have led to theories which not only impoverish the objects but destroy the qualities. Their very lack of meaning has made it possible for persons who are impervious to things to sound off about them. They remind me of the old French division of humanity into three groups, of trompeurs, trompés, and trompettes. My feeling towards them is that of Shelley towards Godwin, his father-in-law, to whom he once said, "Sir, you are a nuisance, and should be abated."

**Divorce Is Cheaper Than Marriage**

**BERNARD B. SMITH**

**O**nly one marriage in three these days winds up in the divorce courts, which must mean that two-thirds of America’s husbands think it is worth paying the Collector of Internal Revenue a substantial premium for the privilege of maintaining the institution of the family. For that is precisely what they are doing. The amendments to the Internal Revenue Code enacted by the 78th Congress in 1942 made it cheaper for a man to get a divorce and pay alimony than to stay married, and this is economically practical for anybody whose net taxable income is more than $2,000 a year.

Let me give you a few examples of how this works. These are rather spectacular cases, to be sure, but they demonstrate a very simple and rather startling principle.

The president of a brewery, who earned $51,000 a year, had been living apart from his wife under a simple separation agreement which provided that he pay $1,000 a month, or $12,000 a year, for her maintenance. Since this arrangement was a private matter and not decreed by a court, the brewery president was not allowed, under the 1942 tax law, to deduct this $12,000 from his total income when he computed his federal income tax. After taking the usual $1,000 exemption, he owed the Collector of Internal Revenue a tidy $25,479 which, added to the $12,000 he paid his wife, left him with $13,521 for himself, and with state income tax still to pay.

But, as his tax counsel pointed out to him, the situation was not beyond repair. He would not have to give up his club, drop his insurance, or go on wearing last year’s neckties. If the money he paid his wife were to be paid out as alimony under a divorce decree he could, with the blessing of the 78th Congress, deduct from his income the total payments to his wife, get himself into a much lower tax bracket, and pay a much smaller tax.

This is the way it worked. A divorce was soon arranged, and under the divorce decree our brewery president agreed to pay his wife $17,500 a year, or slightly more than one-third of his income. His wife now filed a separate tax return, and after allowance for a personal exemption of $500 (under the 1946 law) her tax came to $5,415. And so she was a little better off than before. After deducting the tax from the alimony of $17,500 she had $12,085.

But the brewery president was much better off than before. He deducted the $17,500 of alimony from his $51,000 salary and paid his tax on the balance of $33,500. His tax, now only $14,354.50, left him with $19,145.50 to spend on himself as against $13,521 before the divorce—a clean gain of forty per cent in his personal income. To net an amount equivalent to this Congressional reward for ending his marriage would have required a salary raise of $21,500!

Now let's look at a happily married
couple living together. In this case a New York advertising executive with a salary of $30,000 a year was the devoted husband of a woman who suffered from severe arthritis. Her physicians advised her to spend a major portion of each year in a Southwestern desert resort, and warned her that she would have to do this for many years to come. She and her husband found this advice forbiddingly expensive to follow. Obviously the husband could not abandon his job, move to the desert, and hope to earn enough there to support their daughter, just entering college, and themselves as well. And life in New York is not inexpensive for an advertising executive.

But here again Congress had provided the solution. The wife promptly proceeded to Nevada, set up the customary residence, and within six weeks secured a divorce. Her husband agreed to provide her with one half his income, or $15,000, as alimony, and the day after the divorce decree, they had over $3,000 per year more for themselves than on the day before. Maybe the Nevada divorce decree was more or less collusive; in a strictly moral sense most Nevada divorces are anyway. But Congress had financially, at least, given its blessing to the procedure.

On her annual visit to New York for a month’s holiday, the wife lives in her ex-husband’s apartment. Presumably some would call this living in sin. But after all it is living in sin by virtue of an act of Congress which made living in marriage more expensive than living together after a divorce.

These two cases are hypothetical, of course, and they are not important in themselves. But there is nothing hypothetical in the rude fact that since 1942 there has been a sharp and accelerating increase in the number of divorces among people with reasonably good incomes. One reason for this is obvious. Many men who could not afford a divorce before 1942 now find that under the tax law it is economically to their advantage.

It’s high time for Congress to set this absurdity straight, and make the institution of marriage as attractive financially as the institution of divorce. Here’s a formula for doing this, ready to hand.

In ten states the married man now enjoys all the tax advantages of his divorced fellow men. California, Oregon, Nevada, Arizona, New Mexico, Texas, Washington, Louisiana, Idaho, and Oklahoma are “community property states.” Under their laws the total of the husband’s income and the wife’s income (if any) is treated as community income. The husband files a return for half the total and the wife files for the other half.

Everyone knows, of course, that the higher the income the higher the rate of surtax. When a man can divide his income in two parts and pay taxes accordingly, he is much better off. For example, the federal tax on $40,000 of net income for a man not living in a community property state is $19,442. But if he moves to a community property state (assuming his wife has no independent income) his return is computed on an income of $20,000, and his wife also files a return for the other $20,000. Each then pays a tax of $6,897 or a total of $13,794. Saving—more than $5,000.

All that Congress needs to do to give the married men the same break as the divorced men is this: extend to the husbands of the thirty-eight non-community property states the same income tax privileges as those now enjoyed by men living in community property states. Let Congress provide that a husband and wife living together may, at their option (unless mandatory by state law), file separate income tax returns in which each pays a federal tax based on one half of the community income. It is as simple as that.

If such a bill, instead of being referred to a finance committee overwhelmed by budget considerations, could be referred to a newly established Congressional Committee for the Conservation of the American Family, its hearings would be jammed with representatives of the church, of community organizations, social service agents, and committees for combating juvenile delinquency. And if the married men descended on Congress demanding the same tax privileges as those accorded to their divorced brethren, Congress would act and act quickly. Remember, 1948 is an election year.