

## **Alimony drones, gold diggers and meal tickets for life: how stereotypes in the press point to a need for judicial reflexivity**

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Most of us have encountered a news article on the newest big money divorce case. Whether it is the latest relationship breakdown of a celebrity or of a millionaire, the details of who got what make popular stories in the press. Such cases can elicit strong opinion, including [the perception](#) that the law in England and Wales encourages alimony drones and gold-diggers; stereotypes that disproportionately apply to women, rather than men. When encountering these views, it is important to ask three questions: is it accurate to say the law encourages alimony drones and gold-diggers by handing out meal tickets to undeserving spouses? What (if any) impact do these characterisations have on the law of divorce and financial provision? And, if these characterisations are not accurate, what can be done to refute them?

These questions are explored in my new [Northern Ireland Legal Quarterly](#) article which examines six national press reports on the Court of Appeal stage of the financial provision case *Mills v Mills* [2017] EWCA Civ 129. This study helps reveal how stereotypes such as alimony drone and gold digger enter the public domain; stereotypes which, [as I have previously argued](#), historically created an image of wives as predatory while obscuring the causes of economic dependency in relationships. In this blog post, I outline some of the findings from my study and suggest that reflexivity in judicial reasoning is crucial so that stereotypes can be tackled head on in judgment-making.

### ***Behind the press reports***

Uniting virtually all of the press reports on *Mills v Mills* is the argument that this case highlighted a legal injustice, in that ‘gold-digging’ or ‘alimony-droning’ ex-wives are routinely awarded meal tickets for life. The solitary case of *Mills v Mills* is cited as authority for this, even though the work of [academics](#) has shown this assertion to be unrepresentative. Press reports on *Mills v Mills* therefore clearly demonstrate how myths about gold-diggers and alimony drones are propagated. These reports contribute to the misinformed perception that the law encourages and indulges the behaviour of money-grabbing wives. And so the media backlash indicated by press coverage of cases such as *Mills v Mills* has helped perpetuate a moral panic about gold-diggers and alimony drones and has propagated myths about the law of financial provision on divorce. Negative stereotypes about women are dominant because those who talk about tropes such as alimony drones and gold-digging believe incorrectly that it is a widespread social problem.

Perhaps most worryingly, these perceptions are more and more effective in family law, as the withdrawal of legal aid means that increasingly couples must reach their own

financial settlements on divorce. When these settlements depend on parties' respective negotiating strengths, the non-moneyed spouse's bargaining position is weakened by the perception that she will be an undeserving gold-digger or parasitic alimony drone if she asks for more money than her spouse is willing to part with. If the influence of stereotypes about wives is therefore not fully recognised, our understanding of the context in which settlements are reached on divorce is incomplete. It is imperative that the effect of gendered stereotypes on these settlements is recognised, because as my [Northern Ireland Legal Quarterly](#) article shows, inaccurate stereotypes mis-frame and diminish the real issues of economic disadvantage on divorce experienced by those with caring responsibilities. While the traditional dichotomy of housewife and breadwinner may no longer be as representative, as Anne Barlow's research has shown, normative expectations of care [have instead resulted](#) in women performing dual roles of both paid (often part-time) work *and* unpaid caregiving. Recognising this and listening to the voices of the women (and men) who want their non-financial contributions to be valued is not to treat caregivers as victims; it is to recognise that a focus on maximising and protecting personal wealth ignores the realities of economic dependency in family life.

When the language of 'gold-digger', 'alimony drone' or 'meal ticket for life' enters the debate, women must work much harder to justify getting what they are legitimately entitled to on divorce. Moreover, these stereotypes contribute to the drowning-out of other concerns, such as Lord Nicholls' compelling call for equality after divorce in *White v White* [2000] UKHL 54: 'whatever the division of labour chosen by the husband and wife, or forced upon them by circumstances, fairness requires that this should not prejudice or advantage either party'. Unfortunately, this judicial support for equality has not addressed the ongoing unequal economic impact of divorce on men and women. In fact, as Miles and Hitchings' findings [show](#), it is the norm of the clean break, not the meal ticket, that prevails in legal practice and, as they note, this has 'produced outcomes that [appear] to have left some wives badly under-protected'.

### ***Arguing for reflexivity in judicial reasoning***

When inequality is bound up in complex political, social, economic and historical structures, there is no clear solution to closing the gap between men and women on divorce. However, negative stereotypes about wives are exacerbating these inequalities, creating false problems and simplistic solutions. The court has a role to play in tackling the barriers created by such stereotypes. Judicial reasoning in financial provision cases should no longer ignore the impact that stereotypes about wives can have. Simply acknowledging these stereotypes is not enough; as is argued in my [article](#), judicial reasoning should go further and reflexively engage with the practical impact such stereotypes can have.

Reflexive engagement with stereotypes should be an important part of judicial reasoning. There is a gap between what the law is and what social perceptions of the law are, and [accurate information](#) on the law and evidence of the detrimental impact of tropes like alimony drone, gold-digger and meal ticket for life is important. Much has been written about the conditions that lead to power inequalities in intimate financial agreements and conditions that lead to inequality of bargaining power are crucial to understanding how people make decisions in relationships. But individuals' social perceptions are important too. Judgment-making has the potential to be an important influence in practice.

Judicial opinion will not counteract media stereotypes by ignoring them, and so there must be direct engagement with the negative consequences of such stereotypes on women. One way of doing this could be to take judicial notice of the gendered impact stereotypes about wives can have. This would mean that the impact of derogatory, women-centred terms like 'gold-digger' and 'alimony drone' would be explicitly acknowledged, so that a factual inquiry into parties' actual (not assumed) capacities to become self-sufficient can be scrutinised. This could help address situations uncovered by [research](#) whereby a clean break is ordered without clear evidence of the parties' abilities to become self-sufficient. Instead, with judicial notice, when considering whether to make a clean break order, the court would invariably pay attention to evidence-based research of women's experiences and of empirical research on the financial impact of divorce and its impoverishing effect on women and children, instead of moral panics that have been shown to be ill-founded. Using judicial notice in this way allows the judge to challenge stereotypes and to better understand the context in which financial matters are negotiated between parties on divorce. A possible counter-argument to this is that explicitly referencing stereotypes in judgment-writing could lead to accusations of bias in favour of wives. Claims of neutrality and objectivity in judicial reasoning are often criticised in feminist scholarship, for members of the judiciary are inevitably influenced by their own experiences and opinions. Yet failing to directly acknowledge such stereotypes is arguably neither neutral nor objective either, when there is evidence they are detrimentally affecting women on divorce.

In my article, I investigate the positives and pitfalls of judicial notice being taken of empirical research on the financial impact of divorce. I explore how this could be facilitated through the tools of [feminist judgment](#)-writing to resist the gendered norms underpinning stereotypes such as alimony drone and gold-digger. Most importantly, I argue that, once it is recognised that these stereotypes are propagated in press reports and that such reporting has power (even if it is ill-founded) this must be (at least in part) addressed in the courtroom. Otherwise, the harm of such stereotypes is indirectly legitimised.

