should be given in this case?
YES ________ NO ________
If the judge decided to give the wife a percentage of the husband’s income for the next ten years, what percentage do you think would be appropriate in this case?
Enter a figure between 0% and 100% ________________.
AFTER COMPLETING THIS PAGE, PLEASE DO NOT RETURN OR REFER TO IT.
Appendix 3

Demographic Questions

Please check appropriate spaces.

1. Is this your first marriage?  
   Yes  No

2. Please check one:
   Both spouses are professional degree candidates
   I am a professional degree candidate
   My spouse is a professional degree candidate

3. Gender:  
   Male  Female

(For Questions 4 & 5, consider money from loans as contributed by the person who signed for them. If both signed, consider the contribution as equal. If you received money from a relative, consider it your contribution. If your spouse received money from a relative, consider it his/her contribution.)

4. Contributions to Graduate Professional Educational expenses.  
   (Please check ONE):
   I contribute more than 50% of the graduate professional expenses of our family
   My spouse contributions more than 50% of the graduate professional expenses of our family
   My spouse and I contribute equally to the graduate professional expenses of our family

5. Contributions to living expenses. (Please check ONE):
   I contribute more than 50% to our family’s living expenses
   My spouse contributes more than 50% of our family’s living expenses
   My spouse and I contribute equally to our family’s living expenses

6. (answer ONLY (a) OR (b)):
   a) If you are in a professional school, indicate which school (Medical, Dental, Law, Business, or Other)
and the year of your enrollment in that program.

b) If you are not in professional school, what is your occupation OR other academic program?

a) If your spouse is in professional school, indicate which school (Medical, Dental, Law, Business, or Other)

and the year of his/her enrollment in that program

b) If your spouse is not in professional school, what is his/her occupation OR other academic program?

7.* As you answered the scenarios given to you on the preceding pages, what factors were most important to you in making your decisions?

8. Where do you rate yourself generally on political issues? (Please check one):

   Very Conservative
   Moderately Conservative
   Moderate
   Moderately Liberal
   Very Liberal

9. Where do you rate yourself generally on feminist issues? (Please check one):

   Very Supportive
   Somewhat Supportive
   Neutral
   Moderately Opposed
   Very Opposed

10. Were your parents ever divorced?  
    Yes
    No
11. Among your friends in professional school who are married, what percentage would you estimate will divorce within the next seven years? (Please choose 0% to 100% in multiples of 10.)

12.* If at this time there are answers in the previous part of the question booklet you would like to change, you may go back to review them, but DO NOT CHANGE THEM. Indicate changes you would like to make (if any) in the following space:

13.* Is there anything else you would like to add?

*No mathematical analyses were performed with the answers to these questions.
APPENDIX 4
VARIATIONS OF FACTORS

FACTOR 1: "SUPPORT"

POSITIVE: The wife contributed all of the couple’s living expenses, and:

1. Almost all of her husband’s educational expenses
2. Almost all of her husband’s educational expenses
3. Almost all of her husband’s educational expenses
4. All of her husband’s educational expenses
5. All of her husband’s educational expenses
6. All of her husband’s educational expenses

NEGATIVE:

7. The wife contributed about half of the couple’s living expenses and none of her husband’s educational expenses.
8. The wife contributed about half of the couple’s living expenses and none of her husband’s educational expenses.
9. The wife contributed about half of the couple’s living expenses and none of her husband’s educational expenses.
10. The wife contributed about half of the couple’s living expenses and none of her husband’s educational expenses.
11. The wife contributed about half of the couple’s living expenses and none of her husband’s educational expenses.
12. The wife contributed about half of the couple’s living expenses and none of her husband’s educational expenses.

FACTOR 2: "SACRIFICE"

POSITIVE:

1. The wife had to reestablish her business in the town where her husband’s school was located. She had to leave behind her established clientele. Although she started a new business in the new location, it was not as successful as the old one had been.
2. The wife had a higher paying job that wasn’t in her area of interest in order to support them both while her husband was in school.
3. The wife gave up work on her graduate degree and took a job to support them while he was in school.
4. The wife lost an opportunity for a promotion when they moved to the location where her husband’s school was located.
5. The wife had her own business that she was gradually developing, but she had to take a job in another firm for a more reliable income.
The wife was developing her own business, but she had to give it up and take an entry level job with a regular salary, but little opportunity for advancement.

NEGATIVE:
The wife had a career throughout the marriage which she continued without interruption after the divorce. The careers were as follows:

7 Real estate agent
8 Graphic artist
9 Department store manager
10 Insurance salesperson
11 Architect
12 Consultant

FACTOR 3: “LENGTH/ASSETS”

<table>
<thead>
<tr>
<th>Variation</th>
<th>Time Marriage Lasted After Husband Attained His Degree</th>
<th>Accumulated Assets</th>
</tr>
</thead>
<tbody>
<tr>
<td>POSITIVE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>one month</td>
<td>$3,000 in savings</td>
</tr>
<tr>
<td>2</td>
<td>two months</td>
<td>$2,500 in joint checking</td>
</tr>
<tr>
<td>3</td>
<td>three months</td>
<td>$2,500 in joint checking and savings</td>
</tr>
<tr>
<td>4</td>
<td>four months</td>
<td>inexpensive furniture</td>
</tr>
<tr>
<td>5</td>
<td>five months</td>
<td>two used cars and $1000 in savings</td>
</tr>
<tr>
<td>6</td>
<td>six months</td>
<td>furniture and used car</td>
</tr>
<tr>
<td>NEGATIVE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>eight years</td>
<td>$75,000 in total assets</td>
</tr>
<tr>
<td>8</td>
<td>nine years</td>
<td>$80,000 in total assets</td>
</tr>
<tr>
<td>9</td>
<td>ten years</td>
<td>$85,000 in total assets</td>
</tr>
<tr>
<td>10</td>
<td>eleven years</td>
<td>$90,000 in total assets</td>
</tr>
<tr>
<td>11</td>
<td>twelve years</td>
<td>$95,000 in total assets</td>
</tr>
<tr>
<td>12</td>
<td>thirteen years</td>
<td>$100,000 in total assets</td>
</tr>
</tbody>
</table>
FACTOR 4: "COMPARATIVE EARNING CAPACITY"

1 Husband earned $61,000
2 Husband earned $63,000
3 Husband earned $65,000
4 Husband earned $67,000
5 Husband earned $69,000
6 Husband earned $71,000

*These variations do not reflect the manipulations of this factor that produced the strong response correlations in "percent award." Those manipulations were in the percentage of the husband's salary that the wife in each vignette earned, which varied from 25% to 75% of the respective husband's salary level. See supra note 60.
APPENDIX 5
REGRESSION TABLE
Least Square Regression

ANALYSIS OF VARIANCE OF 4. PERCENT

N = 1894 OUT OF 1908

<table>
<thead>
<tr>
<th>SOURCE</th>
<th>DF</th>
<th>SUM SQR</th>
<th>MEAN SQR</th>
<th>F-STAT</th>
<th>SIGNIF.</th>
</tr>
</thead>
<tbody>
<tr>
<td>REGRESSION</td>
<td>9</td>
<td>58997.</td>
<td>6531.0</td>
<td>45.500</td>
<td>.0000</td>
</tr>
<tr>
<td>ERROR</td>
<td>1884</td>
<td>.27042+6</td>
<td>143.54</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>1893</td>
<td>.32920+6</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

MULT R = .42255  R-SQR = .17855  SE = 11.981

<table>
<thead>
<tr>
<th>VARIABLE</th>
<th>PARTIAL COEFF.</th>
<th>STD.ERROR</th>
<th>T-STAT</th>
<th>SIGNIF.</th>
</tr>
</thead>
<tbody>
<tr>
<td>CONSTANT</td>
<td>13.818</td>
<td>.29063</td>
<td>47.544</td>
<td>0.</td>
</tr>
<tr>
<td>LENGTH</td>
<td>.10555</td>
<td>.27907</td>
<td>4.6072</td>
<td>.0000</td>
</tr>
<tr>
<td>SUPPORT</td>
<td>.30378</td>
<td>.28194</td>
<td>13.839</td>
<td>.0000</td>
</tr>
<tr>
<td>SACRIFICE</td>
<td>.14263</td>
<td>.28014</td>
<td>6.2548</td>
<td>.0000</td>
</tr>
<tr>
<td>LENGTH/SUPPORT INTERACTION</td>
<td>.09055</td>
<td>.28352</td>
<td>3.9464</td>
<td>.0001</td>
</tr>
<tr>
<td>CEC*-1</td>
<td>.16841</td>
<td>.60754</td>
<td>7.4157</td>
<td>.0000</td>
</tr>
<tr>
<td>(25%)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CEC-2</td>
<td>.10754</td>
<td>.53804</td>
<td>4.6950</td>
<td>.0000</td>
</tr>
<tr>
<td>(35%)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CEC-3</td>
<td>.03104</td>
<td>.60756</td>
<td>1.3478</td>
<td>.1779</td>
</tr>
<tr>
<td>(45%)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CEC-4</td>
<td>.00207</td>
<td>.67029</td>
<td>.89849</td>
<td>.9284</td>
</tr>
<tr>
<td>(55%)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CEC-5</td>
<td>-.10200</td>
<td>.67974</td>
<td>-4.4507</td>
<td>.0000</td>
</tr>
<tr>
<td>(65%)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The coefficient for CEC-6 (75%) is the negative sum of the sum of CEC 1-5 (-4.42722).

*Comparative Earning Capacity
GRAPH I
EXPECTED RESPONSES WITH EFFECT OF "COMPARATIVE EARNING CAPACITY" ADDED

\[ W_1 = \text{wife earns 25\% of husband's salary} \]
\[ W_2 = 35\% \]
\[ W_3 = 45\% \]
\[ W_4 = 55\% \]
\[ W_5 = 65\% \]
\[ W_6 = 75\% \]
GRAPH III
MEAN RESPONSES = DOTTED LINE
EXPECTED RESPONSES = SOLID LINE

PERCENT AWARD

F1 F2 F3 F4 F5 F6 F7 F8

FACTORIALS