Opting Out and the Division of Marital Assets

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Abstract: The legal regime governing divorce and allocation of marital assets has substantial effects on numerous dimensions of marriage including decisions to marry, divorce, save, allocate resources, and participate in the labor market. Prenuptial contracts remain rare, so marital assets in most divorces are divided according to state laws, which requires equitable division in thirty-nine states and equal division in the remaining eleven states. Legal decisionmakers in states requiring equitable division consider each party's current earnings and future earnings potential, balancing the contributions of each party to building the value of tangible assets and to the household. Drawing on economic theories of marriage and divorce, the share of marital assets awarded to a non-breadwinning spouse should be positively related to her education. The investments in her spouse's human capital should lead to the 50 – 50 split associated with equal division allocation, as that allocation is based on the assumption of equal partnership and equal rewards. To test whether the general population agrees with these economic arguments, we fielded an experimental vignette study on 3,017 volunteers, asking them to divide the marital assets equitably between a breadwinning husband and non-breadwinning wife. We varied the education level of the non-breadwinning wife as well as the value of the marital estate. We find that subjects consistently favor the husband, with less than 50 percent of assets awarded to the wife, regardless of the wife's education level and the level of marital assets. Male subjects also consistently award lower shares than female subjects. However, male subjects, but not female subjects, award a larger share to the more educated wife. Similar to the marriage premium that favors men, we find that asset division upon divorce likewise favors men.

I. Introduction

In light of the rise in divorce rates over the past forty years, determining the best legal rule for division of marital assets has been the subject of much debate among both economists and legal scholars. In theory, what constitutes the best legal rule for division of assets at least partially depends upon the principal goal in the legal facilitation of divorce—whether that be encouraging efficient investments by both parties during the marriage, minimizing the individual losses incurred by each party at the time of divorce, minimizing the overall losses incurred by both parties at the time of divorce, or ensuring that both parties are in the best position to maximize their earnings after the divorce is completed (Borenstein and Courant 1989, Smith 2007). In actuality, the legal rules for division of assets have evolved in the United States over the past century from historical title-based property division regimes towards equitable division and community property regimes (Voena 2015).

Thirty-nine U.S. states require the equitable division of marital assets upon divorce, in the absence of an overriding agreement. Equitable division does not necessarily mean equal division, even in cases where the spouses contributed equal resources and assets to the marriage. Determining what is equitable may prove particularly challenging for legal decisionmakers in cases where one spouse has disproportionately contributed to the development of an intangible asset to the marriage, such as the other spouse's human capital. The paradigmatic case is that of *O'Brien v. O'Brien*, 66 N.Y.2d 576 (N.Y. Ct. App. 1985), in which a wife financially supported her husband through medical school, only to be served with divorce papers three months after he obtained his medical license. In such a case, the concept of equity does not provide a clear guidepost as to how much interest the wife has in the husband's medical license and resulting future earnings.

Similar issues arise for a wife who contributes disproportionately to the business development and career advancement of her husband, often at the expense of her own career. The highly publicized divorce of Lorna and Gary Wendt sent shock waves through corporate America as Lorna Wendt argued that her ex-husband owed his success to her contributions to his career—entitling her to 50 percent of the marital assets, instead of the 8 percent he offered as a settlement.[1] In cases like *Wendt* and *O'Brien*, equitable division requires estimating two counterfactuals—how much less successful the husband would have been, and how much more successful the wife would have been, in the absence of her contribution to the husband's career (Raymond 1999).

Still, legal decisionmakers are asked to make determinations of values incapable of precise measurement every day, and divorce cases are no exception. Our vignette study is designed to test how non-expert evaluators would choose to equitably divide marital assets in the difficult, but common, case where one spouse has disproportionately contributed to the development of an intangible asset to the marriage. We presented 3,017 subjects with a realistic scenario in which a wife has sacrificed her career to stay at home and raise the couple's children, which presumably increases the husband's ability to advance his career in a way that would not be possible if he had to concern himself with caring for the home and family. We varied both the husband's actual level of labor market success—signified by his education, career title, and financial assets—and the wife's potential for success in the absence of her career sacrifice—signified by her education and former career title. Within a bargaining framework, her level of education and former career would indicate her threat point. The greater her opportunities

[1] This case received extensive media coverage including a cover story in Fortune magazine. See Hersch (2003) for a discussion.

outside of marriage, the stronger is her bargaining position, which would predict her entitlement to a greater share of assets upon divorce. The task we assigned our subjects, all recruited through Amazon's Mechanical Turk (mTurk) service, was to equitably distribute the divorcing spouses' financial assets.

We find that, regardless of the career opportunities available to the wife, subjects consistently favor the husband in distributing the couples' assets, and, contrary to bargaining theory arguments, the division varied little by the professional opportunities available to the wife. Although this finding holds true for both male and female subjects, male subjects favor the husband more strongly than do female subjects. Still, given that respondents of both sexes award less to the wife on average, we conclude that evaluators in equitable division regimes may not appropriately value a non-breadwinning wife's opportunity cost or contribution to building the value of a couple's assets—a conclusion that is strengthened after reviewing subjects' stated motivations for their asset division decisions.

II. Equitable Division of Assets

Beginning in the mid-1960s, states began transitioning from fault-based divorce regimes, in which property is typically divided based on title, to no-fault-based divorce regimes, in which property is most commonly divided based on equity. At the time, women's rights advocates and feminist scholars viewed this revolution in divorce laws as beneficial for women. But many scholars have subsequently questioned this view, noting that the financial consequences of equitable division are often far worse for women than for men. Multiple studies have found a large decrease in women's living standards, but an increase in men's living standards, after a no-fault divorce (Weitzman 1985, Fineman 1991, Peterson 1996).

Equitable division of assets need not require equal division of assets,[2] but if assets are not to be divided equally, the question arises of which spouse should enjoy the larger share. For situations in which one spouse has dropped out of the labor market to raise a couple's children, while the other spouse continues to work, economic models principally take two factors into account. First, the spouse who has dropped out of the labor market has incurred a substantial opportunity cost; she has halted the development of her own career and, arguably, has permanently altered her earnings trajectory (even if she eventually goes back to market work) (Brinig and Carbone 1988). Second, when the household makes the decision to have one spouse specialize in childcare and household tasks, the spouse who has dropped out of the labor market has allowed the other spouse to specialize in working to a greater extent. As a result, the working spouse becomes more successful than he would have been in the absence of the non-working spouse's career sacrifice.[3] Both of these factors might suggest that the non-working spouse, if anything, should be entitled to more than fifty percent of a couple's assets upon marital dissolution.[4]

Yet all available evidence suggests that non-working spouses are rarely awarded more than fifty percent of marital assets. At best, non-working spouses retain half of the couple's assets upon divorce, but as total assets increase, legal scholars have noticed a trend across state court decisions: "the more [property] there is, the smaller [the] percentage the non-propertied spouse receives" (Wenig 1990). Some courts have justified low percentage awards with

[2] Note that twelve states have a rebuttable legal presumption of 50/50 division in equitably dividing assets (Baker 2012).
[3] A substantial literature documents a male marital wage premium of 10 to 20 percent, which economic theory attributes to the ability of the male partner to specialize in market work and the female partner to specialize in home production. For a discussion of the male marital wage premium literature, see Becker (1993) and Hersch (2003).
[4] Calculations using methods standard among economic litigation experts assume that asset division is based on each partners' contributions to household production and household income. These calculations imply a split of 50 percent or more for the non-working spouse under a broad range of realistic assumptions.

statements of only awarding as much as the non-working spouse "needs," as though dividing up marital assets were simply a "privatized welfare system at the expense of the working spouse" (Williams 1999). Such statements raise concerns that in dividing assets, legal decisionmakers eschew directives to weigh the relative contributions and sacrifices of each spouse in favor of traditional notions of the entitlement of breadwinners to their earnings—the cornerstone of former title-based property division regimes. Our experiment is designed to test how heavily such traditional notions weigh on individuals' minds in spite of the fact that they are asked to divide assets between divorcing spouses equitably.

III. Experimental Design

To perform our experiment, we recruited 3,017 subjects, entirely comprised of voluntary workers who opted in to perform tasks on mTurk. Workers eligible for participation had to be at least eighteen years old and had to reside in the United States. We paid $1.50 to each worker who successfully completed the survey, which we described as taking (and, on average, actually took) about fifteen minutes to complete.[5] Our survey provided a total of four scenarios; below, we limit our discussion to the one scenario of relevance to this paper. Subjects were directed from mTurk to the survey instrument, which was programmed using the survey software, Qualtrics.

All subjects were presented with a scenario in which a couple, which included a working spouse and a non-working spouse, were divorcing; subjects' task was to equitably distribute assets between the divorcing spouses. Although our subjects do not necessarily have legal training (and many presumably have no legal training), their insights into the way in which assets are divided—and the motivations behind these divisions—are still valuable for several reasons.

[5] In accordance with Kuziemko et al. (2015), we launched our survey on a weekday, during East Coast daylight hours.

First, most people have some experience with marriage and divorce; at the very least, our subjects' answers provide insight into how individuals approach their own divorce negotiations.

Second, similar subject pools and vignette studies have been previously used by empirical legal scholars to identify the inherent biases, norms, and intuitions that influence all individuals, regardless of their legal training.[6] Most notably, a similar methodology has been used by Wilkinson-Ryan and Baron (2008) in the divorce context to identify "moral norms about the marriage contract." Inherent norms and biases may or may not comport with the law; thus, a major concern with surveying only individuals with legal training is that such individuals may not always be honest about the true motivations behind their decisions. Surveying a broader pool of individuals gives a true sense of the social values that influence opinions about the roles, entitlements, and obligations of marriage partners.

Third, this methodology is particularly appropriate in our context, given that the task of distributing assets between divorcing spouses is often assigned to non-judicial and non-legally-trained actors. An increasing number of divorcing couples rely on mediators—who may be social workers or psychologists—in dividing assets. Moreover, in eleven states, divorcing parties may request a jury trial for at least some aspect of the legal proceedings.

In our experiment, we randomly assigned subjects to view one of six experimental conditions; regardless of the assigned condition, all subjects viewed the following information:

> John and Susan began dating in 1995, shortly after they began their first professional jobs. They married in 1998, and both continued to work until 2003, when the first of their three children was born. After the birth of their first child, John and Susan decided they could live comfortably on John's income. Susan left her job in 2003 in order to focus on raising their three children, and she has never returned to work.

Subjects then viewed one of the six following conditions, indicated by the letters A through F.

[6] For examples, see Hersch and Shinall (forthcoming, 2017) (legal rules about hiring), Sevier (2016) (evidence), Wilkinson-Ryan and Hoffman (2015) (contract formation), Hersch and Moran (2015) (criminal and asset division cases), and Ginther et al. (2014) (mens rea).

Scenarios A/B (spouses have equivalent education and potential earnings at time of marriage):

Both John and Susan have M.D. degrees, and they met while working at the same hospital during their final year of internal medicine residency. At the time Susan left her job in 2003, John and Susan had been equally successful in their careers and had the same earnings. John went onto have a very successful career [A: as a physician in private practice/B: in hospital administration], and by 2015, the couple had net marital assets of [A: $5 million/B: $20 million]. Throughout their marriage, they often discussed work issues and were able to give each other advice.

Scenarios C/D (spouses have unequal education and potential earnings at time of marriage):

John has an M.D. degree and Susan has a bachelor's of science degree in nursing. When they met in 1995, John was in his final year of internal medicine residency, and Susan worked at the same hospital as a registered nurse. At the time Susan left her job in 2003, John's earnings were about four times that of Susan's earnings. John went onto have a very successful career as a [C: as a physician in private practice/D: in hospital administration], and by 2015, the couple had net marital assets of [C: $5 million/D: $20 million].

Scenarios E/F (no information on relative education and potential earnings at time of marriage):

John went onto have a very successful career, and by 2015, the couple had net marital assets of [E: $5 million/F: $20 million].

Regardless of the experimental condition viewed above, all versions of the scenario concluded in the following manner:

The demands of John's career and his busy work schedule have taken a toll on his seventeen-year marriage to Susan. This year, John filed for divorce from Susan, citing irreconcilable differences.

You should assume that you have been authorized by John and Susan's attorneys to divide their assets, and John and Susan have agreed to abide by your decision.

All assets were accumulated during their marriage. The assets are liquid and are easily divisible between John and Susan. The only matter to decide is the division of the net assets. All financial and custodial matters involving their children were settled amicably and are separate from the division of marital assets.

The law in their state requires that you divide the [A/C/E: $5 million, B/D/F: $20 million] **fairly** between John and Susan, but you need **not** divide the [A/C/E: $5 million, B/D/F: $20 million] equally between them.

Subjects were then asked what percent of the couple's assets they would award to Susan and were prompted to type in a number between 1 and 100. To ensure that subjects fully understood their answer, the survey immediately showed the subjects the dollar value of their distributions to both Susan and John.[7] Finally, subjects were asked a series of questions about the

[7] After seeing the dollar value of their distributions, subjects had an opportunity to correct their percentage distribution, if desired.

motivations behind their distribution decision. Subjects rated on a five-point Likert scale the importance of John's education, Susan's education, John's likelihood of remaining employed, Susan's likelihood of returning to the workforce, John's anticipated future earnings, Susan's anticipated future earnings, John's role in supporting the family before the divorce, Susan's decision to leave the workforce, the entitlement of breadwinners to their earnings, the value of staying home to raise children, the role of each party in keeping the marriage together, and the role of each party in breaking the marriage apart in reaching their distribution decision.

IV. Results

Table 1 presents a summary of distribution decisions by scenario and gender of subject.[8] The most striking aspect of our results is that subjects consistently awarded Susan less than half of the couple's assets, with Susan's share significantly different from 50 percent at the 5 percent level in all scenarios. Regardless of the scenario presented—and regardless of the education and career that Susan gave up to stay home—subjects still awarded Susan, on average, less than half of the assets. In fact, only 7.82 percent of all subjects awarded Susan more than 50 percent of the couple's assets. Women were much more generous to Susan than were men; across scenarios, women's average distribution to Susan was 47.04 percent of the assets, while men's average distribution was 41.12 percent. Moreover, although 9.90 percent of female subjects awarded Susan more than half of the couple's assets, only 5.95 percent of male subjects gave Susan more than half. Despite the fact that women were more generous with Susan than were men, it is nonetheless striking how few women were unwilling to award Susan more than half of the couple's assets. Also striking is that there is no difference in the share of assets women subjects

[8] The demographics of our subjects are presented in Appendix Table 1.

would award, regardless of Susan's prior occupation. Even women, it seems, may undervalue[9] the contribution and sacrifices of women in marriage.

These results persist in Table 2, which presents OLS regressions of subjects' percentage award to Susan on scenario characteristics (columns 1, 2, and 3) and subjects' demographic characteristics (columns 4, 5, and 6). Columns 1 and 4 include all subjects; the other columns present regression results by gender of subject. The regressions indicate that John's level of success (as signaled by his job title and the couple's assets) do not influence subjects' determination of asset split. Moreover, the regressions present only limited evidence that subjects are taking into account Susan's relative opportunity cost in dropping out of the workforce. For the scenarios in which Susan has an M.D., Susan is consistently awarded a larger portion of the assets, although as columns 2 and 5 make clear, this result seems to be driven by male subjects only. In the R.N. scenarios, Susan has no advantage in asset distribution as compared to Susan in the no information scenarios. Turning to the role of demographics, column 4 reveals that male subjects award significantly fewer assets to Susan than do female subjects, even after controlling for scenario and other demographic characteristics (including age, race, ethnicity, education, and marital status). Married men tend to award Susan more assets, and older men and women also tend to give more to Susan. Nevertheless, the biggest demographic effects (other than gender) come from education. More highly educated men and women award Susan more of the couple's assets. Religion, political party, employment status, geographic location, and prior service on a jury do not appear to influence individuals' asset distribution decisions.

[9] Our calculations, which use methods standard among economics litigation experts and which are based on the asset amounts given in our scenario, indicate that Susan should receive at least 50 percent of the couple's assets, with the share larger in the scenarios in which she has an M.D. degree.

While the results in Tables 1 and 2 reveal the demographic characteristics that are correlated with individuals' valuation of Susan's entitlement to assets, they do not identify the values and norms that lie behind subjects' distribution decisions. Table 3 details the motivations that individuals selected as important or extremely important in reaching their distribution decision, by scenario and subjects' gender. Motivations such as John's education, Susan's education, John's likelihood of remaining employed, Susan's likelihood of returning to the workforce, John's anticipated future earnings, and Susan's anticipated future earnings go to the importance that subjects have placed on Susan's opportunity cost in dropping out of the workforce. Although more women than men tend to rate these motivations as important, still less than half of women across scenarios identify education or anticipated future earnings as important.

Instead, the motivations that appear to be most salient for male and female subjects are John's role in supporting the family before the divorce, the entitlement of breadwinners to their earnings, and the value of staying home to raise children. More than two-thirds of male and female subjects identified John's role in supporting the family before their divorce as an important motivation behind their asset distribution decision. The greatest differences in motivations between genders, however, lie in the importance of entitlement of breadwinners to their earnings and the value of staying home to raise children. Almost half of men identified the entitlement of breadwinners to their earnings as an important motivation; less than 37 percent of women found this motivation important. On the other hand, more than 80 percent of women (but only about 65 percent of men) found the value of staying home to raise children important.

Table 3 is suggestive that norms about traditional rights of property title holders to their assets may be driving many subjects' asset distributions; Table 3 further suggests that disparate

beliefs regarding the value of certain intangible contributions to a marriage may be driving some of the gender differences in asset distribution. Table 4 explores these issues by considering whether subjects' identified motivations have any explanatory power in their determinations of asset distribution. Table 4 regresses the percent of assets awarded to Susan on the scenario presented, subject demographics, and the motivations subjects identified as important. Table 4 indicates that subjects who rated the entitlement of breadwinners to their earnings as important gave significantly more assets to John; subjects who rated the value of staying home to raise children as important gave significantly more assets to Susan.

From Table 3, we know that more men rated entitlement of breadwinners as important, but more women rated the value of staying home as important. Consequently, given the results in Table 4, we explore in Table 5 to what extent these gender differences in motivations drive the gender differences in assets awarded to Susan using Oaxaca-Blinder decomposition.[10] We find that a significant portion of the difference between male and female subjects' awards come from the different values they assign to the entitlement of breadwinners and value of staying home. In fact, 14.38 percent of the total difference in male and female subjects' awards can be explained by men's greater valuation of the entitlement of breadwinners; 13.87 percent of the difference can be explained by women's greater valuation of staying home with children.

V. Conclusion

In our vignette study, we sought to test how individuals approached the division of assets and why they took their chosen approach in a realistic divorce setting under an equitable distribution regime. Given prior scholarly evidence that equitable division regimes are far more generous to men than to women, despite a guiding principle of fairness, our study provides

[10] The full Oaxaca-Blinder decomposition results are presented in Appendix Table 2.

insight into the inherent norms and social values that may be guiding both parties to a divorce and legal decisionmakers in dividing spouses' assets. Even though equitable division regimes were intended to override the traditional notion of property-holder entitlement, which historically favored men, we find evidence that many individuals (and particularly men) nonetheless retain and give weight to this notion. We also find evidence that women assign more value to traditional childcare and family roles than do men. Yet neither women nor men fully appreciate the opportunity cost of a woman sacrificing her career in order to stay home with children.

Our results not only support the existing body of evidence indicating that equitable division regimes can lead to inequitable gender outcomes, but they also suggest at least some explanations behind these inequitable gender outcomes. As long as traditional notions of property-holder entitlement persist in society—in spite of the fact that current no-fault divorce laws were intended to override such notions—more explicit directives to legal decisionmakers may be necessary in equitable division regimes. One potential solution is to add explicit language to equitable division divorce statutes negating any assumptions that breadwinners should be entitled to the majority of a divorcing couple's assets. But given that most equitable division statutes already present legal decisionmakers with a list of criteria to consider (or not consider) when dividing a couple's assets, it is unclear what effect adding another criterion to the list would have on women's outcomes. A better solution for women may be the approach already taken by twelve states[11]: instructing legal decisionmakers to begin with the presumption that wives are entitled to at least half of a divorcing couple's assets. Although the presumption is rebuttable, it allows men and women at least to begin the asset division process in equipoise. In the absence of such a presumption, our study suggests that women—and particularly non-

[11] The presumption is statutorily mandated in only six states; in the other six states, the presumption is judicially created (Baker 2012).

working women—may face an insurmountable disadvantage in the divorce negotiation process, and asset division upon divorce will continue to favor men.

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Table 1. Mean Percent of Marital Assets Awarded to Susan

			All Respondents	Male Respondents	Female Respondents
Scenario	Susan's Prior Occupation	Couple's Assets	% of Assets Awarded to Susan	% of Assets Awarded to Susan	% of Assets Awarded to Susan
A	M.D.	$5 million	46.00	44.54	47.35
B	M.D.	$20 million	45.19	42.91	47.34
C	R.N.	$5 million	43.48	39.21	47.45
D	R.N.	$20 million	42.99	39.52	46.70
E	Unknown	$5 million	44.12	40.75	47.21
F	Unknown	$20 million	43.19	39.88	46.13
Significant scenario differences			A-C, A-D, A-F, B-D	A-C, A-D, A-E, A-F, B-C, B-D	
N			3,017	1,463	1,554

Notes: Significant differences between scenarios are calculated at the 10% level based on a Bonferroni multiple comparison test. All male-female differences within scenarios are significant at the 1% level.

Table 2. OLS Regression of Asset Split on Susan's Prior Occupation

	Dependent variable: Percent of assets awarded to Susan					
	Baseline			Respondent Demographics Included		
	All respondents	Male respondents	Female respondents	All respondents	Male respondents	Female respondents
	(1)	(2)	(3)	(4)	(5)	(6)
Susan M.D.	1.94***	3.40***	0.67	1.85***	3.16***	0.71
	(0.56)	(0.88)	(0.68)	(0.54)	(0.86)	(0.66)
Susan R.N.	-0.42	-0.93	0.41	-0.50	-0.95	0.18
	(0.59)	(0.91)	(0.71)	(0.56)	(0.88)	(0.70)
$20 Million	-0.74	-0.71	-0.61	-0.48	-0.48	-0.33
	(0.47)	(0.72)	(0.57)	(0.45)	(0.70)	(0.55)
Male	---	---	---	-5.15***	---	---
				(0.46)		
Married	---	---	---	1.70***	2.78***	0.52
				(0.48)	(0.77)	(0.61)
Age	---	---	---	0.45***	0.56***	0.35**
				(0.11)	(0.18)	(0.14)
$Age^2/100$	---	---	---	-0.33**	-0.42**	-0.26
				(0.13)	(0.20)	(0.16)
Black	---	---	---	-0.74	0.30	-1.64
				(0.99)	(1.52)	(1.26)
Asian	---	---	---	-0.26	-0.72	0.88
				(1.27)	(1.66)	(1.93)
Multi-race/other race	---	---	---	1.69	0.12	2.65**
				(1.05)	(1.69)	(1.22)
Hispanic	---	---	---	-0.11	1.84	-2.54*
				(1.04)	(1.52)	(1.34)
U.S. native	---	---	---	-1.11	-2.69	0.66
				(1.42)	(2.28)	(1.64)
Some college	---	---	---	2.99***	2.02	3.82***
				(0.97)	(1.42)	(1.28)
Bachelor's degree	---	---	---	2.35**	1.56	2.94**

				(0.98)	(1.39)	(1.33)
Graduate degree	---	---	---	5.16***	4.22***	5.52***
				(1.05)	(1.53)	(1.40)
Religious	---	---	---	0.91	1.50	0.61
				(0.61)	(0.95)	(0.78)
Employed	---	---	---	-0.84	-1.12	-0.93
				(0.60)	(1.19)	(0.64)
Served on a jury	---	---	---	0.11	0.70	-0.62
				(0.63)	(1.01)	(0.76)
Republican	---	---	---	-1.01	-1.17	-0.68
				(0.64)	(1.04)	(0.76)
City	---	---	---	-0.26	0.99	-0.95
				(0.61)	(1.01)	(0.74)
Suburb	---	---	---	0.21	1.97**	-1.02
				(0.54)	(0.94)	(0.64)
Susan M.D.= Susan R.N.	No	No	Yes	No	No	Yes
R^2	0.01	0.02	0.00	0.11	0.09	0.05
N	3,017	1,463	1,554	3,017	1,463	1,554

*** P-value < 0.01, ** P-value < 0.05, * P-value < 0.10

Notes: Dependent variable is a continuous value between 0 and 100, inclusive. Heteroskedasticity-robust standard errors in parentheses below estimated coefficient. Religious is defined as attending a religious service at least once per month. The equality of the Susan M.D./Susan R.N. coefficients is tested at the 5% level.

Table 3. Important Motivations for Asset Split, by Susan's Prior Occupation and Sex of Respondent

Reported: Percentage of Respondents Rating Motivation as Important or Very Important for Chosen Asset Split								
	Scenarios A/B: Susan as M.D.		Scenarios C/D: Susan as R.N.		Scenarios E/F: Susan's occupation unknown		All Scenarios	
Motivations	Males	Females	Males	Females	Males	Females	Males	Females
John's education	42.09	45.12	43.74*	38.42	25.11	24.14	37.12	35.84
Susan's education	41.07*	47.04	37.57	35.45	18.14	20.72	32.40	34.36
John's likelihood of remaining employed	52.16	56.79	46.92***	57.43	44.09**	50.38	47.71***	54.83
Susan's likelihood of returning to workforce	56.06	60.99	48.91**	55.64	42.62***	51.71	49.21***	56.11
John's anticipated future earnings	42.09	47.04	41.75**	49.31	41.77	39.16	41.83*	45.11
Susan's anticipated future earnings	47.64**	53.92	46.32	50.69	44.09	43.35	46.00*	49.29
John's role in supporting the family before divorce	70.64**	76.86	69.38	71.49	68.35**	75.48	69.45***	74.65
Susan's decision to exit the workforce	61.19	65.20	58.45**	51.29	56.33	56.84	58.65	57.85
Entitlement of breadwinners to earnings	47.02***	34.61	51.09***	39.41	47.89***	36.88	48.67***	36.94
Value of staying home to raise children	68.58***	83.56	63.62***	77.82	62.66***	78.90	64.94***	80.12
Role of each party in keeping marriage together	47.64	50.48	39.76	44.36	41.35	46.01	42.86**	46.98
Role of each party in breaking marriage apart	42.30	43.98	35.39*	40.79	39.87	41.83	39.10*	42.21
Percent of assets awarded to Susan	43.71***	47.35	39.37***	47.09	40.32***	46.67	41.12***	47.04

N	487	523	503	505	474	526	1,463	1,554
Male respondents significantly different from female respondents: *** P-value < 0.01, * P-value < 0.05, *** P-value < 0.10								

Notes: Null hypothesis is that an equal percentage of male and female respondents rate the motivation as important or very important. P-value is calculated using a two-sample t-test.

Table 4. OLS Regression of Asset Split on Susan's Prior Occupation, Respondent Demographics, and Motivations

	Dependent variable: Percent of assets awarded to Susan		
	All respondents	Male respondents	Female respondents
	(1)	(2)	(3)
Susan M.D.	1.64***	3.21***	0.41
	(0.51)	(0.79)	(0.64)
Susan R.N.	-0.05	-0.08	0.26
	(0.52)	(0.80)	(0.66)
$20 Million	-0.62	-0.21	-0.70
	(0.41)	(0.62)	(0.53)
Male	-3.50***	---	---
	(0.43)		
Married	1.22***	1.95***	0.34
	(0.45)	(0.69)	(0.59)
Age	0.29***	0.34**	0.29**
	(0.11)	(0.16)	(0.14)
$Age^2/100$	-0.21*	-0.25	-0.23
	(0.12)	(0.18)	(0.16)
Black	-0.39	1.06	-1.42
	(0.93)	(1.41)	(1.20)
Asian	-0.95	-0.98	-0.19
	(1.18)	(1.53)	(1.83)
Multi-race/other race	1.47	-0.19	2.53**
	(0.99)	(1.55)	(1.17)
Hispanic	0.65	2.54*	-1.69
	(0.99)	(1.43)	(1.25)
U.S. native	-1.33	-2.19	-0.16
	(1.35)	(2.11)	(1.61)
Some college	2.54***	1.37	3.83***
	(0.89)	(1.25)	(1.22)
Bachelor's degree	2.11**	1.05	3.06**
	(0.90)	(1.22)	(1.28)
Graduate degree	4.31***	3.12**	5.09***
	(0.96)	(1.37)	(1.31)
Religious	0.86	1.06	0.60
	(0.59)	(0.89)	(0.76)
Employed	-0.49	-0.90	-0.51
	(0.56)	(1.07)	(0.61)
Served on a jury	0.12	0.22	-0.07
	(0.60)	(0.92)	(0.74)
Republican	-0.58	-0.11	-0.65
	(0.60)	(0.93)	(0.73)
City	-0.09	0.89	-0.72
	(0.56)	(0.90)	(0.69)
Suburb	0.14	1.69**	-0.93

	(0.50)	(0.82)	(0.62)
John's education	-4.65***	-4.41***	-4.76***
	(1.08)	(1.41)	(1.64)
Susan's education	2.56**	1.62	3.10*
	(1.09)	(1.43)	(1.67)
John's likelihood of remaining employed	1.04*	0.44	1.57*
	(0.59)	(0.86)	(0.81)
Susan's likelihood of returning to workforce	0.07	-0.74	0.51
	(0.61)	(0.91)	(0.82)
John's anticipated future earnings	2.28***	1.32	3.43***
	(0.69)	(0.99)	(0.98)
Susan's anticipated future earnings	-0.48	1.16	-2.25**
	(0.71)	(1.02)	(1.00)
John's role in supporting the family before divorce	-1.51***	-1.04	-1.36*
	(0.55)	(0.83)	(0.72)
Susan's decision to exit the workforce	-0.94**	-1.96***	0.09
	(0.47)	(0.72)	(0.62)
Entitlement of breadwinners to earnings	-7.27***	-9.46***	-5.16***
	(0.46)	(0.68)	(0.60)
Value of staying home to raise children	5.39***	6.54***	3.78***
	(0.54)	(0.76)	(0.76)
Role of each party in keeping marriage together	0.17	0.67	-0.17
	(0.57)	(0.83)	(0.81)
Role of each party in tearing marriage apart	1.05*	0.62	1.40*
	(0.59)	(0.86)	(0.80)
Susan M.D. = Susan R.N.	No	No	Yes
R^2	0.24	0.28	0.15
N	3,017	1,463	1,554

*** P-value < 0.01, ** P-value < 0.05, * P-value < 0.10

Notes: Dependent variable is a continuous value between 0 and 100, inclusive. Heteroskedasticity-robust standard errors in parentheses below estimated coefficient. Religious is defined as attending a religious service at least once per month. All motivation variables are dummy variables equal to one if the respondent reported the motivation as important or very important in reaching the asset split decision. Significant difference in the Susan M.D./Susan R.N. coefficient is calculated at the 5% level.

Table 5. Oaxaca-Blinder Decomposition of Male-Female Differences in Awards to Susan

Aggregate Decomposition		
Female Respondents' Average Award	47.04***	
	(0.28)	
Male Respondents' Average Award	41.12***	
	(0.36)	
Total Difference	5.91***	
	(0.46)	
Explained Difference	2.42***	
	(0.25)	
Unexplained Difference	3.50***	
	(0.43)	
Explained Difference: Detailed Decomposition		
	Amount of Total Difference Explained	Percent of Total Difference Explained
Entitlement of breadwinners to earnings	0.85***	14.38%
	(0.14)	
Value of staying home to raise children	0.82***	13.87%
	(0.12)	
All other motivations	0.22**	3.72%
	(0.09)	
Demographics	0.51***	8.63%
	(0.13)	
Susan's former occupation, total assets	0.02	---
	(0.03)	

*** P-value < 0.01, ** P-value < 0.05, * P-value < 0.10

Notes: Dependent variable is a continuous value between 0 and 100, inclusive. Heteroskedasticity-robust standard errors in parentheses below estimated coefficient. Demographic variables include married, age, age squared, black, Asian, all other races, Hispanic, U.S. native, some college, bachelor's degree, graduate degree, religious (defined as attending a religious service at least once per month), employed, served on a jury, Republican, city, and suburb. All other motivation variables include John's education, Susan's education, John's likelihood of remaining employed, Susan's likelihood of returning to the workforce, John's anticipated future earnings, Susan's anticipated future earnings, John's role in supporting the family before divorce, John's role in supporting the family before divorce, Susan's decision to exit the workforce, the role of each party in keeping the marriage together, and the role of each party in breaking the marriage apart. Susan's former occupation and total asset variables include Susan M.D., Susan R.N., and $20 million in assets. All motivation variables are dummy variables equal to one if the respondent reported the motivation as important or very important in reaching the asset split decision.

Appendix Table 1. Demographic Characteristics of Respondents

	All respondents	Male respondents	Female respondents
Male	0.48	---	---
Married	0.38	0.33***	0.44
Age	34.78	33.69***	35.81
Black	0.07	0.06***	0.09
Asian	0.05	0.08***	0.03
Multi-race/other race	0.07	0.07	0.06
Hispanic	0.07	0.08**	0.06
U.S. native	0.96	0.96	0.96
High school or less	0.09	0.10	0.09
Some college	0.39	0.35***	0.43
Bachelor's degree	0.39	0.42***	0.37
Graduate degree	0.12	0.13	0.12
Religious	0.21	0.18***	0.23
Employed	0.81	0.87***	0.76
Served on a jury	0.13	0.15**	0.12
Democrat	0.44	0.41***	0.47
Republican	0.19	0.18	0.19
City	0.34	0.37***	0.30
Suburb	0.41	0.42*	0.40
Rural or town	0.25	0.20***	0.30
N	3,017	1,463	1,554

Male respondents significantly different from female respondents: *** P-value < 0.01, * P-value < 0.05, *** P-value < 0.10

Notes: Null hypothesis is that demographics of male and female respondents are the same. P-value is calculated using a two-sample t-test. Religious is defined as attending a religious service at least once per month.

Appendix Table 2. Full Oaxaca-Blinder Decomposition of Male-Female Differences in Awards to Susan (Including Demographics Variables)

Aggregate Decomposition	
Female Respondents' Average Award	47.04***
	(0.28)
Male Respondents' Average Award	41.12***
	(0.36)
Difference	5.91***
	(0.46)
Explained Difference	2.42***
	(0.25)
Unexplained Difference	3.50***
	(0.43)
Explained Difference: Detailed Decomposition	
Susan M.D.	0.01
	(0.03)
Susan R.N.	0.00
	(0.01)
$20 Million	0.01
	(0.01)
Married	0.13**
	(0.05)
Age	0.62**
	(0.26)
$Age^2/100$	-0.36*
	(0.22)
Black	-0.01
	(0.03)
Asian	0.04
	(0.05)
Multi-race/other race	-0.01
	(0.02)
Hispanic	-0.02
	(0.02)
U.S. native	-0.01
	(0.01)
Some college	0.21**
	(0.09)
Bachelor's degree	-0.11*
	(0.06)
Graduate degree	-0.06
	(0.05)
Religious	0.04
	(0.03)
Employed	0.05
	(0.06)

Served on a jury	-0.00
	(0.02)
Republican	-0.01
	(0.01)
City	0.01
	(0.04)
Suburb	-0.00
	(0.01)
John's education	0.06
	(0.08)
Susan's education	0.05
	(0.05)
John's likelihood of remaining employed	0.07
	(0.05)
Susan's likelihood of returning to workforce	0.01
	(0.04)
John's anticipated future earnings	0.07
	(0.05)
Susan's anticipated future earnings	-0.02
	(0.02)
John's role in supporting the family before divorce	-0.08**
	(0.04)
Susan's decision to exit the workforce	0.01
	(0.02)
Entitlement of breadwinners to earnings	0.85***
	(0.14)
Value of staying home to raise children	0.82***
	(0.12)
Role of each party in keeping marriage together	0.01
	(0.02)
Role of each party in breaking marriage apart	0.03
	(0.03)
Unexplained Difference: Detailed Decomposition	
Susan M.D.	-0.93***
	(0.34)
Susan R.N.	0.11
	(0.34)
$20 Million	-0.25
	(0.40)
Married	-0.62*
	(0.34)
Age	-1.66
	(7.31)
$Age^2/100$	0.24
	(3.18)
Black	-0.18

	(0.13)
Asian	0.03
	(0.11)
Multi-race/other race	0.18
	(0.13)
Hispanic	-0.30**
	(0.14)
U.S. native	1.95
	(2.52)
Some college	0.97
	(0.68)
Bachelor’s degree	0.79
	(0.69)
Graduate degree	0.24
	(0.23)
Religious	-0.10
	(0.24)
Employed	0.34
	(1.01)
Served on a jury	-0.04
	(0.16)
Republican	-0.10
	(0.22)
City	-0.56
	(0.38)
Suburb	-1.08**
	(0.42)
John’s education	-0.13
	(0.78)
Susan’s education	0.49
	(0.73)
John’s likelihood of remaining employed	0.57
	(0.60)
Susan’s likelihood of returning to workforce	0.64
	(0.64)
John’s anticipated future earnings	0.92
	(0.60)
Susan’s anticipated future earnings	-1.62**
	(0.68)
John’s role in supporting the family before divorce	-0.21
	(0.78)
Susan’s decision to exit the workforce	1.19**
	(0.55)
Entitlement of breadwinners to earnings	1.84***
	(0.38)
Value of staying home to raise children	-2.04***

	(0.78)
Role of each party in keeping marriage together	-0.38
	(0.52)
Role of each party in breaking marriage apart	0.32
	(0.47)

*** P-value < 0.01, ** P-value < 0.05, * P-value < 0.10

Notes: Dependent variable is a continuous value between 0 and 100, inclusive. Heteroskedasticity-robust standard errors in parentheses below estimated coefficient. Religious is defined as attending a religious service at least once per month. All motivation variables are dummy variables equal to one if the respondent reported the motivation as important or very important in reaching the asset split decision.