

Lawyers and Marriage Counselling

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There are at least three million children of divorce under eighteen years of age in the United States today, and the divorce courts are adding about 300,000 new children to this group each year. At least 40 per cent of all the divorce cases which go through the nation's courts have minor children involved, averaging about two children per couple.¹ The manner in which the courts deal with these victims of domestic catastrophe is no longer the problem of an aberrant minority: it is now a problem, the impact of which is felt directly or indirectly by a substantial proportion of our people. It presents a challenge to the stability of our social institutions which is assuming threatening significance.

Lawyers who are more interested in the welfare of their clients than in the fee they will receive should probe deeper into family troubles than merely to ascertain whether there are "grounds" for divorce. Indeed, there may be ample grounds and yet divorce may not be the best remedy for the client. Many reasonably happy marriages involve situations where there are grounds on both sides. Spouses are human and there is seldom, if ever, a black and white situation. It is a common observation that neurotic disturbance of a marital relationship is rarely, if ever, the creation of just one of the partners.² The myth of the innocent spouse has long since been exploded.³ When spouses quarrel and then "make up" they sometimes come closer together. Of course, this is doing it the hard way. But the point is that if a husband comes home inebriated after having lost his job and takes it out on his wife, it doesn't necessarily mean that the marriage is on the rocks. In such cases, marriage counselling may help and the lawyer, in such wisdom as he has, may make a referral to a social service agency or to a private practitioner.

On the other hand, divorce may be the best solution regardless of the so-called "grounds." A few generations ago the test for a "successful" marriage was its durability. If the

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1. Chute, *Divorce and the Family Court*, 18 *Law & Contemp. Prob.* 49, 50-51 (1953).

2. ACKERMAN, *THE PSYCHODYNAMICS OF FAMILY LIFE*, ch. 10 (1956).

3. Bradway, *The Myth of the Innocent Spouse*, 11 *Tul. L. Rev.* 377 (1937).

spouses were hardy enough to "stick it out," it was a success. The toll in suffering of the husband, wife, and children was not considered. The policy and the mores were clear — maintain the solidarity of the marriage at all costs.

Almost thirty years ago Lichtenberger in his classic treatise observed: "From a different point of view it may be shown that an increasing divorce rate may not indicate at all that infelicity in marriage is also on the increase. Indeed, it might be quite otherwise. It may indicate merely a change in the marriage mores of the group. It very likely would be an assumption contrary to the facts if, because divorces were less frequent fifty or a hundred years ago, we should conclude that domestic discord was correspondingly less."⁴

By today's standards some marriages are not worth saving, and should be terminated for the welfare of all concerned. Marriage, if a mistake, is not irrevocable. Sometimes a good divorce is better than a bad marriage. Where this is indicated, the job of the marriage counsellor and the lawyer is one of education for divorce and perhaps future marriage.⁵ This may present one of the most difficult problems for the counsellor. Shall he discourage divorce and insist upon reconciliation procedures, or should he proceed to expedite the final break-up of the family. It is a hard option but professional people who deal with such problems cannot avoid them, and the best thing is to help the clients to make the decisions on the available evidence and in the light of scientific knowledge and experience. The cooperative efforts of lawyer and marriage counsellor can help the counsellee in recognizing the problems and making decisions with understanding.

Marriage counsellors come from the fields of psychiatry, social work, psychology, education, sociology, and other related fields which are concerned with people and ways of helping them. Counselling, in general, aims at helping people to develop understanding and insight into the nature of the problems and the causes and factors which produced them. It endeavors to give the counsellee new perspectives so that he may resolve some of the problems which are hindering his achieving a satisfactory way of life.

4. DIVORCE, A SOCIOLOGICAL INTERPRETATION 101 (1931).

5. It has been estimated that 90 per cent of divorced spouses at age thirty will remarry and there is evidence that second marriages are happier than first. Goode, *Marriage Counselling*, Va. L. Weekly Dicta Comp., May 18 (1950).

Marriage counselling is concerned primarily with the interpersonal relationship between spouses who are having difficulties in maintaining a satisfactory marriage. A marriage relationship is something beyond the sum of the personalities that make it up. Although individual personality problems must, of necessity, be a part of these difficulties, the marriage counsellor's main function is to help with the intra-marital situation. Depending on the training of the marriage counsellor, the method may vary from giving advice, reassurance, and encouragement to more psychoanalytically oriented therapy in which the counsellees themselves are helped to recognize the problems and to try to effect some changes which they themselves desire. In general, it is felt that only a solution which comes from the clients' own thinking and feeling can be of any lasting value.

Counselling should create an atmosphere in which counsellees are free to talk of themselves and feel accepted as they are. Listening is a major part of counselling and the counsellor becomes a kind of sounding board against which the counsellee can "try out" his feelings, look more closely at himself, and with the counsellor's help, become more aware of what is causing him to behave and react as he does. In other words, it creates an atmosphere in which he can talk of himself, meaningfully and realistically. The disturbed marital relationship is examined against the background of the strengths of each partner, the healthy aspects of the relationship, and the motivation of the spouses for change.⁶

Marriage counselling services may be found in community social agencies, the courts, educational facilities, and trained individuals engaging in private practice. It is important for the lawyer to acquaint himself with these and other community services which can be of help in his practice.

There are different methods used in marriage counselling, and the preferences and training of the individual counsellor usually determine the method. In some cases couples are seen separately by the same or by different counsellors. In others, couples are almost always seen together; but there are variations of many kinds within these areas. We have found that individual interviews in the beginning give one a good picture of the complaints of each partner and of the individual per-

6. American Association of Marriage Counsellors, *Marriage Counselling Case-book* (1952).

sonalities, that subsequent joint interviews have the advantage of setting the stage for airing of marital conflicts, and that the presence of the third person frequently allows the couple to communicate with each other as they cannot do alone. The surprise expressed by one spouse at the expression of the feelings of the other is frequently most illuminating. "I never knew you felt that way" or "why didn't you tell me?" is often heard.

In a New Haven study of all the divorces granted in 1958, it appeared that in the cases which were withdrawn by the moving spouse, discussion and communication between them continued after the decision for divorce and after the commencement of legal proceedings, in some cases, even though there had been a separation. This was rarely true of couples which went through to divorce.

When one of the spouses is so disturbed that the marital relationship is severely affected referral for individual psychotherapy must be considered. It has been said that neurotic conflict may destroy or save a marriage.⁷ The neurotic tendency of one marital partner often complements that of the other; the traits of one partner may reinforce the healthy components of the personality of the spouse. But when this reinforcement breaks down, the marital relationship probably will disintegrate.

These marriages are successful as long as the neurotic complementarity remains. The childlike, dependent wife may well find in her husband the parent figure she has been seeking. However, when the fulfillment of this need becomes overburdensome to the husband, and he no longer can respond to it, his wife may be unable to function adequately in the marriage relationship. Though the marital relationship flounders, the cause lies in the deep-seated neurosis of one of the partners and here is where the help is most needed. Hopefully, individual therapy may be sought at this point.

There may be some truth in the commonly held opinion that the presence of children, especially young, tend to discourage divorce. However, a marriage that remains intact solely for the good of the children seldom achieves this goal. "Emotional divorce" of the parents can create a harmful environment for the personality development of the child. Open quarreling is, of course, harmful, but the coldly pleasant

7. Ackerman, *supra* note 1, at 152.

attitude, lacking love between the parents, is quickly felt by the children.

Actually, most divorces occur during the first five years of marriage and most couples have one or more children within this period. In the current trend for early marriage this means that most couples are still young and frequently immature during the first five years of marital life. Data from the Census Bureau for 1959 revealed that the medium age of the mother at the birth of the last child is under thirty. In other words most wives are grandmothers at forty-seven.⁸ With the responsibilities of parenthood for so many young couples, along with tensions created by other problems of adjustment to married life, it is a plausible argument that children may increase rather than decrease the chances for marital breakdown. In a recent study of all divorces granted in New Haven County, out of a total of 381 cases, 206 or 54 per cent involved children. One hundred twenty-four cases involved two or more. Of 45 cases which were withdrawn, 70 per cent involved couples with one or more children. It also appeared that there was a larger percentage of children still of school age among the withdrawal group than among the group in which the divorce was granted. But here again, we do not know whether the maintenance of these families in their legal organization was good for these children.

The potentialities of psychic harm to children of part-time parents are, of course, widely recognized and have been thoroughly substantiated by scientific research. Harm to children is bound to occur in the atmosphere of hostility and the tenseness which usually precede the legal dissolution of the family unit. After the divorce, the child naturally worries because a parent is absent. This may be caused by the child's unconscious feelings of responsibility for the divorce and by resulting feelings of guilt. The hostile parents may use the child as a weapon against each other. Another unfortunate consequence may be the tendency of one parent to encourage excessive fixation of the children's affections.⁹ Counsellors can help parents recognize children's reactions to separation and divorce — their fears, anxieties, feelings of guilt — and to deal with them helpfully.

8. Cook, *Population Bulletin*, Vol. XVI, No. 4, June, 1960, reviewing FREEDMAN, WHELPTON & CAMPBELL, *FAMILY PLANNING, STERILITY AND POPULATION GROWTH* (1959).

9. SYMONDS, *THE DYNAMICS OF PARENT-CHILD RELATIONSHIPS*, 103 (1949).

The effects of friction between spouses and of divorce on the psychological welfare of children in American society is particularly pronounced because of the small, nuclear family pattern which prevails here. In many societies, where numerous adult relatives as well as their children make up the extended family, the loss of one parent through divorce may be not particularly serious. The extended family, or clan, goes on much as before. The security of the children is not seriously threatened by whatever disruptions may take place between the biological parents. Such conditions exist among many primitive peoples and also among some nations at least as civilized as ours.¹⁰

A good example is the joint family of India which the writers recently had occasion to study. The common pattern was for a man and his wife to live together with their unmarried sons and daughters and with their married sons and wives and children. Thus there would exist three generations in considerable numbers under one roof. The authority of the joint family is divided between the grandfather and the grandmother so long as they are capable of exercising it. The senior male member of the household exercises the authority which a man would normally exercise in an American home. His wife directs the domestic aspects of the household including the work of her daughters and her daughters-in-law.

This system is one that has existed for centuries in that country and has apparently met many needs which are taken care of by other devices in Western cultures. The older children help to take care of the younger ones. There is never a baby-sitting problem. When the father and mother become too old or ill to perform their functions the eldest son and his wife take over. The entire family lives as a communal group. If one son loses his job he becomes the ward of the others. The whole scheme operates as an indigenous social security system including old age insurance, unemployment insurance, aid to the indigent, and maternal and child welfare.

In our nuclear family system where the spouses and children live to themselves, tensions are quickly recognized. The isolation of the family increases the emotionally charged inter-family relationships and the children become acutely aware of and affected by parental conflict.

10. Davis, *Sociological and Statistical Analysis*, 10 *Law & Contemp. Prob.* 700, 701 (1944).

Aside from the professional marriage counsellor, individual marriage counselling is sometimes undertaken by the lawyer and the clergyman. Some of them have had training and have acquired specific skills. Those who have not should be cautious of attempting therapy. The safest course would appear to be to probe into the family difficulties far enough to determine whether the case is hopeless, whether reference to a clinic or a private counsellor is indicated, or whether the situation is so trivial that sympathy and common sense may be sufficient to deal with the difficulty.

So far as the lawyer is concerned, there are some special problems peculiar to his profession. As indicated earlier, frequently the most effective counselling is done when the counsellor sees both parties, sometimes together. As every lawyer knows there is always another side to every case. In a recent field study conducted by a Yale Law School student, attorneys were asked whether, if they accepted as a client a person who wanted a divorce, they would wish to talk to the other spouse. Of 259 responses, 116 said that they would. Indeed a few (9) said they would not take the case unless they could talk to the other spouse.

For a half century the Canon of Ethics of the American Bar Association has referred to the "obligation . . . not to divulge his [client's] secrets or confidences."¹¹ The question is raised as to how far an attorney can interview his client's spouse about their marital affairs without divulging confidence. Where the client knows, understands, and gives his consent to this procedure, however, and the other spouse understands the capacity in which the attorney conducts the interview and realizes its purpose, there would appear to be no objection.

Again there is the Canon which prohibits a lawyer from representing both parties to a controversy.¹² Indeed, the American Bar Association, the Michigan Committee, and two New York committees have held that a lawyer for one spouse should not even recommend a lawyer for the other.¹³

This is simply recognition of the implications of the adversary system under which lawyers live and have their being. The principle that a lawyer cannot serve two masters is, as a general proposition, accepted by the profession. However,

11. Canon 6.

12. Canon 9.

13. DRINKER, *LEGAL ETHICS*, 128 (1953).

it should be pointed out that this is sometimes a figure of speech. Perhaps he can serve two masters if their interests are not antagonistic. In family difficulties the interests of the parties are frequently antagonistic, but not always so. If a lawyer can avoid an adversary situation, he may be able to serve the interests of both parties. The Canon of Ethics also provides that "whenever the controversy will admit of fair judgment, the client should be advised to avoid or end litigation." If a meeting with the other spouse or with both together would facilitate "fair judgment" or promote reconciliation, it would appear not only permissible but altogether proper for the lawyer to do so.¹⁴ Not infrequently the fundamental difficulty rests in the inconsistent expectations of the spouses and a misconception of each other's expectations in one or more aspects of the marriage relations. By ascertaining these conflicting expectations and misunderstandings through conferences with both parties a lawyer may be able to dissipate much of their hostility and create a favorable atmosphere for reconciliation.¹⁵

Many lawyers, judges, and social workers regard the adversary procedure, as it is traditionally known in the law, as inappropriate in divorce, custody, and related family matters. It tends to discourage reconciliation and to intensify animosities. To be sure, so long as the usual fault grounds for divorce are retained, it will not be possible to eliminate all adversary situations. However, some of the worst evils are avoided and others mitigated by the philosophy and procedure of the family courts with their staffs of experts. Moreover, the development in recent years of non-fault grounds for divorce, such as the "living apart" statutes,¹⁶ affords some escape from

14. Canon 8.

15. Kargan, *The Lawyer as Divorce Counsellor*, 46 A.B.A.J. 399 (1960). "Each young man who marries brings with him, both consciously and unconsciously, his idea of the part to be played by himself as husband and by his wife as wife. Similarly the young woman enters marriage with a preconceived notion of the roles of wife and husband. . . . If the conception of both are reasonably fulfilled, we can expect a satisfactory adjustment." HILL & BECKER *MARRIAGE AND THE FAMILY* 316 (1942).

16. Separation as a cause for divorce is of two kinds; judicial separation and de facto separation. There are eight jurisdictions that allow for divorce after a decree of judicial separation. However, as a general rule, the judicial separation is granted only on the same or similar grounds for which the absolute divorce would be granted. The statutes vary in the amount of time required after the judicial separation for the granting of an absolute divorce. There are 18 jurisdictions which allow for divorce after a de facto separation (the period of time varies) without regard to fault. Some jurisdictions have both statutes for divorce on grounds of de facto separation and judicial separation. There are two jurisdic-

the worst aspects of the adversary system. In any event, if the lawyer can establish a reasonable line between his functions as counsellor and as lawyer, he may be able to perform in both capacities and even if the situation becomes adversary in character, he may serve as both counsellor and attorney for his client, and make the ordeal less unpleasant than it otherwise might become.

In addition to clinics, social agencies, and family courts with a trained staff, other institutional projects are occasionally launched to deal with the family in trouble. For example, the Los Angeles County Conciliation Court was established a few years ago to provide means for the reconciliation of spouses where divorce proceedings are pending or are imminent. Use of this service is voluntary. Los Angeles County has approximately 2,000 new divorce matters in its courts each month. The Conciliation Court handles approximately 200 cases each month, or 10 per cent of the traffic. Sixty-five per cent of these cases involve pending divorce actions of which 33 per cent result in effective reconciliation. When no divorce action has been initiated reconciliation is effected in 70 per cent of the cases. In the four-year period, from 1954 to 1958, the records of this Court show that 75 per cent of the parties involved were still reconciled one year later. During this period over 5,000 children were involved in the reconciled families.¹⁷

In 1947 Oklahoma City had established a record for more divorces than any other city of its size in the country. The Oklahoma City Family Clinic Plan was established. Referrals are made by lawyers, doctors, clergymen, and others. At the end of the first year of operation the clinic reported the astounding statistic of 90 per cent effectiveness in cases referred to it. In 1958 the number of divorces in Oklahoma City was the same as in 1947 although the population had increased by 85,000.¹⁸ Cooperating by sponsorship and supplying personnel for this project were the Oklahoma County Bar Association, the Oklahoma County Medical Association, the Oklahoma City Council of Churches, and the Oklahoma City Retail Merchants Association.

tions where incompatibility is a ground for divorce, and three states where absence for a certain period of time is grounds for divorce.

17. Burke, *The Conciliation Court of Los Angeles County*, 40 Chi. B. Rec. 252 (1959).

18. Kelly, *Preventing Divorces: Oklahoma City's Family Clinic*, 45 A.B.A.J. 566 (1959).

We should like to emphasize the thought that marriage counselling is not to be measured entirely by the reconciliations brought about. Indeed, as suggested earlier, sometimes a reconciliation may be worse than a divorce. Salvage of self-respect, dignity, and emotional health of the parties involved may be far more important than patching up a fragile family organization. Our divorce laws are so thoroughly bad that unless they are subverted by collusion or perjury, they invite recrimination and hostility which can only intensify the travail of the ordeal.¹⁹ In such cases, the lawyer and counsellor may be able to counteract some of the worst consequences of the adversary proceeding and reduce the hazard of emotional catastrophe.

19. "Our divorce laws are thoroughly bad . . . they are based on a false premise, the premise of punishment. . . . Divorce proceedings are a farce . . . hypocrisy is the order of the day." National Probation and Parole Associations Journal, Vol. 5, No. 2 (April, 1959), quoting from the Report of the Lawyers Committee of the 1948 National Conference on Family Life.

Appendix

Illustrative Cases

The Case of Mr. and Mrs. K.:

A young couple, 26 and 31, were referred by their minister. According to both, most of their 8 years of marriage had been happy and satisfactory. About six months earlier Mr. K. had noted that his wife seemed to be extraordinarily interested in a neighbor, whose wife was her close friend. It had started at a party when someone had suggested some sort of kissing game, and she had told her husband that this man had really "thrilled her."

Mr. K. began to feel that his wife was finding excuses to visit the other home and remained there longer than necessary. He was aware that she would watch for this man from her kitchen window, and finally one evening he caught them in an embrace when she was supposedly baby-sitting for the other couple. At this point he became angry and hurt. He accused her of infidelities which she denied; said she was incapable of caring for their two children (2½ and 1). He said that he planned to take them to his mother in another state and to sell their home. Mrs. K. at this point was so emotionally involved that she was willing to give up her children if she could find a way to form a more lasting relationship with her "friend." His wife, however, had no intentions of giving him up. Mr. K. threatened divorce, though legally he had no grounds for it. In desperation they agreed to consult their minister who referred them for marriage counselling. Mr. and Mrs. K. were seen together throughout most of the period of counselling, but there were several separate interviews when indicated.

Information gathered from these interviews indicated the following:

Mrs. K. was a high school graduate who had been working 1½ years when she met her husband who was doing graduate work at a nearby college. Two months after they met he asked her to marry him and they were married within the year while he was still a student. They both described the early years of marriage as good. They moved several times, Mr. K. improving his job each time. Mrs. K. came from a family in which the mother dominated the father and two children. She did not feel close to either parent and was eager to get out of the home and the community. Although Mr. K. had been living away from home for some years, he was still close to his family and his first impulse at signs of trouble was to go back to them for help.

The first joint sessions of counselling were dominated by Mr. K.'s feelings of depression and disappointment. He felt unloved and neglected and wanted to remove the children from the home in his desperate need for revenge. There was a good deal of discussion regarding Mrs. K.'s feelings for this other man. She felt more akin to him than to her husband. He did not have a college degree. He was tall, whereas her husband was short. She felt they could talk about things differently than she could with her husband. She felt dominated by her husband with whom she was the "passive partner." Her husband retaliated by

descriptions of his attempts to talk with her about his work, the children, etc., with little or no response from her. So he had quit and stayed quiet. When he looked to her for support in crises in his work he got no help. After a good deal of such talk Mrs. K. revealed her feeling of inferiority. How could she advise her husband when she knew so little? It was hard for her even to appear at meetings with other women to whom she felt inferior. Gradually it developed that her husband had failed to understand or to help her with her problems. He was inclined to belittle her opinions instead of building her up. Each was looking for something from the other which was not forthcoming.

It would appear from these counselling sessions that Mr. and Mrs. K. were able to talk in the presence of a third and neutral person, as they could not talk alone without becoming vituperative and angry. It was interesting to discover how unaware each was of the other's feelings.

For several weeks Mrs. K. quite unrealistically clung to her hopes of attention from the other man. He barely gave her a glance — but even this gave her hope! She fantasied how it might be if she could just talk with him, but Mr. K. had forbidden her to go to their home at any time, and especially to talk to him. This, of course, merely served to make the unknown more intriguing! Mr. K. gradually through support and discussion was able to lessen his rigid controls. By this time the relationship of the K's had improved to the point where they could spend an evening at home together talking rather than sitting mutely. Mr. K. allowed himself to become more interested in his wife, though it took him some time before he felt that he was not going to be hurt again. Mrs. K. changed from constantly reminding him of the other man to not discussing him at all. As Mr. K. became more relaxed and paying more attention to her she was able to give up some of her fantasies and to face the reality of her situation and to become a more responsible and independent person with greater assurance in her own abilities.

When last heard from about eight months after counselling ended, they were getting along very well.

The Case of Mr. and Mrs. P.:

Mr. and Mrs. P. were referred by both minister and lawyer. In their forties, they had been married nearly twenty years and had one daughter in her teens. Her twin sister had died at the age of three in a tragic drowning accident. This was one of the causes of difficulties between the parents as Mr. P. partly blamed his wife for not watching the children more carefully, and she, in turn, had a good deal of guilt about it. Instead of bringing them closer together this had set up barriers between them. Mr. P., a fairly successful businessman, had met his wife through his earlier job, Mrs. P. being a high-powered secretary in the firm. At that time they felt they had common interests, enjoyed being together and their first years of marriage were good.

However, Mrs. P. became a constant nagger and a compulsive housekeeper with little time to participate in Mr. P.'s interests. He had finally tired of this life and had gone to a lawyer to start divorce proceedings. It was at this point that Mrs. P. became exceedingly anxious and desirous of keeping the marriage together, while Mr. P.

was eager for his freedom, and, as it later was revealed, the possibility of marriage to a woman with whom he was working.

Mr. and Mrs. P. were seen for weekly individual interviews over a period of two months and it was a very stormy period for both. Mr. P. accused his wife of being cold and disinterested in his needs. She was dictatorial with him and with their daughter, stern and demanding. She had been deserted by her parents in infancy and adopted by a couple who brought her up in a strict, rigid way, constantly aware of financial stress and the need to conform. Mr. P., on the other hand, came from a wealthy, prominent family with the "easy-go" attitude. His mother, however, was extremely domineering and controlled her children through her money. Mr. P., as well as his brothers, had tried unsuccessfully to rebel against this, but never could quite separate himself emotionally or physically from his family. It was now his wife's controllingness against which he was rebelling.

Counselling took the following course: Although she did not actually know of the other woman, Mrs. P. was suspicious, and when she discovered her identity was amazed and hurt that he would replace her with such an unattractive woman. But Mrs. P. was determined to hang on to this marriage for whatever it offered her and for the sake of the child. In spite of her early independence and ability to support herself, she felt unable to face life on her own. She did, however, begin to see her own behavior and the causes of the breakdown, and tried to behave more as Mr. P. wanted. Mr. P., on the other hand, became more adamant in his demand for freedom, and seemed only to be marking time until his wife was ready to give it to him. He tried to involve the daughter as his ally and this was not too hard to do as she too had suffered from her mother's control. It seemed as though the more Mrs. P. tried to please, the more he pulled away until relations broke down completely. Mr. P. moved from the bedroom, became more seclusive, and finally decided to move from the home for a trial separation. This, however, was hardly a real trial as his attachment to the house and to the daughter brought him back almost every day on some pretext.

At this point Mrs. P. seemed to be gaining greater confidence and became incensed that he was using their home for his own convenience, at the same time having his freedom. She was almost ready to go ahead with the divorce. Instead of accepting anything that would hold the marriage together, she began to demand something more or dissolution.

With greater freedom Mr. P. was able to see more of his lady friend and began to see behavior that displeased him. She, too, did not always understand his needs or build him up as the confident and self-reliant business man. He tired of her conversation over the dinner table, and began to wonder whether this was really what he wanted. A program was arranged whereby Mr. P. would remain with his wife over the summer and then reconsider divorce. At this point Mr. P. began to look at himself and to see how his actions had often provoked Mrs. P.'s behavior.

At about this time another circumstance brought Mr. and Mrs. P. closer together, and Mrs. P. was able to use it to advantage because of her increasing awareness of her own and Mr. P.'s behavior. They had

promised their home to a relative for her marriage and Mrs. P. was busy refurbishing it. More and more she asked and got Mr. P.'s assistance. They began to work together. The recriminations became less angry. Mr. P. began to see that Mrs. P.'s controllingness was, in a way, her security and that he could help her with this, not by withdrawing, but by being more giving. She, in turn, could see that her controlling behavior helped to induce his withdrawal and moodiness and to throw him into activities outside the home.

They gradually came together more and more — and while this is a marriage that may never have the spontaneity and deep love that one might hope for, it was reinstated on a much more satisfactory basis and when last heard from was going along smoothly.

The Case of Mr. and Mrs. M.:

Mr. M., a student in Graduate School, had been married for a year and had a two-month-old baby. He sought legal services to obtain a divorce after having been arrested for committing an assault and battery on his mother-in-law. Mr. M. had left his wife and baby, obtaining a room elsewhere, contending that his mother-in-law had been interfering, was bossy and overpowering in spite of his repeated protests that he could not live under such conditions. Driven to extreme anger, he had finally committed the offense that had ended in his arrest.

His lawyer, unfortunately, started legal action at once, failing to look into the total family situation, in spite of the fact that Mr. M. did not actually have grounds for divorce. However, after talking with his lawyer — and perhaps because he found someone who accepted his injured ego — Mr. M. cooled off considerably and became less adamant in his demands.

Mr. and Mrs. M. had married very young and she had become pregnant almost immediately. Mrs. M. was undoubtedly quite overwhelmed by this responsibility and because of her immaturity turned to her mother for help and support. The mother tried to take over the entire household — baby, daughter, and son-in-law. This was an insult to Mr. M.'s pride and fatherhood. No matter what he wanted to do or say, his mother-in-law knew better and he as well as his wife were thrown back into a state of dependence and childhood which he, at least, was trying to escape. His wife, a young and confused mother, unable to cope with the situation found it easier to give in to her mother in preference to her husband. She wanted to keep both husband and mother, but she didn't know how to do it. Mr. M. insisted that he still loved his wife and baby but could not tolerate the situation.

When Mr. M. showed signs of recognizing his own erratic behavior, his lawyer sensed that there was a good possibility of reconciliation if both Mr. M. and his wife could assume the responsibility for their own home. Therefore referral to the Family Service Agency for marriage counselling was effected. Mr. M. made several visits to the social worker who gradually helped him to see that his behavior was quite immature; that he was asserting himself as a child rather than as a mature man and husband; that his wife needed support and help to assume her maternal responsibilities. Later Mrs. M. also went for help to enable her to rely

less on her mother and to take over the care of her baby herself. What Mrs. M. needed and found in these casework services was someone who could help her do these things herself rather than let someone else take over for her.

Within a relatively short time Mr. and Mrs. M. came back together and Mrs. M.'s mother withdrew from the home to return only when asked to do so. How unfortunate it would have been had Mr. M.'s lawyer continued the divorce proceedings! This case suggests that the presenting problem (in this case the mother-in-law) is frequently not the real problem. Mr. and Mrs. M. needed help to assume the responsibilities of their marriage together rather than to break up what has turned out to be a good marriage. Lawyers are often sought out first in marriage problems but they have a responsibility to investigate the marital situation as to the possibilities of utilizing community resources to bring about a reconciliation.

The Case of Mr. and Mrs. L.:

Mr. and Mrs. L. had been having a good deal of discord during their twenty-seven years of marriage. This was always accentuated during periods when Mr. L. drank excessively and became abusive both physically and mentally. Their 16-year-old daughter had consequently lived through many painful episodes when her parents quarreled in loud and abusive terms. Although Mrs. L. described their early years of marriage as satisfactory it is a question whether this was ever a good marriage.

About ten years ago Mr. L. was forced to give up his profession as a writer and turned to the more lucrative field of business. This undoubtedly indicated some defeat to him in his inability to support his family in the field in which he had some real interest and talent. He has met with moderate success in his new endeavors and has supplemented his earnings by stock market manipulations, mainly using his wife's small inheritance.

Mrs. L. has always been a dependent person who used her capabilities in her home and in community activities leaving all the financial arrangements and responsibilities to her husband.

Although dissatisfied with her husband's attitudes toward her it was only when she discovered his long-time infidelities that she made some effort to assert herself, confronted him with her findings, and then, after a bitter quarrel, attempted suicide by slashing her wrists. Although she was not immediately hospitalized, she entered psychiatric treatment, and, later, on the order of her doctor, was committed to the State Hospital for the Mentally Ill. Shortly after this commitment Mrs. L. requested her lawyer to investigate her financial situation and the guardianship of her daughter. It was discovered at this time that Mr. L. had acquired title to their home in his name, although a large part of the purchase money came from his wife. In his visits to her at the hospital he constantly reminded her of her mental state and threatened her with divorce.

In order to meet these problems her attorney initiated a court action against Mr. L. which was possible notwithstanding her commitment to

a mental hospital. This action, attaching the property, impressing a trust upon the home, and a further demand for an accounting of Mrs. L.'s estate, made it impossible for him to sell the property without a release from his wife. Another action was brought to remove Mr. L. as natural guardian of the daughter. The girl had removed herself from, and refused to return to the parental home during this period. It was requested that the court appoint a benevolent clergyman in the community who had volunteered to assume this responsibility.

At this point Mr. L., through his attorney, requested a conference to adjust all family matters stating, however, that he would not agree to any settlement which did not include a divorce. Although Mrs. L. had been unhappy and had considered divorce for several years, the reality of an actual divorce was hard for her to accept. Her dependency needs became all too evident in spite of the fact that she received no emotional and little financial support from her husband. Gradually with her attorney's assurance that the home would be conveyed to her and a satisfactory accounting would be made for all the money and securities which had been purchased with her funds, she decided this was the best solution for her.

Mr. L. while still wanting the divorce, complained that he would be stripped of everything he had. Bitter feelings were expressed by both parties; the divorce proceedings, however, were instituted. During the following weeks Mr. L. was prohibited from visiting his wife which helped greatly in improving her mental condition and it was not long before she was permitted to leave the hospital to visit friends.

It was during one of these visits that Mr. L. called his wife to suggest a dinner engagement. Against the advice of her attorney, Mrs. L. not only dined with her husband but returned to their home for the night. This in effect was a condonation and of course a complete bar to the divorce. Although Mrs. L. had verbalized her interest and desire for divorce her actions would indicate that she was emotionally not yet ready for such a step.

During this period the daughter was living away from her parents, refusing to return until the situation had stabilized itself. Although she has now returned and the reconciliation of this couple has been in effect for several months' this is hardly a satisfactory marriage and both her doctor and lawyer predict that before 1961 has passed into history Mrs. L. will have made another suicide attempt, or will be back in a mental hospital, or perhaps both.

This is a marital situation which might have been helped through counselling years before the actual break took place. Probably this marital relationship had always been a neurotic one in which both spouses could function after a fashion. With Mr. L.'s loss of job and status, his needs changed and his wife's needs, in turn, were not met. In their search to fulfill these neurotic needs elsewhere the marriage came to the point of break-up and is still floundering with little hope of ever becoming a stable situation.