

July 14, 2014; Divorce and Adultery

Today, we tackle the sensitive topic of adultery. Of all the causes undermining marriages, this one tends to get the most attention and media coverage. A prime example of this is the recent press swirling around the new book released by President Clinton's White House mistress, Monica Lewinsky. Her photos and quotes are plastered everywhere.

Americans seemingly can't get enough of Monica and the tales of her adulterous affair with the former President. When she gave her last public interview on the affair to Barbara Walters in 1999, a record-breaking 74 million viewers watched!!! Those are Superbowl viewer numbers!

What is it about adulterous behavior that commands so much attention? We all know the answer to this question, but are embarrassed to say it out loud.

Let's be adult here and admit that it has everything to do with sex. There seems to be some sort of primeval interest surrounding sexual activity. Go to any party, and chances are the topic of sex, especially someone's sexual misdeeds, will come up in the conversation. The fact that cheating equals sex gone bad only heightens the intensity of curiosity and interest.

We love to assess blame, quote Bible verses, and complain about others wasting their time gossiping about the affair. Let's face it, adultery is an entertaining sideline sport - - until it happens to you.

Then, like a fighter punched in the mid-section, you double over with intense pain, unable to catch your breath or move a muscle. It's as if you're paralyzed. In short, you're devastated! From then on, life is measured in terms of pre and post affair. The good times are erased, replaced with memories of loneliness and betrayal.

Of course, as with all things, time changes your perspective. Your emotions start to shift. The pain is slowly replaced with anger. Raging anger. Raging anger that has no limit or boundary. Gut wrenching, "I'm going to get even with you if it's the last thing I do" anger.

At about this time, a divorce attorney is frequently invited to enter into the picture. And then, all hell breaks loose.

But, I'm here to say that it doesn't have to be this way. Not all adulterous affairs have to end in divorce. Bill and Hillary Clinton's marriage is a prime example. From all appearances they've recovered from the scandal and are moving forward with new plans and goals.

Fortunately, their daughter, Chelsea, also appears to moving forward with them. Especially when children are involved, both spouses need to catch their breath, assess the situation, and move slowly toward a final resolution taking all the facts and consequences into consideration.

The road to marital recovery after an adulterous affair is not easy. From what I've witnessed, the process is agonizing and emotionally draining, but well worth the effort when the marriage can be saved. But, what is an appropriate plan for marriage recovery? Many of you are probably thinking, "Why should you care? You're a lawyer, not a psychologist!"

Believe me, I am well aware of this sentiment. However, such a cold approach to the practice of family law doesn't sit well with me. If we could somehow figure out how to save marriages, I'd gladly shift over to another area of the law. If I can help get a marriage back on track, I am more than happy to do so.

So, what suggestions can I give a client whose marriage is threatened by an adulterous affair?

First and foremost, I'd recommend that the couple immediately seek family counseling. With the help of the counselor, the couple will need to determine the root cause underlying the adulterous affair. In other words, did the spouse commit adultery simply due to lack of control, or did the adulterous affair result from something else wrong in the marriage?

I know that some people will interpret this comment to mean that under some circumstances I believe cheating is excusable. Let me set the record straight right now: Adultery is NEVER acceptable or excusable. But (and this is where I may really get myself into hot water) sometimes adultery is understandable.

For example, in a relationship where a spouse is subjected to constant mental and physical abuse over many years, would the fact that the spouse seeks comfort with another person who is considerate and loving be all that surprising? Does the blame for the failing marriage rest solely on the adulterer's shoulders? Or, must the abusive spouse bear some of the responsibility as well?

The answers to these questions will determine the couple's approach to saving their marriage. If all the blame is laid on the adulterous spouse, the abusive spouse's behavior goes unaddressed. There would be no incentive for the straying spouse to give the relationship one more chance. If on the other hand, under these facts, both spouses willingly assume some responsibility for their faltering marriage, at least there is a glimmer of hope that the marriage might be saved.

Certainly, there are times when marriages will and should end in divorce. But, the decision to divorce should never be made quickly or in a fit of rage. Rather, through professional guidance, both parties need to determine the underlying reasons for the adulterous affair and together chart a course to restore their relationship or develop a game plan to end their marriage in the least traumatic manner possible.

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