

Dancing and the Law

by Joseph Shaub, JD

Think of Al Pacino in perfect step with his partner, doing the tango across the ballroom floor in *Scent of a Woman*. Fluid - perfect - each partner anticipating the other's moves and responding with exquisite fit. This "dance" is not just something we do with our legs on the parquet. People do this on an emotional level every day, with partners, families and work colleagues, by repeatedly *complementing* the other's actions with our own symmetric reaction. This is a particularly important dynamic to appreciate in domestic relations, estate planning or any other law that impacts family relations, but it is also prevalent in one's business environment as well.

The simplest expression of this principle is found with the couple. People often describe how they were initially drawn to the other because of some fundamental difference which is appealing or fresh. The quiet person is initially drawn to the outgoing character because their social ease and liveliness "complements" the more sedate style. The extrovert is likewise attracted to the quiet or sensed solidity found in the more introverted person.

A very common dynamic encountered by family law practitioners (and family therapists) is the so-called "overfunctioning/underfunctioning" couple. People usually just slip into these roles. One person tends to cede various tasks to the other who willingly takes them on because they confirm a sense of competence, while allowing the partner to feel cared for. As with all reciprocal personal relationships, in their lightest, most benign forms, they are quite functional and allow people to "fit" together in their intimate personal (or business) relationships. The problem arises if each allows the complementary pattern of interaction to reinforce and amplify each person's behavior. Many of us have heard someone (if not ourselves) complain that the person who used to be so outgoing, entertaining or at ease with others is now a blowhard. The stable, reserved person is boring or withholding. The endearingly cared for person is frustrating in their incompetence and, of course, the higher functioning partner is now over-controlling. In one classic example, we might hear: "You're never home anymore." "I stay away because you complain." Well, I complain because you're never home...." Abigail Trafford in her excellent discussion of the divorce process entitled *Crazy Time* terms this "marital deadlock."

Reciprocal functioning exists in business systems as well. In the well-worn terminology of the legal environment, the "finders" (business-getters) need the "minders" (managers of the business) and both need the "grinders" (legal technicians). Some people may take on more than one role, but in an integrated business environment, peoples' roles tend to become rigid. The problem, as in the personal relationship, is that the tendency toward individual inflexibility may result in people both needing and, at the same time, resenting the skills of the other. Philosophies of compensation for various functions in the organization will give you a clue about how rigid role differentiation can result in conflict within the system. The same is true in our personal relationships as well.

Systems theorists consistently observe that we are often *reactive* in our behavior with those closest to us....and of course, reactivity is almost by definition beyond our conscious awareness. This is why we tend to slip into these dances with one another.

Philip Guerin and his colleagues describe a particularly popular and notorious tango between so-called pursuers and distancers.^[i] They describe the key components of these styles as: Affinity for relationship time (pursuer) vs. affinity for alone time and/or activity together (distancer); expression of affect and of personal thoughts and feelings vs. avoidance of them and fast rhythm, moving through life at extremes of high speed and dead stop vs. slow rhythm, moving through life in a more deliberate fashion. As the authors note, "The impatience of the pursuer provides impetus, and the reliability of the distancer provides staying power to accomplish the shared tasks of the relationships."

They go on to describe an interaction sequence which is all too familiar with many of us. When change or stress enters the couples' life, the pursuer will move toward the distancer, seeking some sort of connectedness and the distancer will move away, seeking a comfortable emotional distance (Step 1). Of course, as the emotional pursuer's need for a comfortable (and comforting) connection are frustrated, he/she will pursue the partner with greater intensity, causing, in turn, the distancer to withdraw further (Step 2). At this point, the pursuer will become frustrated with the effort and stop the pursuit, moving away and often withdrawing. This usually causes the distancer to take a step toward the partner, usually saying something like, "What's wrong?" to which the common response would be, "Nothing." (Step 3) However, the step taken toward the pursuer will often satisfy that person (though marginally) and the response which closes off further communication ("Nothing") satisfies the other's need for distance. This dance is repeated over and over in pursuer/distancer relationships and at the end of Step 3, they have achieved a sort of equilibrium. Guerin, et al. note that the couple is in real trouble if they proceed through two additional steps in which the pursuer, in response to a tremendous build-up of frustration over time, attacks the distancer in response to the "What's wrong?" question and the distancer attacks the pursuer, defending him/herself (Step 4) and then the partners remain at a fixed, hostile distance from each other (Step 5), diverging from the ebb and flow of the repetitive cycle of Steps 1-3.

Oftentimes, the emotional pursuer will resort to stratagems which are idiosyncratic to that couple and push the buttons of the other person, literally driving them into intimate contact. This kind of behavior can range anywhere from pet barbs ("There you go acting just like your mother again.") to more serious moves, such as threatening to divorce someone and take their children away or attempting suicide. Button-pushing behavior is very common with individuals going through divorce, for example, because the person who wants to maintain the bond will be usually be expected to say or do something that will drive their soon-to-be-ex-partner right up the wall...and back into intense emotion contact.

Again, in its less dramatic form, attempts to get a rise out of one's partner are best seen as pleas for closeness or connection. Lawyers are notorious for being emotional distancers. By self-selection, education and training, we dwell very much in our heads and our logical, thinking selves. This is why the pursuer-distancer dance is so familiar, and so poignant, for us lawyers.

In our professional lives, we lawyers have to be alert to the occasions when we are being exploited by our clients as tools to further their own reciprocal step in the ongoing dance, which was gliding across the floor long before we ever came onto the scene. When our clients complain about certain behavior on the part of the opposing party, it is a fair bet that they are only describing one side of a complementary interaction. You *do* need two to tango, after all.
