

Abstract

BURREN Christine, Parting ways - Divorces in agricultural matrimony

In Switzerland, the number of divorces has seen a steady increase since the 1960ies. This trend is also seen in agricultural matrimony. Consequences of divorce are particularly complex in agricultural matrimony due to the close connection between farm business property and private property of the married couple. There is a lack of data about agricultural matrimony in Switzerland and the consequences of divorce. Therefore, this Master thesis sets out to gather more and detailed information about the consequences of divorce in agricultural matrimony. The following aspects are of special interest: 1) divorce proceedings according to the law, 2) necessary financial, legal and business decisions to be taken during the divorce proceedings, 3) the most prevalent issues and 4) how divorcees see their financial, business and social situation some time after their divorce.

Data was collected between January 2018 and May 2018 using a survey. The non-representative convenience sample amounts to 60 farmers in total, consisting of 25 female farmers and 35 male farmers. This is due to the sensitive nature of the subject matter. However, data is rich and detailed and allows for unprecedented explorative insights. In addition, the descriptive characteristics of the cases studied are a representative approximation of the overall farming population in Switzerland.

There are several interesting results. First, average duration of the marriage in agricultural matrimony is higher (21.1 years) than compared to the Swiss average of 16 years. Consequently, farmers are slightly older (females: 45.8 years, males: 48.6 years) when getting a divorce than non-farming Swiss people (females: 43.7, males: 46.3).

Divorce never lead to a loss, i.e. sale of the farming business. In 83% of cases, one of the divorcees staid in charge of the farming business. In the remaining 17% of cases, sons or daughters took over the business or the business was leased to a third party. There are considerable differences when it comes to how equity in farming business developed after the event of divorce, especially when one divorcee alone kept running the farming business. In 36% of cases, the ratio of equity increases staid approximately the same compared to pre-divorce ratio. In 25% of cases, the ratio was lower and in 14% even negative.

Compared to Swiss population average (10%), disputes in divorce process are more likely in agricultural matrimony (18%).

Commonly, the division of property is a highly disputed point in 53% of cases. Women were 3.3 times more likely to renounce their property rights than men.

When it comes to impacts of the divorce on life, women particularly see the loss of their entire family and business setting as negative. Men, in contrast, see the high workload due to running the farming business alone as burdensome. Nevertheless, overall happiness is rather high: 80% of persons are very happy or happy with their life after divorce. 17% are neither happy or unhappy and 3% are unhappy or very unhappy. It goes without saying, the more time passes since the divorce, the happier survey participants get.

Based on the data of this Master Thesis, there is one crucial recommendation. The number of divorces in agricultural matrimony is increasing while the knowledge of legal and financial consequences of divorces remains patchy among farmers. Therefore, there should be more information available to young farmers about the legal and financial consequences marriage and probably divorce have so they can take informed decision, for example, by making a prenuptial agreement.

Keywords: Divorce, Agriculture, Division of matrimonial property, consequences of divorce