

The Impact of Empathy in Divorce

For many, a divorce is an emotionally traumatic experience. It plays out differently for everybody; whether it be feelings of relief, anger, grief, spite, sadness - each divorce is unique because every relationship is unique.

In Illinois, it only requires one spouse to file for a divorce. Generally, one cannot object to his or her spouse filing for divorce and cannot stop or impede the divorce process. In other words, it does not take “two to tango.”

This “one sided” concept of divorce reveals its own emotional response; that of *empathy*. While oftentimes empathy is positive and demonstrates compassion, in a divorce it can be detrimental and disruptive. For example, an unfaithful spouse may feel like he or she wants to “make-up” for his or her wrongdoing, a spouse who initiated the divorce proceeding might “feel bad” for doing so or the spouse who did not file may feel angry.

Emotions are high during a divorce proceeding. Thus, it is critically important to be educated so that you can recognize emotions like empathy in yourself or in your spouse to best strategize for resolution of your case.

Jill Bajorek, a Licensed Psychotherapist at Encircle Psychological Services¹, shares as follows about the concept of *empathy*:

“Put simply, empathy would be seeing someone hurt and feeling that pain yourself. Someone with a high level of empathy is able to feel someone else’s emotional state *as if it is their own*.

A sense of empathy can often be useful, in friendships, relationships and even business relationships by relating to someone who is upset even if you yourself wouldn’t be upset for the same issue. As therapists, we often employ an empathetic strategy to help relate to our clients.

It can also be a pitfall, however, when those empathic feelings become overwhelming and consuming. Our minds start to react as if those feelings really are ours, and in some cases, it can cause us to drastically align ourselves with someone who is causing *us* pain. It can cause us to neglect our own needs and identity in order to help the other. It’s natural to want to help someone else who is hurting, and if we are on the opposite end, we can start to resent our own self.

When it goes down that path, it can become problematic because we act based on our current feelings when that may not represent how we feel later. We start aligning our thoughts with the other person and forgetting how we initially felt. We are then left with no one to fully speak for ourselves.

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It's important to understand our tendency to be empathic since it is natural. It's not necessarily something we can or should try to stop, but more to be aware that it occurs. It's hard to catch it in the moment because it feels so legitimate, so keeping in mind our needs is crucial. What do you need in your life? What makes the most sense in the long run? What is fair to you? We need to understand our own needs best because ultimately we are the only ones who know ourselves inside and out. Therefore, the responsibility to self-reflect falls completely on us."

Bajorek hits the "nail on the head" on a pervasive dichotomy in the divorce process. Specifically, we see the party who feels they are responsible for breaking the marriage (the unfaithful spouse for example), feels as though they need to "make-up" for their wrongdoing to the other spouse. This "make-up" sometimes comes in the form of an overly generous settlement proposal both financially or as it relates to parenting time or decision making for children. It's almost a form of self-punishment.

On the other side, we see the "wronged" spouse *try* to punish the other due to his or her actions through the divorce process. In these scenarios, we see patterns of contentious litigation about the smallest of issues just to try to harass the other. The proverbial "spend \$10,000 fighting over \$5,000."

With the high emotions of divorce, having the appropriate support system during the divorce process is invaluable – this includes a counselor or therapist.² In representing empathes (and everyone going through the divorce process for that matter), we recommend that he or she has a counselor or therapist in their corner to discuss and protect *their own needs and identity*. The ability to have a clear head will help you be able to think more openly and objectively which is incredibly beneficial when discussing strategy and options with your attorney.

As divorce lawyers, we sometimes joke with our clients "if everyone acted with logic and reason, we would be out of a job." At the end of the day however, it is emotions that drive the divorce proceeding: the level of contention, the length of the process, how much it costs, the acrimony and the like. Understanding different emotions and how they impact a divorce is essential in best preparing for and navigating through the divorce process.

² <http://www.beermannlaw.com/a-strong-team-by-your-side-can-ease-the-stress-of-divorce/>