

# *Marriage is a Business Contract,*

## *Part III*

### *When the Marriage Fails*

*They were so much in love, ... It was love at first sight, ... It was a match made in heaven, ... They married and they lived happily ever after...* Love and marriage are wonderful themes that warms our hearts. We can't seem to get enough of love. We love [no pun intended] to immerse ourselves into popular romance novels, movies, plays and love songs. But when the music stops playing and the honeymoon is over, what happens? What happens when the couple stops communicating or sharing of themselves? When the strain of marriage becomes too great, couples file for divorce to terminate the marriage.

If marriage was not a contract, then why do the courts treat divorce as the dissolution of a business relationship? The properties acquired during marriage are divided between the husband and wife. One gets the car and the other gets the house. If only one spouse is working or there is a disparity in earning power, the other spouse may get alimony. If there are children from the marriage, there are child support and custody issues that have to be resolved.

Many marriages fail because the couple doesn't realize that marriage is a business arrangement. Divorce is the legal process to disentangle the marriage business relationship and to dissolve the marriage contract. When the married couple decide to split, the courts will authorize the division of the assets acquired during the marriage. Examples of divorce settlements include Michael Jordan giving his wife \$168 million, and Neil Diamond giving his wife \$150 million, Rupert Murdoch giving his wife \$1.7 billion, and the Beatles' Paul McCarthy giving his 2<sup>nd</sup> wife \$48.6 million.

Although not as common, we are beginning to see more incidents of

women giving their ex-husbands big bucks as part of their divorce settlement. These women include Jessica Simpson, Kirstie Alley, Britney Spears, Reese Witherspoon and Anne Heche.

It may seem unfair to some that the non-income or lesser income earning spouse gets half of everything acquired during marriage, especially when the income producing spouse did all the work and earned all that money through his/her own skills and hard work. Why should the other spouse get half of everything when all he/she did was to be in the right place at the right time, and having the good fortune to be married to the primary income earner?

The answer is because *marriage is a business contract*. When the marriage ends, the business relationship ends. When the couple first got married they mutually agreed to embark on a venture together. This was either expressed or implied. One party would support the other while he/she worked to become a successful artist, doctor, lawyer, professional athletic, etc. The support can come in many forms, including financial, emotional, personal, taking care of the family, etc.

Some argue the unfairness of the situation and suggest that the couple should have signed a prenuptial agreement before getting married to protect their personal assets. A prenuptial is an agreement where one party agrees that everything that belongs to the other party prior to marriage remains that party's separate property during marriage and after the marriage has ended. A prenuptial agreement further reinforces the truth that marriage is a business contract.

Since marriage is a business contract, have you ever openly and honestly discussed the terms of your marriage business arrangement with your spouse? Did you ever say that *"I will quit my career, support you through medical school or law school, raise your children until you are making big bucks, and I want half of everything you make for the rest of your life?"* If not, then when your spouse is finally making big bucks and decides to trade you in for a younger model,

what do you say? That we had married for love?

If you had treated marriage as a business arrangement, then you would have made sure that you understood what you were getting yourself into before getting married. Open communications, understanding and knowledge would lead to healthier marriages and less divorces. We do this in business contracts, so why don't we do this for marriage contracts?

By knowing each other's true intentions for getting married, you begin to understand the dynamics of the marriage contract. You learn what is important to you and what is important to your spouse, and why. This will result in a fuller and more meaningful relationship.

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