

“Who would have guessed that the person who gives the best advice about marriage was the guy responsible for getting you out of yours?”

—Judith Newman, *The New York Times Book Review*

HOW TO STAY IN LOVE

JAMES J. SEXTON

With a New Afterword

HOW TO
STAY
IN LOVE

JAMES J. SEXTON, ESQ.

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For Mom, Casey, and Nate “The Great”

She insists she's in love with me—whatever that is. What she means is she prefers the senseless pain we inflict on each other to the pain we would otherwise inflict on ourselves.

—PADDY CHAYEFSKY, *Altered States*

Negotiations and love songs are often mistaken for one and the same.

—PAUL SIMON, “Train in the Distance”

Everything in this book is factual. Names and identifying details have been changed to preserve my license to practice law.

FOREWORD

“What should I do?”

I’ve received so many letters, emails, and messages on social media over the last few months that ask, in essence, some variation of that question. It’s hard to find love but, as most of us know from personal experience, once you find it, it’s even harder to keep it.

When I say “keep” it, I don’t mean actually convincing the other person to stick around. I mean keeping the other person connected to you and yourself connected to them.

It’s relatively easy to stay married. Just don’t get divorced. It’s similarly easy to stay in a committed relationship. Just don’t break up. But that’s not what we all are really searching for.

We fall in love quickly and often effortlessly. Some people see the divorce rate (over 53% in the United States as I type this sentence) and wonder why anyone would ever get married. I’ve always been fascinated, instead, by the re-marriage rate for people who are already divorced (over 80% within five years of their divorce). That tells me something about marriage and about our incredibly strong desire, as human beings, to find deep connection to another person.

Since the hardcover edition of this book was published, hundreds of people have asked me for the secrets to deepening, repairing, or maintaining a fulfilling connection to their romantic partner. From San Francisco to Saudi Arabia, married and unmarried, in heterosexual and same-sex relationships, all have been looking to find a way not simply to stay married (or in a committed relationship), but also to stay happy and fulfilled in that coupling.

It's an odd sensation. To see myself on a television screen with the words "Relationship Expert" under my name. Having helped facilitate the demise of thousands of marriages, I never imagined that "Relationship Expert" would be the role to define me for so many people. The same mouth now spouting advice on how to stay connected and in love has spent countless hours negotiating such issues as whether, for the purposes of visitation, the Thanksgiving holiday should be defined as starting on the Wednesday before Thanksgiving or on the actual morning of the day the turkey gets sliced. This voice has also argued before hundreds of judges, in dozens of jurisdictions, requests for Court orders that contain such novel relief as a prohibition against one party "speaking disparagingly" about the other in the presence of the family dog, and requiring that a soon-to-be-ex-husband not "loan" his wife's Louboutin heels to his near-teenage girlfriend while the divorce is still pending.

I'll remind you I went to law school for this.

But here I am. And when the television screen and the *New York Times Book Review* tell people you're an expert on something, you start getting asked a lot of questions: "What's the secret to forgiving my partner after an affair?" "Can you help me save my marriage?" "Where do you get your pocket squares?" The third is easy to answer ("Usually my wife buys them for me"). The others feel far more important and, as in my legal practice, offering answers is something I won't do recklessly, without giving the topic the careful contemplation it deserves.

While I'm always happy to spit out a pithy aphorism that makes for a good television introduction or a pull quote in a magazine, I won't claim there's

really a “top three things” you can do to stay in love. We crave the simplicity of a quick fix but, ultimately, keeping love alive and thriving is not something all that simple.

The good news: It’s not all that difficult either.

In this book, I’ve tried to decipher, from my experience as a divorce lawyer, what you can learn about keeping things together by watching how they fall apart. I’ve tried to reverse engineer the most common ways we, often unintentionally, sabotage our romantic relationships and lose the plot of the story we were trying to write with our partner. I don’t know how to define intelligence, but I can spot stupid from a mile away. I never claimed to know much about how to make love last, but for two decades I’ve had a ringside seat to watching what makes it disappear.

Love is loaned. It isn’t permanently gifted. We all want more than to not get divorced or not break up. We want, and deserve, to find genuine joy in our connection to our romantic partner and deeper understanding of ourselves in our decision to share our life with another.

We’ve put a man on the moon, built thriving cities and, incredibly, almost impossibly, against insurmountable obstacles, even found time to invent s’mores and Netflix. We can do better or, at least, not so badly at keeping our romantic relationships alive and thriving.

Before publishing this book, I was firmly convinced the ideas I shared would be embraced primarily by people who were married and wanted to stay out of offices like mine. I was surprised and deeply gratified to find that it not only reached that demographic but was also embraced by people in generally happy relationships or starting new relationships, looking to be proactive in how they could maintain their connections. I’ve received numerous emails from people who, after reading the book, have told me they bought a copy for their friend or child as a wedding or engagement gift, saying that they wished someone had told them at the start that it’s easier to stay in love than it is to fall out of love and find your way back.

Staying in love means staying connected: connected to yourself and connected to your partner. This book is my humble attempt to share with

you some practical ways you can maintain that connection and, in doing so, keep (or find) the happiness and love we all are looking for.

JAMES SEXTON

August 12, 2019

INTRODUCTION

Take the Path They Didn't

This is a how-*not*-to book.

How *not* to fuck up a good relationship or marriage.

If you're married, the goal of this book is to keep you out of my office. Better still, the goal is to help you have a marriage in which the idea of coming to my office would only ever be the most momentary of fantasies when your spouse does something boneheaded.

If you're not married, the goal of this book is to keep you from heading toward the mistakes and bad choices that my clients and their romantic partners have made that brought someone like me into their lives.

As a divorce lawyer who has facilitated the demise of more than one thousand unhappy marriages (and counting), I observe the things people typically do to ruin their relationships, to stifle their happiness and that of the person whose well-being they once cared so much about. Year by year, couple by couple, I can't help but take it in. I'm not a therapist, but almost every day at work, women and men describe to me, in total candor and painful detail, all the behaviors that they or their partners engaged in to turn a relationship born of the best intentions into a steaming pile of shit. The miscommunication, the noncommunication, the deluded communication, the self-absorbedness, the changing when stability was called for, the not

changing when evolving was called for ... I've had a ringside seat to countless ruined or doomed-from-the-start relationships.

After two decades of performing this profoundly intimate service for so many ex-spouses-to-be, as well as for people in myriad other relationship permutations (e.g., living together; having a child in common), the sheer bulk of these observations has turned into a wisdom of sorts. Not long ago—about the time my own marriage was dissolving—I started to think that there was practical value in sharing what I had learned; that people in marriages and other romantic relationships who really want things to work in the long term might be at least as well served by the not-to's as by the words of those who claim to know the “secret” of creating a “strong” or “good” relationship, those mystical truths that fill so many magazines and books.¹

Let me say right here: In my practice, I have not gained insight into what makes a relationship “good,” and I won't really opine on the subject. It may be, quite simply, that from where I'm sitting, there appear to be countless ways that something can be good but a finite and more easily identifiable set of ways things go bad. In my professional life, I do not see the good marriages, the great marriages, the solidly pretty okay marriages. The people in those marriages never set foot in my office. I know that—just as an oncologist is aware that not everybody has cancer, though everyone who comes to see him does.

No, everybody is *not* fucking everybody. (Most divorce lawyers adopt this dark worldview pretty quickly.) No, *not* everyone is cheating their spouse out of money or trying to use the kids as leverage to minimize child support obligations. I am guessing—though I believe this is an educated guess—that in the good relationships, the ones I don't see, many of the recommendations I make throughout this book are already in use, resulting in incredibly rewarding, enduring unions. I know this: In twenty years of practice, I have never—not once, not ever—met a person who was cheating on their spouse and who also appeared genuinely in love with that spouse. I have never met a happily married person—not once—who was involved in massive financial

impropriety. If you know you've got something special, you don't out of nowhere start behaving in ways to jeopardize that.

But do you really want insights into love and romance and successful partnership from a divorce lawyer? Yes, and here's why: The therapists and women's magazines and television and radio "experts" (I'm looking at you, Drs. Laura and Phil) who claim to offer the keys to a great relationship have shared them for decades—and somehow my business and that of my colleagues is still booming. If there's a shortcut to the happy marriage, somebody would have found it by now.

Maybe we need a different approach to the challenges of marriage, commitment, long-term happiness, monogamy, and the rest. Because as a species we certainly seem to suck at it. Maybe if we focus on how we break things, we can figure out how to keep them from breaking.

* * *

I did not set out to write a how-not-to book. My original aim was to give a candid, witheringly honest look into the world and perspective of a divorce lawyer, especially the parts of that world that most people don't normally see and hear, much as Anthony Bourdain showed us what being a chef is *really* about. Not the make-believe. I didn't want to hold anything back.

The more I wrote, though, the more I realized that there was utility, not just drama, in the unique view I had of relationships:

- Virtually all the unions I see are damaged beyond repair.
- I have heard the stories of these relationships in their entirety, from promising beginning to unhappy end.
- I am given virtually unprecedented access to even the tiniest details of these stories. (In many ways, I am privy to more of a person's true life than any therapist: I am told what you tell your therapist + your accountant + your best friend + your financial advisor + your parole

officer + your spiritual leader + [if you're a parent] your child's school guidance counselor or shrink.)

- I am tasked with an act of reparation/improvement that demands yet more brutal honesty (if I am to help my client build the best next steps).

I thought, *Why not leverage what I've learned to provide value for the many, many people who will never set foot in an office like mine?* I was motivated to do this for two reasons, the second of which you'll laugh at: One, I'm a realist and, two, I'm a romantic. (I am. I'll explain more in Chapter 1.) A new book emerged, though it still includes just as many of the revealing (and, I hope, entertaining) details of the life of a divorce lawyer.

I have not watered things down. As I just wrote, I'm a realist. Show me a divorce lawyer who is not a realist, and I'll show you someone who is no longer a divorce lawyer.

What I say may sometimes sound pugnacious, nihilistic, perhaps offensive. I believe it takes great courage and hard work to make a relationship last, and to make a good relationship even better. I believe it's preferable to confront what may not be working so that you can make your strong marriage or relationship stronger (or yourself stronger). I believe this is far better than the illusory comfort provided by not confronting issues, pretending there are none, and letting that denial gradually and inevitably drag things down, then trying to yank the relationship back up to where it had been. I believe in living in the real world. A friend once emailed me a clip of an episode of *Real Housewives of Some American City*, and one of the wives, to prove how solid and secure and "divorce-proof" her marriage was, boasted that, "In our house, we don't use the D-word." My honest opinion? That's just fucking stupid. The existence of divorce is out there whether you acknowledge it or not. I may decide we won't "use the C-word" in our house, but it doesn't mean no one's getting cancer.

I'm not so arrogant (some who know me may take issue with that assessment) as to believe that following the advice in this book will turn a bad relationship into a good one. Nor is this book just about steering (more)

clear of divorce. It's about life outlook. It's not so much "I don't want you to divorce me" but "I want you to be happily married to me." Those are two totally different ideas. You're not interested in white-knuckling it through until death does one of you part. You're interested in having the best, most mutually enriching, joy-filled, good-sex-filled life with someone who wants to stay married to you. A marriage that makes you both better people, on a continuing basis. Isn't that what you signed up for, or thought you had?

It's not even about marriage. It's about meaningful connection. That's something I learn over and over and over. Ask most people to name the two top reasons for divorce, and they'll almost always guess correctly: cheating and ruinous money issues. But those are never the reasons for divorce—rather, they're the symptoms of a bad marriage. Lack of meaningful connection and proper attention and enduring affection led to those lapses, not the fact that someone in Accounts Payable happened to be wearing an incredible outfit one day when the weather turned warm. (Damn you, Heather!)

This is a how-not-to. How *not* to stifle your happiness. How *not* to stifle your partner's. How *not* to sabotage the connection that made you want to get into a romantic relationship to begin with. If you think you see occasional contradictions in the advice that follows, you're right. Marriage is full of contradictions. Same with love. Same with life. But there are some basic truths that can't be contradicted, some actions you can absolutely take. The pillars. If I enunciated them in five or six bumper stickers, though, I wouldn't have a book. I'd have five or six crappy bumper stickers.

And you'd still have a relationship that's not as fulfilling as it could be.

My profession has made me pragmatic, but it hasn't taken away my faith in the power of love. If anything, it has shown me how deeply we all yearn for connection and romance. I never set out to learn what makes a relationship strong. But I have witnessed, up close and always personal, what makes it weak. No single raindrop is responsible for the flood. But if you look hard enough, you can reverse engineer, pretty easily, how the flood came, and when the first drops started falling.

Let's try to find, and keep, some clear blue skies.

Chapter 1

WHAT IS THE PROBLEM TO WHICH MARRIAGE IS THE SOLUTION?

If you've thought long and hard about what marriage means, congratulations: You're different from many of my clients. (That may be one reason they're not still married.) I'm forced by professional necessity to think deeply about marriage. I get to analyze it, though in its broken, Humpty-Dumpty-after-the-fall form, from so many angles—the psychological/emotional, the sexual, the financial, the parental, the practical/logistical. If we can stand back for a moment from an institution so rich with powerful associations—many very good, some not so good—it's helpful to recognize that *marriage is a technology*. Like every technology, or tool, it solves certain problems, intentionally, and creates new problems, unintentionally.

What is the problem to which marriage is the solution? Take a minute to think about it. Or three. Is it the problem of being alone? Nope. You can find ways to not be alone without being married, nor does being married solve the problem of loneliness all the time, or for many people, even most of the time.

Does marriage solve the problem of being uncommitted to anyone? No; you can feel committed to people and not be married. You're certainly committed to your children, your biological parents, your coworkers, your religious community, even your softball team (bonus points if it's a softball team associated with your religious community).

What about the problem of not getting enough regular sex? Come on. Sex is everywhere. From Tinder to Grindr, it's in the palm of our hands anytime we want it (no pun intended). And countless married people will tell you that marriage is not, in fact, the solution to the problem of not having a satisfying sex life. Rather, it's often the primary cause. Being married doesn't guarantee a regularly accessible, satisfying sex partner any more than living near a restaurant guarantees being well-fed.

No matter how much you love love, if you want to stay in a marriage or long-term commitment and, more important, if you want to keep it vital, you're strongly advised to acknowledge that the relationship solves certain problems while causing others. What problems does it inadvertently create? Lots of people, including many of my clients, were or are reluctant even to ask this question. Or maybe they asked it but, confronted with the answer, failed to do anything about it.

This appeal to be clinical may seem jarring. After all, marriage is the triumph of faith over reason. That's not just a divorce lawyer talking—I mean, look at the statistics: 56 percent of American marriages end in divorce. (The divorce rate for first marriages is a bit under 50 percent; with each subsequent marriage, the divorce rate increases, hence the over-50-percent total.) Let's say another 5 percent hang on for the kids' sake. (The percentage is considerably higher than that, but let's say 5.) Say another 5 percent hold on for religious reasons. (Eternal damnation is a terrifying, powerful incentive!) Say 2 percent hang in just because the sex is still phenomenal, though nothing else is. We're up to 68 percent of marriages that either end because of unhappiness or continue unhappily. *Two in three*. If I told you that when you walk out the door there's a two in three chance you'll get hit by a falling bowling ball, would you ever leave the house?

Would you at least wear a helmet? In 2010, Toyota discovered a .003 percent failure rate on a vehicle they produced with certain brake pads; the company immediately recalled the vehicle as unsafe. So here's an institution that fails roughly 70 percent of the time, yet remains a legal, wildly popular endeavor and multibillion-dollar-per-year industry, regardless of the massive financial and emotional costs of failure. As a divorce lawyer, you sometimes ask yourself, Is *any* married person happy? Is *anyone* happy in a committed, long-term, nonplatonic relationship? (Yes, they are. I don't want you to think I believe it's an enterprise doomed to fail from the start.) Given a divorce rate of 50-plus percent, meaning the two people strolling down the aisle are "more likely than not" (a legal term) to someday end up in a matrimonial law office, and given that divorce almost always causes profound harm to the parties and their infant issue (kids), *one could reasonably argue that the act of getting married is legally negligent!*

Okay, that's depressing—but it's the preamble. Now for the encouraging part. While divorcing parties are generally not inclined to work at making things better for their partner—often to their own detriment, too—those in decent marriages or relationships *are motivated precisely to do so*. Both parties can and probably will work toward improving and deepening the relationship, so long as they identify what needs improving and they carve a clear path to doing so. Because it's better to stay in love, to stoke existing love, than to slowly fall out of love and try to find it again. The process is something that you control, and that the person you love controls. How great is that? My incredibly astute former office manager, Annmarie, believes that the marriage contract should be renegotiated every seven years. Agree with her or not, the idea shines a light on the need to stay conscious and motivated and excited, on a very regular basis, about this unbelievably important, consuming relationship to which you're committed. I can't count how many times I've heard some version of this sentiment from clients, particularly wives who were cheated on: "But I was perfectly happy with our miserable life!"