

Book Review

“Gauging Divorce and Its Result: The ‘Aftermarriage’”

A Review of Anita W. Robboy, *Aftermarriage: The Myth of Divorce – The Unspoken Marriage Agreements and Their Impact on Divorce*

(Alpha Books, 2002), \$16.95.

By David A. Hoffman

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“Begin,” advises author Stephen Covey, “with the end in mind.” Good advice generally, and particularly good in the field of divorce, according to family law practitioner and author Anita Robboy. In *Aftermarriage: The Myth of Divorce*, an insightful guide to the legal and emotional aspects of divorce, she teaches a simple lesson: marriage does not end at divorce. Physical proximity may end, sexual intimacy may end, but the relationship continues, especially if there are children or it was a long marriage. And the moral of Robboy’s account is that the way husband and wife handle their divorce will also unavoidably and substantially affect – for better or worse – the ongoing relationship that she calls “aftermarriage.”

This may seem obvious to most family law attorneys, mediators, and judges. But the audience most in need of Robboy’s book are the clients. For many of them, the prospect of a continuing relationship with their soon-to-be-ex-spouse is not only unforeseen but anathema. Yet, like it or not, most of them will continue, post-divorce, to play out the same scenarios of disappointment, anger, blame, or victimization that caused their marriage to end.

Robboy suggests that divorcing couples should choose a process for ending their marriage – whether they use lawyer-assisted negotiation, mediation, collaborative law, litigation, or some combination of these – with the understanding that their choice will inevitably exert a powerful shaping force on their aftermarriage relationship. Not surprisingly, the worst outcomes arise, according to Robboy, from the bitterly contested divorces.

But an equally powerful influence on the course of aftermarriage, says Robboy, is the type of marriage bargain the parties struck in the first place. She delineates five types:

- The classic marriage, with one spouse earning a living and the other raising the children.

- The companion marriage, with both spouses working and sharing responsibilities at home.
- The protectorate marriage, with one party (usually older) looking after the other.
- The complex marriage, in which other parties (possibly a parent, ex-spouse, or child from a former marriage) are deeply involved.
- The failed affair/short marriage, in which there are no children and therefore little need for realignment after divorce.

According to Robboy, the expectations that the parties bring to their original relationship endure, and powerfully influence not only the parties' post-divorce expectations of each other but also the reactions of others, such as relatives, friends, and the courts, to the terms of their divorce.

For example, when a husband and wife in a “classic marriage” divorce, the expectation is that the husband will continue to provide long-term financial support for the wife, at least if the marriage is relatively long-term, at a level that enables each party to live (if possible) as they did during the marriage. When a couple in a “short marriage” with no children divorce, no such expectation exists.

Of course, real couples come in a wider variety than these five types. Family law practitioners frequently see hybrids – such as the protectorate marriage which is also complex because of stepchildren, or the relationship that begins with companion-marriage expectations but shifts over time into a classic-marriage bargain.

There is nonetheless a valuable truth to be found in Robboy's distillation of the infinite variety of human coupling into a typology of marriages – namely, that post-divorce expectations (both those internal to the marriage and those of outsiders) are shaped more by the nature of the parties' pre-divorce expectations about their relationship than by any checklist of “factors” articulated in our divorce statutes as the guiding principles of divorce law.

Robboy has made this exceptionally well-written book even more accessible by illustrating her thesis through the stories of several couples from each type of relationship as they wend their way from marriage to aftermarriage. These couples – each an amalgam, according to Robboy, of parties in the cases she has handled during her 25 years as a lawyer – illustrate the various degrees of adjustment, and maladjustment, to aftermarriage.

One of the most moving of those stories involved Mary Ann and Vin, divorcing after 23 years of marriage, in which she raised their two sons and he was the breadwinner – a “classic marriage.” Because of her anger and denial about Vin's seeking to end the marriage, Mary Ann insisted on litigating issues that

could have been settled. Vin added fuel to the fire by hiring a lawyer who arranged for service of the Complaint on their anniversary and refused to produce documents relating to Vin's business.

In the months following divorce, Mary Ann continued to harbor intense resentment of Vin for leaving her and their two sons. She probably did not know that her persistently snide remarks about Vin – often made in the presence of the children – would come back to haunt her. After the divorce, one of the sons became clinically depressed, which caused him to leave college. Mary Ann asked for Vin's help, and desperately needed it, but she had so antagonized him with her ceaseless belligerence, and she had so turned the minds of her sons against him, that Vin could not assist her. Both the son and the mother suffered accordingly.

Robboy's book points to a better way. Divorcing couples can try mediation, or collaborative law (a new form of law practice in which counsel agree to handle a matter solely for purposes of negotiation). Or they can simply commit to problem-solving approaches with their spouses and lawyers instead of poisoning the well of their aftermarriage.

With its useful vignettes and unpretentious voice of wisdom, *Aftermarriage* stands head and shoulders above the crowded pack of self-help books targeted to readers facing divorce. The book also offers family law attorneys an all too rare glimpse into the mind and heart of a seasoned, thoughtful practitioner. Unlike the self-serving sagas of courtroom victories that many lawyers write, *Aftermarriage* tells about the cases that got away, or went awry, as well as the cases that turned out about as well as could be expected – which is no small feat in divorce.

Anyone who has been through a divorce, or has worked professionally with divorcing couples, knows that the after-effects of marriage endure – their half-life may be as long as the marriage itself. And Robboy is a wise lawyer to understand this and to teach her clients, and the rest of us, that divorce just ushers in a new chapter in the relationship of most married couples – neither a beginning nor an end.

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