

The Perfect Defense-Fabulous for Lawyers, Fatal for Lovers

How does a lawyer craft the perfect defense? He highlights the facts of the case that make his client look innocent and plays down those that make his client look guilty. Just like what we do when we're in an argument with our partner. Now, wait a minute; you may be thinking: Are you saying we act like lawyers when we're talking to our partners? Yes, I am. We all do it. It's human nature. When someone is angry with us, our first instinct is to think, How can I get out of this? How can I show I'm innocent? Presto, a defense is born.

If you've taken a class on communication or been in counseling-and definitely if you've been in my office- then you've been told that this does not work. If you try to make your partner look guilty, then he'll try to make you look guilty, and then you'll have to try harder, and then he'll redouble his efforts, and-well, it's easy to see where you'll end up-in a stalemate.

As true as this is, there's an even more important reason to drop the defense with your beloved and that is intimacy. Closeness, understanding, empathy. The stuff that relationships are made of. The reasons we fall in love to begin with. When you craft the perfect defense, you lose intimacy.

How does this work? Well, in order to make you look innocent, a perfect defense must make you look very reasonable. "I'm not the problem-look how logical everything I did is." You have to ignore those 'imperfect' things you did to contribute to the argument. Actually, you have to ignore anything that doesn't directly support your innocence. Which means that you must simplify your experience.

Instead of expressing yourself in all your glorious human complexity, you hide thoughts and feelings that would help your partner understand you. I'm not saying you are deliberately hiding. It's a reflex. The more you hide, the more your partner will hide. And the more your partner hides, the more you will hide. You wind up understanding much less about each other's real experience. The two of you are now on the road to distance, not intimacy.

Let's take a look at how Sarah and Tim started an argument in lawyer mode, then dropped the defense, and chose intimacy instead.

One Sunday afternoon, Tim walked into the house after a ride on his newly spruced up bicycle.

"What a perfect day for a ride. Sunny, but cool. Now that I've got the handle bars adjusted, the bike is really comfortable. When I get the roof rack, then we can carry all the bikes and you and the kids and I can all go riding together."

"What bike rack?" asked Sarah. "We didn't decide you were getting a bike rack. Why are you suddenly breaking the bank?"

"What do you mean, suddenly? I've been talking about it for three weeks."

"You've been talking about it, but I didn't know you had made a decision. And I didn't AGREE to it. We agreed to buy a new bike for Katie because she really needs to learn to ride. But now you're buying stuff for yourself, and now a roof rack. How much is all this costing?"

"It's exercise, health. It's worth spending money on," said Tim.

"Since when?" asked Sarah. "I thought we were supposed to be on a budget. What happened to paying off our bills before we start buying more toys? I'm still cutting corners everywhere I can."

"We've paid off most of them, and anyway, I'm getting a raise next month. We're out of the woods."

"Well, I didn't get the memo. And I don't think we're quite out of the woods."

"Yes, we are. I thought we agreed on that. I've been talking about the bikes for three weeks and you didn't say anything! Now, suddenly, you're giving me a hard time."

As you can imagine, Sarah's impulse was to 'stick to her story.' And it was a very strong impulse! But she had been working on dropping the defense. So she slowed down and thought for a minute. "Well, yes, I guess you have," she admitted. "But it didn't sink in until I saw you in your bike clothes. I thought, Why does he get a bike? I don't have a bike. I can't even ride because of my back."

"Oh, I see-you're jealous. It's not the money at all!"

"No, I'm not. It IS the money."

"You just said, Why do I get a bike and you don't? You're jealous."

"Oh, OK, I guess I am." They both laughed. "Well it's hard. When we met, I was the cyclist. I got YOU riding and now I'm on the bench, nursing my back."

"But I think it's time you gave it another try," said Tim. "Your back is better and if we got you a decent bike, too, you'd probably be fine."

"Another brand new bike? You're out of control! We can't afford that! It IS about the money. And about being jealous. It's both."

"Well, if you were worried about the money, why didn't you say something?"

"I don't know. I guess I was just preoccupied with work and I didn't really zero in on it until I saw you in your bike clothes. You're right, I should have asked what was going on

sooner. But you could have come to me and said, Let's talk about our budget. Not just everyday announce you're buying something else."

"True."

Did you spot the perfect defenses? Sarah's defense was that Tim had turned into a spendthrift overnight and derailed her heroic efforts to control the family budget. She tried to make herself look innocent by hiding her contribution to this argument, which was that she didn't really listen to Tim or speak up until her jealousy got the better of her. Tim's defense was that he and Sarah had agreed that their financial picture was improving and they could buy the bikes. He hid his contribution to the argument, which was that their conversations had not been nearly that formal or clear.

At the beginning of their argument, Tim and Sarah's defenses had them headed toward a stalemate. Fortunately, they were able to change course. They dropped the defenses and showed each other all of their thoughts and feelings. With this openness came understanding. For the first time, Tim understood how worried Sarah had been about money and how much she had missed being able to ride a bike. Sarah understood how much it meant to Tim to have the whole family riding together-AND to have turned the corner with their finances.

That's intimacy. That's best way to end an argument. And it also happens to be what relationships are all about.

P.S. You may be thinking, Tim and Sarah made it look easy. But it's not easy! You're absolutely right. Next month, we'll look at ideas to help you drop your defense and turn an argument around like Tim and Sarah did.

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Claire Hatch Counseling & Communication
10827 NE 68th Street, Suite C, Kirkland, WA 98033

Claire Hatch, LICSW, is a licensed counselor who specializes in turning marriages around. She works with clients in her Seattle area office and by phone around the world. Claire also gives seminars on how to turn conflict to connection, build a strong marriage, and balance family and work. For more information visit www.clairehatch.com or contact Claire by email claire@clairehatch.com.

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