

# The Etiquette of Divorce

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Every culture has developed rules for handling everyday business. Most of these go without saying. They have come into being because society has a stake in continuing to function under every conceivable circumstance. There are specific purposes hidden behind these rules. Take, for instance, the rules of war. Surely, nothing can test a society more fully than war. It is designed to overthrow governments, even whole societies. Death is involved, often in high numbers; yet there are still larger purposes that need to be addressed even in these dire circumstances. Rules have grown up that govern the conduct of war. Even when the struggle seems to be to the death, these rules obligate the adversaries to respect civilian life, for example, and not to use certain weapons that are considered too terrible, such as germs or chemical agents. Like all rules, they are violated occasionally; but they are still recognized as the rules of law and violating them brings punishment. The trials at Nuremberg after the Second World War held the Nazi regime to be responsible for violating these rules. The trials, themselves, demonstrated that there were even rules to deal with the breaking of those other rules. War criminals were tried in a court. The defendants still retained certain rights. Even these mass murderers were treated with a certain civility.

When wars draw to a close, the adversaries treat each other with a kind of politeness. General Grant met with General Lee at Appomattox to decide the disposition of the confederate soldiers and their weapons. It is part of the courtesy of surrender to offer up weapons, sometimes symbolically, by presenting one's sword. This is not simply a kind of etiquette, such as how a dinner party might arrange itself around a table; it is a convention that has grown up over centuries, and it serves a purpose, namely an attempt to put the adversaries on a different footing. The end of war is a preparation for peace. Even when the Japanese surrendered unconditionally after suffering the devastation of an attack with atomic weapons, there was a formal and respectful meeting on an American ship of war to draw up the terms of surrender.

Similarly, every culture has developed its own rules, sometimes unwritten and unspoken, but rules, nevertheless, for dealing with a great variety of circumstances. Among them are rules for dealing with women and the rights of women, property rights and the validity of contracts, special consideration for children, processes for choosing leaders, other processes for settling disputes, and so on, endlessly. Sometimes these rules are imbedded in a body of laws and sometimes simply in custom, but they have force. They are often couched in terms of particular rights, such as the right to vote or to express dissent. They are, taken together, a strategy for keeping the peace—so we can all get along.

Divorce occurs in the course of almost one half of all marriages in the United States, and just as there are rules that govern behavior during marriage, there are rules that apply during the process of divorce. They are another kind of etiquette.

The purposes of divorce are straightforward:

1. To allow people who have been strongly attached to each other to separate and go about their lives unencumbered as much as possible by financial and emotional burdens.
2. To provide for the well-being of their children.

Disentangling a legal, social, and, usually, religious contract is not simple or straightforward. Severing a relationship that may have gone on for many years requires understanding and, even, courtesy, *if it is to*

*be accomplished properly.* But courtesy and understanding are in short supply in the wake of the bitterness and resentment that are often a signal aspect of a divorce.

A man who was 50 years old informed his wife that he was leaving her for another woman. Since he had had previous affairs, she was not too surprised, and, she told me later on, not that unhappy. After a few months, her husband moved into his own apartment. He saw his teen-aged daughter from time to time, although not regularly. There came a time when he heard a rumor that his wife, from whom he was now legally separated, was seeing another man. He became enraged. He went over to the house she was living in—which was still half-owned by him—and set it on fire. A few days later on, he made a suicide attempt and was admitted to a hospital, where I met him. I also met his wife at that time. She was calm and was, oddly, I thought, sympathetic to her husband.

“He’s been very upset by the divorce,” she told me. At the end of our conversation, she added, “He only burned down part of the house.”

If I had known these people before these events took place, I would have been unable to predict their reactions. Let me list some of them:

1. This man was jealous of his wife even though *he* left *her*. He felt wounded by her seeing another man even though he, himself, had been seeing other women over a period of years. He seemed to think he still had a claim on her.
2. His reaction to her dating was extreme by any standard and was out of keeping with his behavior prior to that incident.
3. His wife was singularly understanding. I think many women in her situation would have requested an order of protection, and some would have had their husbands thrown into jail.
4. The daughter, who had previously had a close relationship with her father, felt with good cause abandoned by him.

Largely because of his wife’s calm understanding—her courtesy—her husband recovered from his depression and cooperated with the divorce, which was now, somewhat to his regret, irreversible. The financial aspects of the divorce, which in most cases are a primary cause of dispute, were worked out amicably. The man, his ex-wife, and his daughter became friendly; and the three of them would sometimes sit in their half-burned kitchen and have coffee together.

Probably most of the divorces I have been witness to have been marked by bitterness on both sides; and the advantages of a successful divorce have been lost.

1. One couple fought about everything, ending with their fighting about who would get a hassock.
2. A number of couples have gone to court to decide visitation rights with the family dog.
3. Other couples had trouble splitting up their wedding gifts, although they had been married for many years.
4. Many couples fought about their children having spent too much time in the company of someone their ex-spouse was dating; and, in some cases, they were resentful about the influence of the person their previous spouse had married.
5. One marriage ended unexpectedly when the wife disappeared one day with all the furniture and was unreachable until the day the divorce became final.

Too often, people in the midst of a divorce seem to be motivated more by spite than self-interest, let alone the welfare of children and the welfare of the former spouse. Conversely, some men, and women too, seem to be motivated by guilt and by a desire to leave the marriage as soon as possible. Consequently, they may be concerned *too little* about their own interests. For that reason, I recommend that someone in the midst of a divorce hire a lawyer. Otherwise, people sign away rights in agreements that they come to regret a year later. (However, don’t expect the lawyer to respond to your telephone calls promptly. Lawyers do not care as much about your problems as you do. Also, don’t choose a

lawyer on the basis of how tough he/she sounds. The most effective lawyer is not necessarily someone who juts out his jaw and pounds on the table.)

Of course, the subject of most disputes during a marriage center on money and on the future living arrangements of the children, including visitation rights.

In order to facilitate a successful divorce, I suggest the following guidelines. Some of these are obvious and familiar:

1. Consider marital counseling. The over-arching goal of marital counseling is not keeping the marriage intact. It is determining the best interests of the husband and wife. Since they are still married, it is worth figuring out whether or not the marriage can be saved, and if it cannot, or should not, then how to proceed to a divorce keeping in mind the two purposes of divorce mentioned above. It is a good idea to enter into counseling even if one member of the couple is already determined to leave the marriage. There is still a lot to talk about and to arrange.
2. When divorce is imminent, it usually follows a long period of obvious conflict. Even so, every once in a while, a spouse is surprised that his/her partner has decided to leave the marriage. Sometimes this happens when that person is leaving to be with someone else. There should be discussions, however painful, over a period of time to allow both people to adjust to this new reality. Needless to say, there are likely to be recriminations and bitterness. It is normal for both people to be angry; but, as much as possible, the couple should strive to continue talking to each other.
3. When it seems very likely there will be a divorce, the children should be told. I do not think it is desirable or practical for both parents to confront the children together. The children are more likely to enter into a conversation with parents separately; but both parents should speak to the children. Divorce is always upsetting to kids, but it need not be traumatic. Sometimes, some children need special attention. It may even be the case that some children are so vulnerable for reasons usually of health that it may justify the parents remaining in what they consider a bad marriage; but this is not usually a good strategy for most marriages with children.

I spoke to one woman who almost never spoke to or even saw her husband and asked her why she was remaining in the marriage.

“For the sake of the children,” she said.

“But your youngest child is twenty-nine.”

“I know, but divorce would still be upsetting to him.”

Often marriages hold together for other unspoken reasons. This woman, for instance, told me later on that she would be embarrassed having to tell her family that her marriage was a failure. That was the real reason, she said; but knowing her, I thought the real reason was the usual reason bad marriages hold together: she was afraid of how her life would be if she were alone.

I have had people tell me that they wished their parents would have divorced when they were children.

1. Usually, there is a period of separation that precedes the divorce. Because of economic conditions nowadays often both husband and wife must remain living together in the same apartment or house until other financial arrangements can be made. Each person should be respectful of the feelings of the other. If possible, both should struggle not to be vengeful or spiteful. They are likely to have to maintain something approaching an amicable relationship for some time later, especially if they share children. If one person wishes to refrain from discussing things with the other, that person's wishes should be respected.
2. Coming to a financial understanding about alimony and child support begins during this period of separation. It is rare that both husband and wife will regard whatever settlement that is reached as fair; and it is not uncommon that both members feel cheated. Unless the marriage was very brief, it is inevitable, I think, that the dispute about money will continue for months and years. It is hard to recommend a policy of good-will to the participants, who often have no good-will, but insofar as it is

possible both participants should anticipate that there will be disputes about money and that they should not be allowed to undermine everything else that remains of the relationship. When an agreement is made—often by the courts—it is proper to adhere to that arrangement without pointlessly annoying the other person by delaying payments the other person is now entitled to. Needless to say, it is undesirable to develop a pattern where the financially responsible parent has to be taken to court to enforce payment.

3. Children, everyone agrees, should not be forced to take sides in a divorce. Everyone agrees to this notion, but often one parent will be unable to resist pointing out how unfair the other parent has been—and, unfortunately, it is not unheard of for one parent to systematically undercut a child's respect for the other parent. It is in no one's interest to have a child feel that one of his/her parents is no good. In particular, one parent should not try to sell the child on the idea that the other parent doesn't care for his children. Feeling that can leave a permanent mark on the child.
4. Visiting rights should be followed exactly. Children should not be made late to the other parent's visits, thereby encroaching on the other parent's time; and the child should be returned on time. It is certainly desirable for each parent to make allowances for the changing schedule of the other parent; but these changes should be at the discretion of the person being asked to make those changes.

Once the divorce has become final, one parent cannot prevent the other parent from seeing whomever that parent wants to have present during visitation hours—unless that other person is clearly endangering the child.

1. Immediately following a divorce, studies suggest that the parent living apart from the children sees them *more* than he/she did before. Prior to the divorce that parent might have been in another room watching television. Unfortunately, it is not uncommon thereafter for the parent who does not have day to day custody to visit less and less frequently. And sometimes not at all.

I encountered one situation which was extraordinary for a number of reasons. A man was married happily, he told me. He had two children with whom he was close. He played ball with them and took them to all the places a suburban parent is obligated to go to these days—soccer, Sunday school, etc. Then his wife fell in love with a neighbor and, soon after, he fell in love with the neighbor's wife! His wife and their two children and her new husband moved about twenty miles away, across a bridge. Thereupon, my patient became involved with his new wife's two children with whom he was living, taking them to all the places he had taken his own children. And he no longer visited his own children! I would not have thought such a thing was possible.

"How can that be?" I asked him.

"I just feel that would be best."

It certainly would not be best! It is not in the interest of children to have a parent simply disappear. But, in fact, it is not uncommon for a parent to do just that.

Incidentally, some parents have complained to me that the custodial parent has poisoned the child's mind against them. I do not think that is possible unless there was a poor relationship with the child to start with. In any case, if the child says that he/she no longer wants to visit the absent parent, that parent should persist! Even if the child stubbornly rejects the parent, the fact that the parent does not give up will mean something to that child as he/she grows up. And even poor relationships can be fixed over time. It is not easy to continue opening oneself up to repeated rejections, but that is the obligation of the parent.

When these courtesies have been followed, it is often possible for the divorced parents to become friends. But more often, they will not be friends. When people were once in love and are no longer, they are inclined to be bitter. Even people who are habitually kind will not feel like being kind to an ex-spouse; but if they share children, they will inevitably continue to be part of each other's lives. It is possible to manage this difficult situation gracefully. As time goes on, they are more likely to wish each other well,

even if they continue to be estranged.(c) Fredric Neuman 2012 Follow Dr. Neuman's blog at [fredricneumanmd.com/blog](http://fredricneumanmd.com/blog)

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