

June 16, 2014; Abuse as a cause for divorce

In my last column, we began a discussion of some of the leading causes for divorce - at least from my legal perspective. The first cause I wrote about was the fact that many couples enter into marriage without really knowing each other. They find out too late, after the exchange of "I do's", that they aren't compatible. Without a solid foundation to build upon, all too many of these marriages are doomed to fail.

Today we begin a discussion of a second cause for the high divorce rate, abuse.

Even after 30 years of practicing law, I am still astonished by the level of abuse that exists in some relationships. When I talk about abuse, I am referring to the three types I've encountered in my legal practice: physical, mental, and sexual.

Both husbands and wives can be abusers. Neither gender has a monopoly on abusive behavior. However, based on my experience, husbands are much more likely to be physically and/or sexually abusive than are wives. I suspect this is because of the obvious physical differences between men and women.

I will caution that this is not always the case. I've represented husbands whose wives routinely hit, bit, scratched, and kicked them.

Mental cruelty appears to be more evenly distributed between husbands and wives.

Most of us can easily recognize physical abuse. We'll spot a friend or relative attempting to hide a black eye by wearing sunglasses. Or, long-sleeves are worn to hide bruises. When confronted, there will be a lame excuse to explain away the black eye or bruises.

Mental abuse is often verbal. One spouse constantly puts the other down, calling him or her stupid or crazy. However, mental abuse can also be non-verbal. That is, one spouse refuses to talk to other, leading to feelings of isolation and abandonment.

Sexual abuse involves such things as intentionally inflicting pain during intercourse, deliberately infecting a spouse with a venereal disease, refusing to use contraceptives or insisting on sex against the wishes of the other party.

Through my interviews with dozens of abused clients, I've learned that many had been abused for several years before they finally decided to do something about it. Why did they wait so long, I wondered? Some clients fail to acknowledge the abuse until the situation spirals out of control.

I remember one time a mother brought her married daughter to consult with me about a divorce. The daughter obviously did not want to be in my office, but her mother had insisted. The mother pointed out bruises on her daughter's face, neck, and arms and told me her son-in-law had beat her daughter - again! According to the mother, the abuse had been going on for years.

When I asked the daughter what happened, she responded, "I talked too much and made my husband mad so he hit me. If I had shut my mouth he wouldn't have hit me. He loves me."

My not so diplomatic response was, "You've got to be kidding me! A husband who loves his wife does not hit her for any reason." She looked at me with a disapproving stare and said, "[it] was my fault. He loves me. I don't need or want a divorce." She jumped up and practically ran out of my office with her mother in hot pursuit.

Another reason a spouse may stay in an abusive marriage for years is due to the progressive nature of abuse. Often the abuse gets worse over time. For example, early in a marriage a husband becomes very jealous when his wife talks to another man.

After awhile, he'll forbid her to talk to other men. At first, the wife is flattered by the attention. But then the husband starts dropping by her workplace or calling her constantly on the phone to check up on her. He starts to accuse her of having an affair. Slowly, he forbids her to have any friends over to the house or to go out with her friends. Eventually, even her family members are no longer welcome.

He begins to insult his wife when she dares disagree with him. He calls her names and constantly puts her down. His disapproval becomes physical. He slaps her when she answers him back. Slaps become punches. The intimidation may be heightened with the threatening display of knives and guns.

The wife now finds herself in a terrifying situation. If she's lucky, she'll finally realize the seriousness of her situation and take steps do something about it.

Abused spouses may also be reluctant to get divorced if children are involved. The spouse may fear that the marriage break-up will be an emotional burden on the children. What many abused spouses fail to realize is that an abusive relationship can cause their children even greater emotional harm than a separation or divorce.

Whether a marriage can recover from abuse depends on whether the abuser acknowledges that he or she has a problem and seeks professional help. For me, this is the deal breaker. There is little hope for saving a marriage in which abuse exists without counseling intervention for both parties.

Unfortunately, in my experience, few abusive spouses are willing to accept responsibility for their actions. They will almost always blame the other spouse. Abused spouses also need counseling to learn how to break the cycle of enabling abuse. If not, chances are the abused spouse will simply trade one abusive relationship for another.

(Bill Pesch is family law attorney with the Guam Family Law Office in Hagatna. You can contact him through his website: GuamFamilyLawOffice.com)