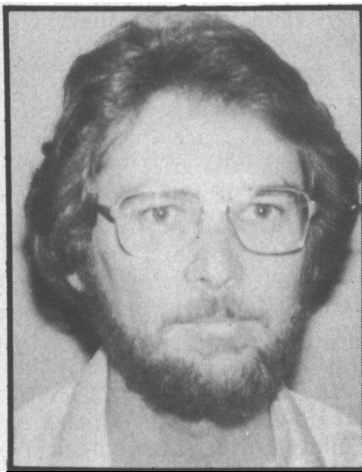


# Marital Breakdown as Bereavement

## *A Partial Explanation for Access Disputes*

G.W. SMILEY



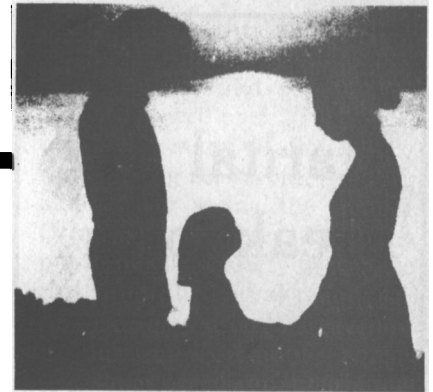
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The increasing incidence of marriage breakdown in this country has resulted in greater numbers of children being involved in the social arrangement of access. Yet confusion and ambivalence are the usual responses to contact between the child and separated parent. Courts and the general community seem to hold the view that access is beneficial to children but such benefits are not clearly enunciated or understood.

The partisan and differing explanations given by separated parents (together with their convinced families, friends and sadly, even professionals) about the difficulties with access are only too apparent. Children's behaviour before or after access also suggests that, for some children, these visits are fraught with many tensions. Anxiety, confusion, contradictory and disturbed behaviour are often observed in children involved in access. Disputes between parents about access are probably one of the most destructive and chronic sequelae of divorce. In the Family Court, access problems form perhaps the most vexing issue for the Court and Counsellors to resolve.

It is confusing to many professionals to observe the apparent entrenched stand of the parties in conflict over the children while each at the same time is vehemently stating that they are acting in the best interests of their child. There is also something unreal about the spectacle of one time intimates and marriage partners locked in adversary positions.

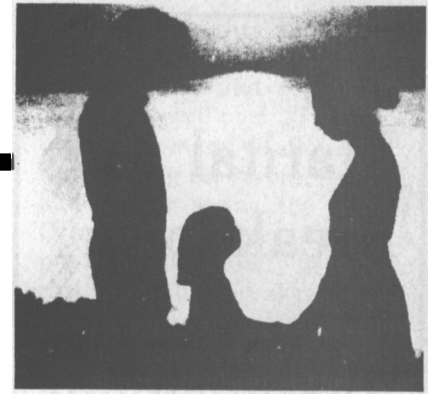
When faced with disputes between separated couples, lawyers



often tentatively try to defuse the situation and finally act as advocate for one party against the other; courts endeavour to make decisions on the facts before them and avoid the confusing emotional material; and Counsellors too frequently apply inappropriate therapeutic measures.

At the present time, there is lack of a conceptual framework within which to meaningfully discuss access or marriage breakdown. As a community we have not successfully grappled with the task of gaining an overview against which to understand the individual case. To illustrate this concern one can refer, for example, to the way in which professionals are often seduced into the process of the parents' separation by taking one side in an access dispute.

A professional approach demands that we go beyond a case by case focus and look at broader contextual issues. When the general issues and processes have been defined then we will be better equipped to undertake the task of assisting in the resolution of specific cases. The Courts and legal system are increasingly looking towards professionals in child welfare to offer explanations to assist in decision making about access problems. There is also increasing recognition by these systems that adversary proceedings should only be used as a last resort and that precourt counselling/conciliation efforts should occur before court



action since these disputes are essentially emotional in character.

This paper is an attempt to look at one of these contextual factors as part explanation for the access problems experienced by separated parents.

### **MARRIAGE BREAKDOWN AS BEREAVEMENT**

Marriage breakdown represents a loss to each marriage partner which must be emotionally (and in other ways) accommodated. The parallels between the emotional consequences of marital breakdown and bereavement<sup>1</sup> are many, as anyone who works with separating couples will confirm. Much of the behaviour of marriage partners following separation can be understood in bereavement terms and a familiarity with these concepts is essential knowledge for working with separated marriage partners.

The literature on bereavement usually refers to four stages of mourning. These are<sup>2</sup>:

#### **STAGE 1**

Shock, disbelief and denial lasting a short period. Sometimes quite extreme behaviour disturbance is seen. There is not an acceptance of the loss.

#### **STAGE 2**

Gradual acceptance of the fact but not the finality of the separation with expression of yearning for the lost loved object and angry protest at the loss.

#### **STAGE 3**

This is interwoven with (2) above. Despair sets in with behaviours previously organized around the

loved one becoming disorganized as the realization of loss is accepted. Pain, anguish and sadness are present and a true mourning takes place for the lost one. Sadness is an emotion of acceptance of loss.

#### **STAGE 4**

The process of mourning involves the withdrawal of emotional energy and investment from the loved person. The fourth stage of bereavement represents the reorganization of the bereaved one's life. The emotional investment having been largely withdrawn from the loved object, the individual is now ready to invest himself emotionally again. New relationships can be established.

Of course the degree of grieving is dependent on a number of factors, and varies between the marriage partners, as does the expression of grief. There are also some important differences in bereavement associated with marriage breakdown. These are:

- (1) That usually the parties are at different stages in the grieving process because often one partner begins withdrawing emotional investment from the marriage before the other.
- (2) The person "deserted" or not initiating the separation usually suffers bereavement as a crisis event and therefore suffers the most acute grief reaction.
- (3) The lost loved object (separated partner) is still alive and available. This can complicate the resolution of grieving.

An understanding, then, of the bereavement aspects of marriage breakdown is an important

prerequisite to an appreciation of events that occur after separation. An acknowledgement of the grieving process also leads one to expect a certain amount of anger between the parties, a degree of emotional liability, change in behaviour and other mourning reactions since they are essential to the withdrawal of emotional investment from the erstwhile marriage partner.

One wonders at the actions of well meaning advice givers who insist that the parties "get on well together for the sake of the children". This expectation is only partly valid. It may inhibit and prolong the separation process and thus make matters more difficult. The appropriate counselling interventions are those which acknowledge the grief and allow its expression. The counsellor can take on the creative role of facilitating the separation process and so lessen the possibility of "pathological" grief reactions and destructive communications between the couple.

### **CHILDREN**

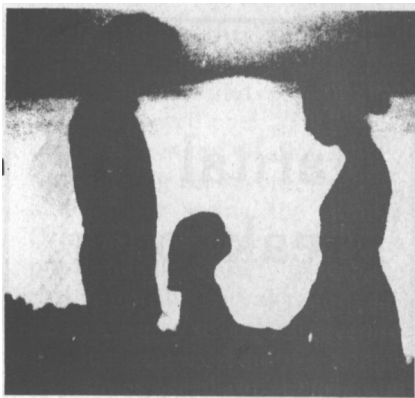
Children also suffer bereavement when marriage breakdown occurs. Grief reactions in children of divorce have been described by writers such as Wallerstein and Kelly<sup>3</sup> who refer to the almost universal depressive reaction in children following marriage breakdown. Raphael<sup>4</sup> describes the expression of bereavement in children in a very sensitive way.

<sup>1</sup>Beatrice D.K. P.160

<sup>2</sup>Raphael B.

<sup>3</sup>Wallerstein J.S. & Kelly J.B.

<sup>4</sup>Raphael B. pp 13-16.



Unless one understands the nature of the process of mourning in children, it would be easy to misinterpret what any behaviour disturbance means. For example, the emotional upset of children following access visits are often interpreted as meaning that the child does not want access contact. But such responses from the child may be an expression of grief (yearning after the absent parent). Anger at both parents is, of course, also part of the mourning process.

The tasks for children following family breakdown are many. They include coping with the loss resulting from the family breakdown and separation from the non-custodial parent; finding a new way of relating to each parent; and forming attachments to parents' new partners.

Children of divorce are often alone. They feel shame at the family breakdown and, at a time that they need support, parents are involved in their own emotional survival. Another aspect is that the child, in access, moves between his/her parents and in many ways can be buffeted emotionally by that experience if one or the other of the parents is suffering extreme reaction to the marriage breakdown. This is an aspect that cannot be fully

<sup>5</sup>A study of access patterns two years after divorce is currently being undertaken by Hirst S. and the author.

<sup>6</sup>Rosen R.

<sup>7</sup>Gardiner R.A.

discussed here except to note the vulnerability of children in access situations where high conflict or extreme grief reactions are present.

Children often feel a responsibility to help their parents with grief and to give to each parent in a way that will minimise the loss a parent may feel. Children so often undertake the responsibility, partly for their own survival, to conciliate between parents. If the conflict becomes too high the child has to seek resolution and often does this by refusal to go on access. This is done at extreme emotional cost to the child because he/she is causing pain to the non-custodial parent. It is important to realize that whatever difficulties the child faces as a result of marriage breakdown, is compounded by each of his parent's reactions. Thus the grieving of a parent and its intensity are felt in a very direct way by the child.

#### **PURPOSE OF ACCESS**

The usually stated purpose of access contact could be presented as;

Through contact with the absent parent, to provide the child with a sense of continuity in his life; emotional attachment; and appropriate identification opportunities.

If the bereavement aspects of separation are accepted another purpose would be identified as;

To assist the child to emotionally manage the grief of separation from his absent parent and to accept the fact of his parents' marriage breakdown.

It could be proposed that a major function of access, especially for younger children, is that of providing an opportunity to go

through the grieving process. Some of the experience gained in the Family Court<sup>5</sup> suggests that, generally speaking, access lessens over time. Rosen's<sup>6</sup> study and others<sup>7</sup> also support this finding. This suggests that access serves, for the separating family, as an opportunity to resolve the bereavement resulting from family breakdown. Access contact may have the social function of bridging the transition from one family (of origin) to another family form (reconstituted family). This is an important concept and indicates that continued insistence on rigid access arrangements may demonstrate unresolved grief (i.e. incomplete transition) by one of the parents in the fractured family.

Of course, successfully negotiated access can lead to benefits beyond merely that of transition and grief resolution. The first mentioned purpose if achieved can provide very meaningful continued contact between child and the non-custodial parents' new family system.

The reconstituted family is a social unit which is little researched as yet. A better knowledge of this family form would give clearer perspective to some of the continuing confusion about access. This writer suggests that in the resolution of access disputes the newly formed family unit should not be placed under any stress. A true child perspective in considering access disputes demands that the child in his new family be given paramount consideration.

#### **ACCESS PROBLEMS**

Access problems to a great or lesser extent are almost the norm following marriage breakdown. At the very least they are to be expected



since the parents and children are all involved in the turmoil of loss. Each family member will have his or her own reactions to these events. There are, of course, other factors involved in access disputes apart from the bereavement aspect, but these are not the subject of this paper.

Most couples manage to resolve their differences quickly and without recourse to outside professional assistance. It would seem that for those couples the crisis event of separation is easily negotiated. Severe access disputes, however, do occur and these demand rapid intervention. Extreme disputes over access may require action to bring about cessation of access since high conflict will not allow access to achieve the aims described above. Rutter<sup>8</sup> makes a very clear statement on this theme. He asserts that family breakdown is a minor influence in the development of behaviour problems in children. The major influence he sees as that of chronic family discord, tension and disharmony between family members.

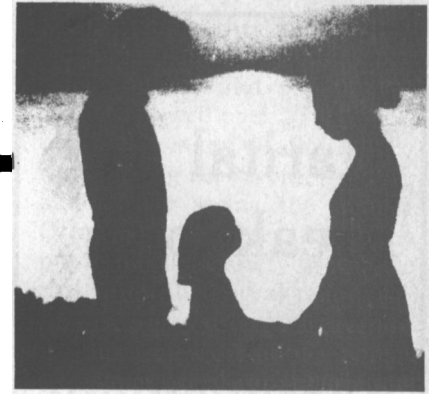
Access problems can be indicators of extreme grief reactions in the short term or if access problems continue for a long period, prolonged grief reaction. These problems indicate the need for grief resolution and assistance with role transition for the parent(s).<sup>9</sup>

Serious disputes over access may then be seen as the expression of pathological grief reaction. Reality issues are sometimes present but

clinical experience in the Family Court and research findings<sup>10</sup> suggest that in a majority of cases the differences between the parenting ability of separated marriage partners is minimal. Thus the observed conflict is more likely to be related to emotional factors in the parents' relationship.

The presentation of Maddison and Raphael<sup>11</sup> of four (4) main variants seen in pathological mourning has direct application to the present discussion. These variants represent extreme responses seen in separated spouses and which so frequently lead to access difficulties.

- (1) **Persistent yearning** for the lost object. The individual remains oriented towards the lost loved one and acts as if the lost person were retrievable. Although this is a transitory feature of grief, its persistence indicates pathology. In marriage breakdown a spouse may use access as a way of maintaining contact with the separated partner. Thus demands for access are made which are motivated by this yearning. The other spouse often understands this access demand for what it is and resists access contact.
- (2) **Reproach against the lost loved object.** A normal feature of mourning is the expression of anger at the loved one. This is part of the disengaging process but if it persists or is pathological in intensity it can lead on to psychological problems. This anger can also be directed at the self and produce depression — in marriage breakdown this is a form of pathological grief



often observed. Because the loss is occasioned by a deliberate act (leaving) it is not difficult to direct anger at the separated spouse. Persistent anger can and does lead to access problems of a severe nature e.g. denial of access or unreasonable demands to express anger towards the spouse. In the interests of the child, cessation of access is a frequent outcome of this pathological presentation.

- (3) **Care of vicarious figures.** This describes a tendency in the bereaved person to limit the expression of his own grief and to focus instead on succouring some other individual who has also been bereaved. The bereaved projects onto the vicarious figure his own feelings of grief and helplessness, plus his yearning and anger. This "proxy response" may be part of mourning but it becomes pathological when it is the predominant style — The parallels to marital separation are so obvious and they occur often. The children are seen as suffering irreparable harm from the marriage breakdown and often anger, yearning and other grief reactions are orchestrated by the grieving parent in a way which causes children to be agents of the parent by refusing access contact or trying to bring the

<sup>8</sup>Rutter M. p. 254

<sup>9</sup>Beatrice D.K. p.159

<sup>10</sup>Schlesinger B. p.211

<sup>11</sup>Maddison D. & Raphael B. p.14 (Modified quotations have been taken from the text).

parents together in reconciliation.

- (4) **Denial that the lost one is permanently lost.** This presentation is a denial of the loss and a belief that the lost one will return — Although this is seen as part of the reaction to loss of marriage partners following separation, it is very rarely seen in a pathological form. If it is presented it indicates that probably the parent has disintegrated into psychosis.

Pathological grief reactions represent those cases most entrenched in dispute. However, there are many cases which have these features to a lesser extent but which also present to the court with disputes over access. Extreme pathological grief is really the end point of a continuum. Where a particular case is located on that continuum will determine the likelihood of a dispute occurring and the chances of its successful resolution.

#### CONCLUSION

Access disputes present challenges to professionals in family and child welfare because resolution can often lead to meaningful access for the child. Constructive access contact also emotionally frees the parents and child to re-establish themselves in new family units.

Many practitioners in this area take the view that access disputes can be resolved by a process of negotiation of the conflict. This is true in terms of management but the counsellor must first examine the separation issues and the meaning of these for both parents and children. The counselling task is to assist couples make the transition

from marital and parental role through recognizing the bereavement process and facilitating resolution of that process.

This paper has been an attempt to discuss marriage breakdown as bereavement and relate this concept in a brief way to access disputes between parents. The management of the grief and access disputes has not received focus. A discussion of that issue requires more detailed attention than is possible in this paper.

It has been proposed that a major function of access is to provide for the transition of family members from one family form to another — the reconstituted family. If further research confirms this proposition, then our community will need to change some of its present approaches. Access as a social arrangement can become more related to the processes involved in separation and this will allow for decisions which are more truly in the best interests of children.

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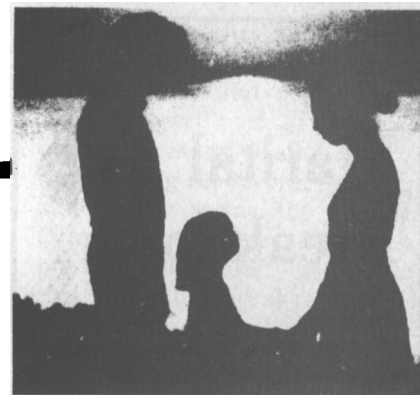
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