

January 1994

Spousal Support as Spousal Worker Severance Pay \*

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Most states, including California, view spousal support as an *obligation* of one spouse to support the other spouse in *need* of support. In fact, the term *support* conveys the idea of help to others in need. I propose that marriages where spouses engage in unequal amounts of household-related work be viewed as partnerships in which one spouse acts as a *spousal worker* whereas the other spouse takes the role of the employer. Viewed from such perspective, what is now called spousal support is one aspect of *workers' rights*. Valuable insights can be gained by considering spousal support as a particular kind of *spousal worker compensation*, the equivalent of *severance pay* in the labor market. This essay defines the concept of spousal worker and compares key features of a spousal support system based on the concept of spousal worker severance pay with key characteristics of existing spousal support laws.

Marriage involves work, which can be called spousal labor (see Grossbard-Shechtman 1993). Spousal labor includes activities commonly called "household duties", "housework", "household chores", and "homemaking." Some aspects of child care may be considered spousal labor and so are many more activities such as yardwork, home repairs or counseling a spouse.<sup>1</sup> To the extent that one spouse can be considered as a worker and the other as an employer, the worker has the right to be compensated for labor performed. The concepts of fair compensation and workers' rights, applicable to other forms of employment, can be applied to employment within marriage. One right workers often acquire is the right to a severance pay when employment is discontinued. In turn, severance pay is often related to accumulated pension rights. Married spouses who engage full-time or part-time in homemaking and get supported financially by their spouses can be viewed as engaging in *spousal labor* in return for a material compensation. To the same extent that some workers in the labor force view it as their right to obtain severance pay in case long-term employment is discontinued, spousal workers may claim they have the right to obtain spousal support after a divorce. Consider the following example.

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\* I thank Perla Figa Kimball for helping me in writing this essay.

1. Activities generally enjoyed by both spouses, such as sexual relations, are not considered work.