MARITAL BREAKDOWNS IN ITALY: RECENT REGULATORY CHANGES AND TERRITORIAL ANALYSIS[1]

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1. Introduction and aim

Union dissolution became a quite common demographic behaviour in many European countries, including Italy, where the separation-divorce dichotomy is still preserved and the household structures are changing and evolving (Mortelmans, 2020; AISP, 2021). Divorce in Italy was made legal in 1970 with the law n. 898, but – differently from many other countries – the process of legal marital dissolution still entails two stages: a period of legal separation followed by divorce. In 1987, the minimum interval between legal separation and divorce was reduced from five to three years. In the following years, a slow and progressive increase in both the number of divorces and legal separations was observed, along with a constant reduction in marriages (see Impicciatore and Guetto, 2020). In the last years, two new laws have further and deeply changed the regulation of legal marital breakdowns in Italy. First, the decree n.132/2014 – made into the law 162/2014 – introduced the possibility of employing extrajudicial agreements for consensual separations and divorces (in this paper we will refer to this as law 1). Therefore, two spouses in agreement can bypass the Civil Court and turn directly to the lawyer or to the Civil Registrar Office through two types of extrajudicial agreements. More precisely ex art. 6 are lawyer assisted negotiations, whereas ex art. 12 are agreements before the Civil Registrar in the absence of patrimonial issues and minor children, or adult children who are legally incompetent, severely disabled or economically dependent. Second, on the 26 May 2015 the law 55/2015 for 'fast divorces' came into effect (here law 2): with this law the minimum distance between legal separation and divorce was further reduced from three years to six or twelve months respectively in case of mutual or judicial separations, respectively.

[1] The paper is the result of the common work of the authors. With respect of the manuscript submitted, Giulia Rivellini contributed to the development of Sections 1 and 5; Antonella Guarneri to Section 2 and 3.1; Francesca Rinesi to Section 3.2 and 4. All authors contributed to define the aim and the final version of the manuscript. The views expressed in this paper are those of the author and do not necessarily reflect those of Istat.

These legislative changes make divorce easier and quicker than before and lead the population towards the adoption of more streamlined, less expensive, and presumably anticipatory changes in the customs and methods adopted to dissolve a marital bond and hence to form new nuclei or families. These changes could influence process of unions' formation that can also have consequences on fertility behaviors. This simple connection could bring in the foreground the interest for normative changes related to union dissolution and for their spread over the Italian territory. In addition to this, marital breakdowns can be considered as any other social phenomenon that occurs in space. The hypothesis that we take up in this work is that what happens in adjacent areas can be inter-correlated or "permeable" to what happens in areas that are geographically close. Several studies highlighted that postmodern behaviours (and union disruption in particular) are not evenly distributed over the country. In particular, union disruptions are more widespread in the North than in the South of Italy (Castiglioni and Dalla Zuanna, 2008; Rivellini *et al*., 2009; Vignoli and Ferro, 2009). Consequently, population studies quite often consider territory in their analyses: geographic information is included in descriptive statistics, graphs, maps, and even as explanatory in regression model or as a hierarchical level in a multilevel data structure (Micheli, 1995). More rarely, however, they explicitly test and consider in the statistical models if there is spatial correlation (Oliveau and Guilmoto, 2005), that is if the behaviour of people who live close to each other tends to be more similar than that of people who live at a greater distance. In this paper, we are interested in detecting geographical difference in the spreading of these new ways of separating and divorcing, which can be considered as innovative behaviours.

More specifically, the following research questions lead our study.

1) Does the spreading of these new behaviours show any territorial specificities or, on the contrary, is the diffusion homogeneous on the Italian territory?
2) Is there empirical evidence about any sub-national areas where extrajudicial separations and divorces are more widespread?

The aim is then two-folds. First, to check the existence of spatial autocorrelation in the incidence of extrajudicial separations and divorces by Civil Registrar Office (ex art.12) over total separations and divorces. Second, to detect (if any) sub-national areas where extrajudicial separations and divorces (ex-art. 12) are significantly more/less widespread than at national level or areas that display a significantly different behaviour than in surrounding areas. The remainder of the paper is organized as follows. Section 2 shows the most relevant changes observed in the trends of divorces and separations, considering some variables of classification. Section 3 gives insights into data and methods. Section 4 shows the results of statistical analyses that are then discussed in Section 5 with some new research perspectives.

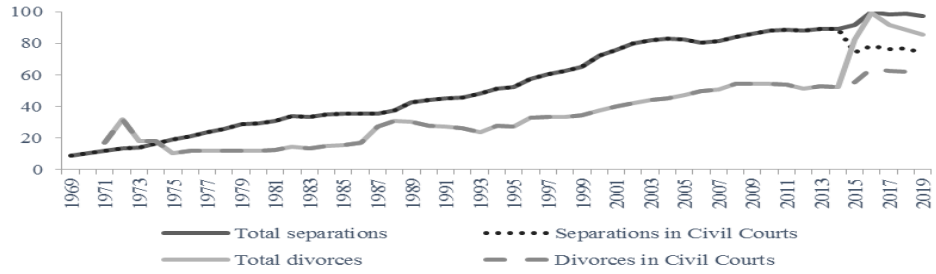
2. Recent trends in marital disruption in Italy

Italian National Institute of Statistics (Istat) disseminates every year the main results of its data collections about separations and divorces. Traditionally these data are collected through a standard statistical questionnaire, which is filled for every final decision issued by Civil Courts. Since 2015, because of the introduction of the extrajudicial agreements for consensual separations and divorces, Istat created a new information flow with the Civil Registrar Offices (see Section 3.1).

Due to the effects of the above-mentioned regulatory changes, a considerable increase in the number of divorces (respectively 99,071 and 82,469 in 2015 and 2016 compared to 52,355 of 2014) is observed (Figure 1). In the same years, the growth in the number of legal separations was less relevant (respectively 91,706 in 2015 and 99,611 in 2016). The annual growth rate for divorces between 2014 and 2016 was 44.6% compared to 5.8% calculated for separations. On the contrary, in 2017 we observed a decrease in the absolute number of divorces: it can be supposed that the conjectural effect of the "fast divorce law" is progressively fading.

More specifically, the law 2 produces a temporally limited change with a visible peak (between 2015 and 2016) that involves all spouses willing to divorce and waiting for the three years' previous interval (spouses separated since 2012). On the other hand, the law 1 seems to produce a more stable over time change. Trends in separations and divorces in a recent future, indeed, should resume going in parallel even if starting from a higher level ("upwards translation", Guarneri *et al*. 2021).

Figure 1 - *Separations and divorces (total and in Civil Courts), Italy – Years 1969-2019 (abs. values in thousands)*

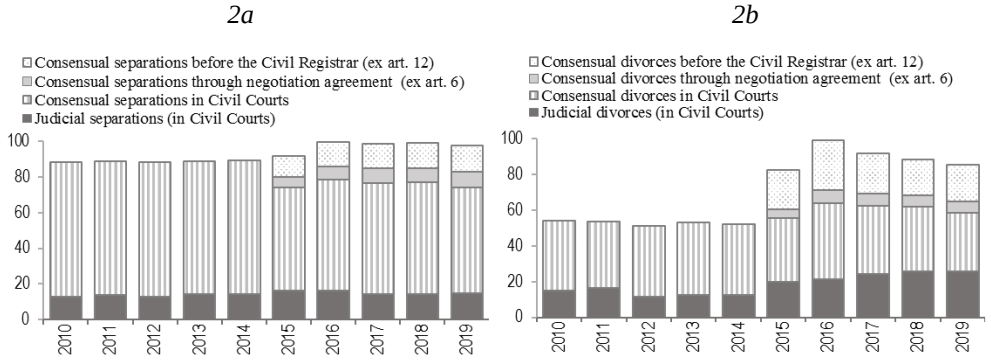


Source: Istat - Administrative data on legal separations and divorces

Furthermore Figure 1 shows the lightening of the workload of the Courts about separation procedures. This direct effect is more difficult to observe for divorces. The delta observed between divorces in Civil Courts and new procedures presumably would have been lower, more similar to that of separations, if the law on fast divorce had not been introduced.

Current data collected by Istat allow distinguishing not only the type of procedure (consensual or judicial) but also the type of extrajudicial agreement (ex-art. 6 or ex art. 12) (Istat, 2021). Figure 2 shows how much greater is the use of new procedures by those who divorce. This happens because in this case a combined effect of law 1 and 2 is observed and because the absence of minor children is - on average - higher in divorces.

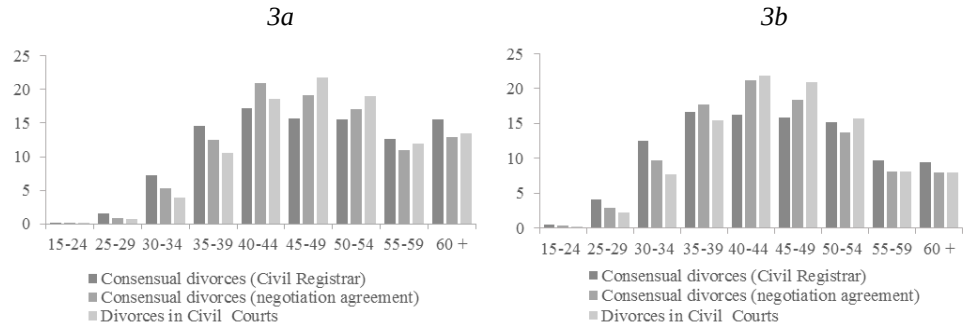
Figure 2 – *Separations (2a) and divorces (2b) by type of procedure (consensual or judicial) and type of extrajudicial agreement (ex-art. 6 or ex art. 12), Italy – Years 2010-2019 (abs. values in thousands)*



Source: Istat - Administrative data on legal separations and divorces

Considering only divorces in the "peak year" (2016), it is possible to observe how the age effect appears 'indirectly' related with the presence of children. As a matter of fact, Civil Registrar procedures' option is more common in the younger age groups, because it is assumed that there are no children yet, or in older age groups with the assumption that children are almost away from home (Figure 3).

Figure 3 – *Divorces by type of procedure, and age class of husbands (3a) and wives (3b), Italy. Year 2016*



Source: Istat - Administrative data on legal separations and divorces

3. Data and methods

3.1 Data

In this study, we use administrative data on Separations and Divorces collected by Istat; these data are exhaustive, consistent, and highly reliable, and allow both to monitor trends over time and space and to analyze the main socio demographic characteristics of husbands and wives who decide to end their marriage.

Separations and Divorces' data collection is multisource and reckon on different data acquisition flows (through Civil Courts and Civil Registrar Offices). Extrajudicial data comes from Civil Registrar Offices and are gathered at municipal level (NUTS-4), whereas judicial data comes from the 140 Civil Courts. The judicial geography is different from the administrative one. Insofar as our interest is focused on the spread of innovative behavior being equal the propensity to separate and divorce, we need to consider both the data of the Courts and those of the Civil Registrar Offices. It follows that the minimum territorial detail of the analysis is NUTS-3 level because it is possible to bring back the judicial geography to these administrative units. Finally, analyses are performed using 2018 data (most recent data at subnational level).

As main indicator, we consider the ratio between the total number of extrajudicial separations and divorces by Civil Registrar Office (ex art.12) and the total separations and divorces, both observed at the province level (NUTS-3). This allows for catching the effective incidence of this innovative procedure, because we consider the access to the Civil Registrar Office, instead of the support of a lawyer, as the newest behaviour. To avoid possible biases, ex. art 6 separations and divorces are excluded from the analyses because they are registered not in the municipality where the spouses reside but in the one where the couple got married.

3.2 Method

To deepen the relationship between the spread of ex. art 12 extrajudicial separation/divorce procedures and the province where they occur methods of spatial analysis are applied. These methods, as is well known, are based on the use of georeferenced statistical data for which the geographical variable not only plays an illustrative role but also becomes a useful element for understanding the phenomenon.

Spatial autocorrelation measures the correlation of a variable with itself across space. The underlying hypothesis – known as Tobler's First Law of Geography (Tobler, 1970) – is that "everything is related to everything else, but near things are

more related than distant things". Positive spatial autocorrelation occurs when populations at neighbouring areas tend to show similar values, while we have negative autocorrelation when we observe dissimilar values at neighbouring locations. If the data exhibits complete spatial randomness, this implies that there is not any underlying spatial structure in the data.

The existence of spatial autocorrelation can be tested by computing both global and local measures. There are several possible measures of spatial autocorrelation, but the most used global measure is Moran's I statistic:

$$I = \frac{n}{(\sum_{i=1}^{n}\sum_{j=1}^{n} w_{i,j})} * \frac{\sum_{i=1}^{n}\sum_{j=1}^{n} w_{ij}(x_i-\bar{x})(x_j-\bar{x})}{\sum_{i=1}^{n}(x_i-\bar{x})^2} \quad (1)$$

where x is the variable of interest, n is the number of spatial units and w_{ij} is the spatial weight of the link between the observation i and j. In our case of study x is the ratio between the total number of extrajudicial separations and divorces by Civil Registrar Office (ex art.12) and the total separations and divorces, both observed at the province level; n is the number of Italian provinces (107).

Spatial weights are organized in a square matrix (n x n) corresponding to the neighbour relationships. By construction, the diagonal elements (w_{ii}) are all equal to zero. I ranges approximately from -1 (perfect dispersion) to +1 (perfect correlation). A zero value indicates a random spatial pattern. The existence of spatial autocorrelation violets the traditional assumption that units of analysis are independent, with all that this entails.

Moran's I is a synthetic measure that summarize the overall clustering in the data and is calculated starting from the local relationships between the values observed in an area and its neighbours. To detect where clusters (observations with very similar neighbours) or hotspot (observations with very different neighbour) are located in our map it is necessary to compute local measures (Anselin, 1995). Local Indices for Spatial Analysis (LISA) are an extension of the global indices, and measure neighbourhood relations for each area we considered. As is the case with the global index, positive LISA values stand for positive autocorrelation (similar patterns), negative values stand for negative autocorrelation (opposite patterns).

In practical terms, the first step of our analysis is to define spatial neighbours' structure; the second is to assign weights to the identified neighbour links. Regarding the first point, several neighbour criteria can be used. Here we choose to use the queen contiguity criterion: areas (provinces) with at least a common border are considered as neighbours. In our data, we have 107 areas (NUTS-3 level). Two provinces are the least connected areas with one neighbour only, while the most connected province has nine links. The average number of links is 4.4. Once defined which province borders with which other, it is possible to build the matrix of

contiguity (to be normalized later) that will be used in the calculation of the Moran indices.

More in details, with respect to the second point, the weight structure we use reflects the spatial neighbours' contiguity defined: w_{ij} equals 1 if i and j are contiguous and 0 otherwise. Then, to avoid the indexes to be influenced by the different number of neighbours, the weights for each unit are standardised to sum to 1 (row standardization). Statistical analyses have been performed with R (see Bivard *et al.*, 2008).

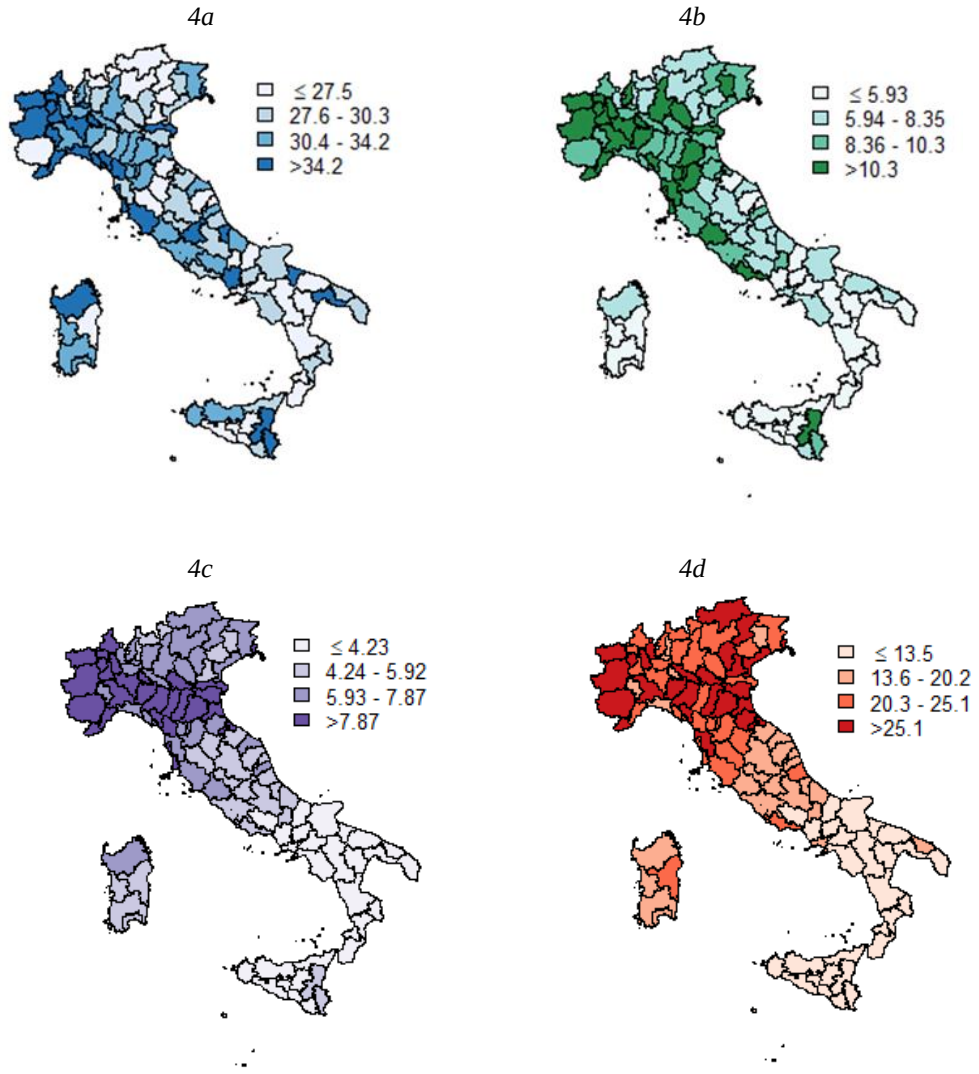
4. Results

Analyses on crude rates (per 10,000 inhabitants) of separation and divorces (*panel 4a*, Figure 4) and of extrajudicial separations and divorces (*panel 4b*, Figure 4) by Italian provinces show and confirm the already known presence of a north-south gradient (Rivellini *et al*, 2009). The incidence of marital disruptions – achieved both by traditional and innovative (extrajudicial) procedures – is higher in most of the provinces of North and the Centre of Italy, with some peaks in Piedmont, Liguria and Lombardy provinces. This territorial gradient is even more pronounced when observing the plotted crude rate of extrajudicial (ex art. 12) separations and divorces (*panel 4c*, Figure 4). In this case, Piedmont and Emilia Romagna provinces show the highest values. The North-South gradient is even clearer if we focus on the relative spread of most innovative marital disruption behaviours, represented in the *panel 4d* of Figure 4. The diffusion of these new procedures is then not homogeneous on the Italian territory: in the provinces of North and Centre of Italy the use of public services (Civil Registrar) related to the marital disruption seems more common than in provinces of the South of Italy.

This first result could be related both to the higher level of awareness about new procedures at disposal for citizens in these provinces, and to the higher incidence of married couples without minor children or adult children who are legally incompetent, severely disabled, or economically dependent (ex-art. 12).

To detect if populations who live in neighboring provinces tend to display similar levels of the main indicator (i.e., the ratio in *panel 4d*) we performed a global test of spatial autocorrelation. In our data, the presence of global spatial autocorrelation in the diffusion of extrajudicial forms of union disruption – already highlighted in the maps – is confirmed by the Moran's I statistic: in fact, we detect strong and significant (p-value<0.0001) spatial autocorrelation as the global Moran's Index equals to 0.73. The null hypothesis can be rejected: that means that who live in neighbouring provinces tend to display similar levels of the main indicator considered in the statistical analysis.

Figure 4 – *Separations and divorces per 10,000 inhabitants (4a), extrajudicial separations and divorces per 10,000 inhabitants (4b), extrajudicial art 12 separations and divorces per 10,000 inhabitants (4c), extrajudicial art.12 separations and divorces over total separations and divorces (4d). Year 2018. Italian NUTS-3.*



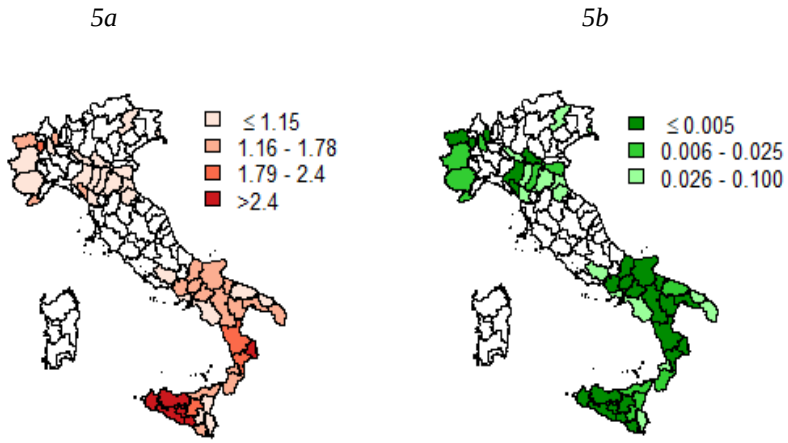
Source: Istat - Administrative data on legal separations and divorces

It is often useful to associate a local autocorrelation indicator with a global indicator of autocorrelation, able to measure the interdependence for each of the

provinces in question. LISA (Local Indicator Spatial Association) allows to understand which sets of contiguous provinces (clusters) show a significantly similar level of the phenomenon of interest.

Statistically significant local values of spatial autocorrelation are plotted in the *panel 5a* of Figure 5, while *panel 5b* shows the different significance levels considered. The statistically significant values are all positive - indicating that neighbouring provinces exhibit similar behaviour - and it is possible to identify several clusters both in the North and in the South of the Country.

Figure 5 – *Statistically significant Local Moran's I (5a) and Local Moran's I p-value (5b). Year 2018. Italian NUTS-3.*



Source: Istat - Administrative data on legal separations and divorces
Note: White areas are not statistically significant.

In the North of the Country, there are several provinces with significantly positive LISA values. Their similarity is due to high recourse to ex art. 12 (see *panel 4d* of Figure 4). These areas are mainly located in Piedmont, Lombardy, Emilia-Romagna plus Pordenone (Friuli-Venezia Giulia). It can be assumed that the citizens of these provinces are "linked" by this innovative behaviour, presumably driven both by a good promotion given to the procedure and by a good functioning of the public services. The South of the Country (except for Sardinia, plus the province of Frosinone) shows particularly high and significant values of LISA, but their "similarity" is on low values of the investigated phenomenon (see *panel 4d*, Figure 4). Positive spatial correlation is particularly high for most provinces of Calabria and Sicily. These areas show also a particularly poor adhesion to this type of procedure of marital breakdowns. Some contextual variables measured at the province level

could likely show their influence: the higher incidence of families with economically dependent co-resident children due to a more difficult labour market, a greater traditional recourse to the judicial resolution of disputes and a possible lower trust in the institutions.

5. Discussion and research perspective

The statistical analyses revealed a geographical pattern in the incidence of ex art.12 extrajudicial agreements for marital breakdowns over total separations and divorces: from one side a clear North-South gradient still emerges as for other modernized attitudes, previously studied; from another side the physical contiguity neighbouring creates a "word-of-mouth effect" in adopting innovative behaviors. High levels of positive spatial autocorrelation (statistically significant) are observed in two areas that are very different from economic, social, and demographic point of view. Nevertheless, the presence of local clusters identified by a statistical tool is not enough to catch the undergone social learning processes, through which individuals become aware of the existence and technical details of new phenomena through contact with other people living nearby. The develop of this part of analysis could lead advances in understanding the reasons of the clusters' occurrence, but there is an evident need for new research on the relation between micro (individual behaviours), macro (context of residence) and meso (social interaction) levels. In this perspective we could elaborate other concepts of "contiguity neighbouring", based on additional data, different from the geographic borders (e.g., air-line distances, road routes, journey times; economic and cultural distances; population density; degree of updating citizens on the latest regulatory changes; access to public services). The paper gives first insights on the territorial diffusion of innovative ways to interrupt a marital union, which – in our knowledge – is a topic not yet considered in national demographic literature. Otherwise, starting from some preliminary evidence (1 out of 3 municipalities did not even register an extrajudicial separation or divorce agreement while Rome, Milan, Turin, Naples and Palermo alone have recorded approximately 12% of the acts), we are aware that the role of metropolitan area should be taken into account. The conjectural effect of the "fast divorce law" is progressively fading. To confirm that, we need to monitor the phenomenon in the next years; at the same time, it would be crucial to describe future diffusion of new legal procedures considering the challenges and opportunities offered by the National Recovery and Resilience Plan (PNRR)2, which is opening a season of reforms. The topic considered in this paper is linked to at least two main cross-cutting

[2] The PNRR is part of the Next Generation EU program that the European Union negotiated in response to the pandemic crisis. The PNRR is available at https://www.governo.it/sites/governo.it/files/PNRR.pdf

reforms: the reform of public administration and reform of law system, which both push for digitalization; alternative dispute resolution and a general shortening of the time of judgment. The simplification of processes makes easier a restarting for citizens in Italy, but in this specific case restarting means also changes in customs and individual choices related to make a new family, remarrying, living alone apart together, etc.

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SUMMARY

Marital breakdowns in Italy: recent regulatory changes and territorial analysis

In the last years, two laws have deeply changed the regulation of marital breakdowns in Italy. Between these two, the law n. 162/2014 introduces the possibility of employing extrajudicial agreements for consensual separations and divorces and paves the way for more innovative behaviors, among couples without minor or economically dependent children. By the means of spatial statistical tools, the paper detects the geographical (at province/NUTS-3 level) pattern of the incidence of extrajudicial agreements for marital breakdowns over total number of separations and divorces. The spreading of these new procedures resulted as not homogeneous on the Italian territory as the individuals living in neighbouring provinces tend to display similar relative levels of extrajudicial agreements.

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