

## Comic Commentary

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Practicing family law in the United States is considered to be a respectable, if perhaps not respected, way of earning a living as a lawyer. There certainly is no shortage of business. The United States has one of the highest divorce rates in the world, with over 50% of people deciding to part well before death does it for them.<sup>1</sup> This high divorce rate is not because Americans are shallow and artificial - well, not just because of that - it is also because the U.S. has a long history of making cutting the knot arguably easier than "tying the knot".

This history of divorce goes back to the earliest days of Puritan settlement in North America. Americans of course are often labeled as being "Puritanical", if for no other reason than we do not allow anyone at any time under any circumstances to show their private body parts on T.V.<sup>2</sup> However, the Puritans who settled during the 17th Century in what would later become the United States actually had a rather liberal view of divorce. For example, the wife herself could initiate a divorce, basing her cause of action on abuse, abandonment, or impotence (what one might refer to as the husband "not keeping up his end of the bargain"). How the latter was proven in open court in Puritan New England is anyone's guess, but it certainly points to the fact that "the big D," as it is known, has a deep rooted history in the United States.

The grounds for divorce in the United States have grown dramatically since the 17th century, with each of the 50 states having their own eclectic grocery list. This ability of states to pick and choose the grounds for divorce often leads to some odd disparities. For example, in over 30 states habitual alcohol abuse can be the basis for the granting of a divorce, however, in only 14 states you can get a divorce because of habitual drug abuse. This might lead one to conclude that in many states, if the husband or wife drinks a few too many glasses of red wine on a regular basis, the

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<sup>1</sup> Yes, unfortunately not the highest. You see, one thing you have to understand about Americans, we do not care what we are number on at, just as long as we are number one! So while we do rank, for example, number one in incarceration (see Comic Commentary, Bonner Rechtsjournal, Ausgabe 02/2011), and indeed have the most "total number of crimes" according to the United Nations ("We're #1, we're #1!") we sadly only rank fifth in divorce rate. To add insult to injury, the top three were all part of the former Soviet Union (Russia, Belarus and the Ukraine). Number four is the Cayman Islands, for some unknown reason; perhaps all is not right in paradise. But don't you worry; we Americans will work hard and be the world leader in divorce soon!

<sup>2</sup> Americans are naturally shocked by German late night television. Whereas one suffering from insomnia in the U.S. would watch some lawyer taking advantage of the cheap commercial time to convince a guy injured at work to let him sue the pants off his employer; in Germany one is confronted with half-naked women taking off their pants and doing odd things on sports fields. Why sports fields!?

### SNAPSHOTS by Jason Love



Following an especially difficult divorce.

other spouse has every right to run off to divorce court; however, if the husband or wife is regularly found laying in the corner of the kitchen in an illicit-drug induced coma, that's no reason to get divorced, they just need a big hug! Often though, as long as the parties want to get divorced, no specific grounds are even necessary in the United States. In 48 of the 50 states, one can get an "uncontested divorce", which means that you do not have to give specific reasons, merely tell the court that you suffer from "irreconcilable differences". Whether the real reason for the divorce is that the spouse had an affair with your grandmother or just squeezes the tooth paste in the middle (everyone knows toothpaste should be squeezed from the end), the court does not care. If you do not want to live with the other person, and they do not want to live with you, why should the court try to keep you hitched?

The speed, ease and low cost of modern uncontested divorce in the United States have all contributed greatly to the high divorce rate. This is largely due to the fact that in an uncontested divorce, as in nearly all legal matters in the United States, you can represent yourself "pro se," which means no lawyers are necessary. In addition, all the infor-

mation you need to get divorced is usually written in a nice little “step by step” packet available for free at the local court clerks’ office. No ablo engles? – they have it in Spanish! Once you have all your ducks in a row, you just have to show up in court; hand in your paperwork and around \$150 in court fees; wait until your, in some cases, soon to be former last name is called; say “yes your honor”, “no your honor” a few times; sign the divorce decree and, well, validate your parking on the way out the door! It certainly is cheaper and easier than getting married; no catering is involved, let alone tough decisions like what flavor of frosting you want on the divorce cake.

Americans though who go beyond the jurisdiction of the good old U S of A looking for a divorce are not necessarily so lucky. There is a famous story of couples who were on their way to get married, but were tragically killed in a car crash. Lucky for them, they made it to heaven, well beyond the jurisdiction of any U.S. court.<sup>3</sup> Once they arrived they spoke to St. Peter, telling him their tragic tale. The couple then asked him if it was possible to get married in heaven. Not being omnipotent himself, St. Peter said he would look into it and wandered off into the clouds.

Hours passed; days passed; weeks passed. As the couple waited, they then began to ponder their situation. On earth, they would have been married “until death do they part”, which is, lets say, 70 years maximum. While they really, really, really loved each other, they were now possibly going to married for eternity – that is a long, long, long, long, long time. So they decided to ask St. Peter when he got back: if they could get married in heaven, could they also get divorced in heaven?

After a month, St. Peter finally came back with good news; they could get married in heaven. The couple was very happy, but then they asked St. Peter their follow up question: whether they could also get a divorce. St. Peter, uncharacteristically, got very angry and said to the couple: “Listen! It took me a month to find a priest up here, do you know how long it is going to take me to find a lawyer?!” Perhaps heaven too should start offering uncontested divorces.

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<sup>3</sup> Barring, or course, any miraculous extraordinary rendition by the CIA.