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Forgiveness and Divorce: a Magic Bullet To Reduce Anger and Save Children?

Susan L. Pollet
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Legal scholars have begun to look at the law and emotion literature (the role of emotion on the law) in the context of family law, and while that literature had focused on "negative emotions such as anger, disgust and vengefulness," one scholar explored the law's ability to facilitate positive emotions, such as "love, hope, and forgiveness" in the context of what he calls a "healing divorce."¹ In the writing of the Chinese culture, forgiveness is "depicted as the heart combined with the character for woman—who symbolizes shared feelings—plus the character for mouth. When put together, you learn that the heart forgives when it accepts and acknowledges conflict without blame."²

Why should one forgive in the context of divorce? One answer is that forgiveness may help individuals heal psychologically, enable them to better parent their children and reduce interparental conflict.³ It is important that lawyers play a pivotal role in helping their clients move past the anger, rather than increasing the anger the client feels, or having the lawyer become angry him or herself and actually continuing to fuel the conflict between the parties. Long after the lawyers are out of the case, the parties will have to deal with one another and their children. How the lawyer handles the situation can make all the difference.

Scholars in other fields have demonstrated the benefits of forgiveness, including a reduction in anger which would certainly be helpful in the divorce context where emotions affect the interactions between the parents during the divorce process and "in some cases cause excessive hostility and conflict for years after the legal relationship has ended."⁴ Some estimates indicate that "as many as one-third of all divorces are accompanied by 'intense hostility and/or bitter legal conflict,' and in as many as twenty-five percent of divorced families, high levels of parental conflict continue long after the divorce is final..."⁵

Anger and Conflict

Anger has been described as "unresolved hurt without an outlet for healthy expression," and that "repressed hostility causes an escalation of conflict."⁶ The "modern English word 'anger' is derived from the Old Norse word 'angr' which means sorrow."⁷ One author opined that it is "deep sorrow and fear

that accompany divorce, not anger, and that the sorrow and fear are converted to anger because anger is more satisfying."⁸

The harm of this anger and interparental conflict to parents and their children is well known and documented. With regard to the parents, "[o]ne study found a strong correlation between interparental conflict and parents' emotional problems, and other studies suggest that high-conflict parents are at increased risk for severe psychopathology and substance abuse."⁹ In addition, "[s]tudies have found a correlation between long-term or unresolved anger and stress, high blood pressure, poor cardiovascular health, depression, anxiety, and low self-esteem.

Persistent anger may also interrupt sleep patterns and negatively affect academic or work performance."¹⁰ With regard to the children, it has long been documented that if they are caught in the crossfire of parental acrimony, "they are at higher risk for a myriad of emotional, behavioral, and psychological problems."¹¹ With regard to families, one study indicated that "families experiencing a higher level of conflict (as measured by level of court involvement) displayed more family conflict or maladjustment, less favorable divorce conditions and child coping ability, and less positive divorce resolution."¹²

As stated by a mental health professional, "[r]egardless of the cause, high conflict inevitably distills down to each party's refusal to experience and accept their own pain and instead to externalize it and direct it toward others. These individuals inevitably demonstrate a lack of self-awareness, an empathic deficit and a tendency to blame others which must be impacted in order to alter their dysfunctional course or relationship."¹³

One commentator opines that with divorce, "in order to protect themselves against further pain, which the attachment/detachment process brings, again and again, the divorcing couple need to circumscribe their behaviours together in a rule-bound way," meaning with agreed upon rules of civility to set limits on dysfunctional behavior.¹⁴ This is so both during and after divorce.

Common sense experience dictates and "[b]oth clinicians and researchers have reported that continued relations with a former spouse can be difficult and that post-divorce harmony is rare, particularly when children are involved. Half of divorced women and a third of divorced men continue to be intensely angry at their former spouses, even ten years after the breakup."¹⁵ Why does divorce or separation hurt so much? "A second century rabbi wrote, 'Before a young man marries, his love goes to his parents; after he marries, it goes to his wife.' Marriage alters the contours of family and with it your identity. A failed love hurts, but a failed marriage would in a different way. It destabilizes your sense of self."¹⁶

What Can Lawyers Do?

One commentator noted that "[a]lthough psychology and neuroscience offer critical insights into why angry clients do not behave as rational actors, there is a dearth of legal scholarship addressing how these disciplines can help lawyers recognize, understand, and effectively counsel the vengeful client."¹⁷ An interesting perspective is to look at lawyers as having "an extraordinary potential to facilitate healing."¹⁸ A suggested approach is to address the client's emotional pain and self-interest rather than

"attempting to reason with the client."¹⁹ It is argued that "by helping the client release the anger that is driving the desire for vengeance, the lawyer is more likely to succeed in helping the client realistically weigh the advantages and disadvantages of a litigation strategy that will best serve his economic and quality-of-life objectives."²⁰

How is this done? One scholar recommends that "[a]s a compassionate ally, the lawyer acknowledges that the client is in pain, educates the client about the hidden costs of holding onto anger, and helps the client find an outlet to heal the pain."²¹ One judge argued that "the legal profession needs to reprioritize its values by recognizing that one of the most important roles a lawyer has is that of counselor—a counselor who "serves as an instrument of peace."²²

Part of building rapport and trust between the lawyer and the client is having the lawyer listen "with compassion and nonjudgment," and helping the client "shift into an emotional and cognitive state more conducive to ultimately releasing such negative emotions."²³ After listening, it is suggested that the way to achieve the shift is to ask the client to envision "what he would like to have in his life in this moment," to ask him what is his vision of an ideal outcome, along with a dialogue which explores the hidden costs of continued resentment.²⁴

Whether the process is called a "forgiveness" process or a process of "letting go of anger," the lawyer, by utilizing a structured dialogue, can help to "free the client from the heavy burden of carrying hurt and anger from a past experience into the future."²⁵ And then the productive work can begin of helping clients to more effectively "assess their ultimate objectives and the alternatives that will best help them to attain such objectives."²⁶

It is clear that parent education classes, such as the New York State Parent Education and Awareness Program, mediation and parent coordinator programs can be effective as vehicles to reduce conflict.²⁷ In addition, there are several models of forgiveness programs which one commentator suggests could be useful as a supplement to the above programs in the divorce process, such as The Process Model (Robert Enright and the Human Development Study Group at the University of Wisconsin-Madison); The Stanford Forgiveness Project; and The Pyramid Model and REACH.²⁸

Forgiveness interventions have been utilized successfully in other contexts such as helping "individuals from Northern Ireland who lost an immediate family member in the country's bloody civil war to forgive."²⁹ "They have also helped individuals forgive incest, marital infidelity, parental-love deprivation and unjust treatment at work."³⁰

Another commentator made the point that spouses are better served if "they lower their expectations about what the law can accomplish in the context of divorce. Reasonable expectations can be liberating. If a spouse fully understands that the justice system has no mechanism for acknowledging, much less remedying, the emotional and personal harm caused in marriage, he may be more willing both to grasp what the law can give and to look elsewhere for resolution of the accompanying emotional issues, including the need to forgive."³¹ The recent developments in family law, such as collaborative lawyering and court-ordered mediation often have the "added benefit of creating an atmosphere that may foster forgiveness."³²

Conclusion

Lawyers can be very helpful in getting their clients to understand the "goals and limits of the legal system, so that once the legal process has run its course, the client is free to forgive the former spouse and move forward in the new, reconfigured relationships created by divorce."³³ A leader in this movement toward inspiring lawyers to "rise to their higher calling—that of counselors at law who facilitate the healing of conflict," quoted from the words of Thich Nhat Hanh: 'Each moment is a chance for us to make peace with the world, to make peace possible for the world, to make happiness possible for the world.' There can be no higher calling for any lawyer than to facilitate the healing of an angry client's inner war."³⁴

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Endnotes:

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6. Mari J. Frank, "Managing the Anger of Divorce," http://www.divorcemag.com/articles/Health_Well_Being/health-managinganger.html.
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