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Disciplinary Responses to Theology Brief Preview

## **WHEN LOVE DIES**

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Oliver O'Donovan's thought-provoking reflection on the sovereignty of love demonstrates just how many dimensions of love need to be considered. He does not particularly focus on romantic love, or love that finds its fulfilment in marriage; but of course so much of what he writes has application to intimate relationships and marital love.

### **Agapē, Eros and Marital love**

Marital love is of course, dependent both on agapē and eros, and by eros in this context, I am unequivocally referring to sexual desire. Eros is an important element of marital love. In all societies in which coupling occurs other than by parental arrangement, eros is a catalyst that brings people together, creating at least one of the conditions for agapē between women and men. Agapē does not come naturally to human beings. Eros is the fire that burns brightly, attracting people together. It helps to create the conditions for committed mundanity in the ordinary business of family life. There is no eros in cleaning the bathroom or supporting one's spouse when he or she is bedridden with a virus; but eros, while not indispensable, does provide a basis for that marital commitment that is for better for worse, for richer or for poorer, in sickness and in health.

### **Disappointed Love**

Till death us do part? As a family lawyer, I deal in disappointed love, situations where love does not last. As a society, we have adopted many turns of phrase, many euphemisms, many convenient explanations for why love might die. A new trend, perhaps most evident in the United States, is to celebrate breakups as a new stage of life in pursuit of self-fulfilment. [ 1 ] Couples may announce their amicable separation, speaking in such positive language about it that one is left to wonder why on earth they have separated in the first place. [ 2 ]

Such attempts at positivity may be admirable, but we should not be taken in. For the most part, a divorce, particularly when there are children, is accompanied by strong emotions of grief, anger and betrayal. Yes,

there are couples who decide mutually that it is better for them to part ways, and they do so amicably. However, it is not typical. Usually there is a 'leaver' and a 'left'. There is a betrayer and a betrayed. There is an abused and an abuser. In these circumstances, it is not surprising that people feel strong emotions.

Above all, and whatever the reasons for the break-up or the circumstances that provided its catalyst, divorce can involve profound disappointment. Disappointment in the other, to be sure; but also disappointment with God, and disappointment about your goals and expectations for what your life course will be during those happier times when planning a future together.

## **The Loss of both Agapē and Eros**

Divorce is the recognition that there is no longer either agapē or eros in the relationship. So what is left? Often, just the very strong emotions that arise from the ashes – anger, even hatred; wishing the worst for the other person.

For some former couples, the level of conflict is so high that it is hard to see how they came together in the first place. One experienced family court judge in Australia would occasionally ask a witness to describe how he or she fell in love with the former partner. It was a way of gently reminding that person that there was once a strong basis for both agapē and eros.

Unfortunately, divorce is all too often when agapē is displaced by its opposite. A disappointed or betrayed lover may no longer be remotely concerned with self-giving, or forgiveness, or compromise. The question now, asked in the name of 'justice', is how much I can get in the property settlement, or in spousal maintenance, or child support; or how little time I need to allow the other person to see the children.

## **Love One Another as I have Loved You**

What then is the place of Christ's commandment to love one another after both agapē and eros have died? Is there a more or less Christian way to divorce? Does the Christian obligation to love extend beyond the time when a marital relationship is over?

I suggest that in these circumstances, love survives as an obligation long after it has died as a feeling. Or perhaps more accurately, it survives as a series of obligations. First and foremost, it is an obligation to be concerned with the wellbeing of the other for the sake of the children. That requires each to practice at least enough forgiveness and self-control to ensure that the children are protected from the parents' conflicts and to avoid denigrating the other parent to the children. Even in the most painful divorces, some remnant of concern for the wellbeing and interests of the other may need to be rediscovered in order to chart a way for the future in which both of them are able to cooperate in parenting their children.

Secondly, there is an obligation to address losses that result to one party from the role division within the relationship. Marriage has long-term consequences for people's lives financially. Often, an imbalance in the

earning capacity of each of the parties at the end of the relationship reflects the consequences of the role division within that relationship, as one spouse, usually the woman, prioritises family responsibilities for a time over involvement in the workforce, while the other focuses on career. Fogarty J in the Australian case of *Waters and Jurek* [ 3 ] explained:

In most marriages, there is a division of roles, duties and responsibilities between the parties. As part of their union, the parties choose to live in a way which will advance their interests - as individuals and as a partnership ... Post-separation, the party who had assumed the less financially rewarded responsibilities of the marriage is at an immediate disadvantage. Yet that party often cannot simply turn to more financially rewarding activities. Often, opportunities to do so are no longer open, or, if they are, time is required before they can be accessed and acted upon."

Love, then, towards someone for whom love has died, requires that the one who has built up greater income-earning capacity should not walk away, leaving the other with disproportionate financial detriments as a consequence of prioritising home and family.

Third, there is an obligation to love the other sufficiently to maintain the peace of the Christian community. Divorce is not only the end of the marital relationship. Very often it divides church communities as well. It can be extraordinarily difficult for Christians who have been friends with both spouses to continue in relationship with both. Almost inevitably, there is pressure, overt or otherwise, to take sides, to sympathise with the position of one spouse against that of the other, or to be an empathetic listener to only one party. Love for a person for whom love, as a feeling, has been entirely lost, may require magnanimity in order not to promote division within the Christian family.

Jesus called on us to love one another. That call obviously includes, but is not limited to, a spouse and children. When love has died, we need to find a different kind of love, another way of relating. Divorce ends the marriage, but not the family; [ 4 ] and long-term obligations, borne out of that relationship, call us to love even, and perhaps most of all, when it hurts.

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## Endnotes

- [ 1 ] Lara Bazelon, 'Divorce Can Be an Act of Radical Self-Love' New York Times, September 30<sup>th</sup> 2021.
- [ 2 ] See e.g. Nikki DeBartolo & Benjamin Heldfond, *Our Happy Divorce: How Ending Our Marriage Brought Us Closer Together* (Mascot Books, 2019).
- [ 3 ] [1995] FLC 92-635.
- [ 4 ] P. Parkinson, *Family Law and the Indissolubility of Parenthood* (Cambridge UP, 2011).

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