



## Jeff Geiger Counters

### Who Says the French Make Great Lovers?

*By: Jeff Geiger. Friday, September 9th, 2011*

While I normally shy away from salacious topics (or I try to), **The Telegraph** reported that a court in France awarded \$14,000 to an ex-wife because her former husband failed to engage in ample sexual relations during their 21 year marriage. Apparently, he was tired and had health problems. The court ruled that "A sexual relationship between husband and wife is the expression of affection they have for each other, and in this case it was absent . . . By getting married, couples agree to sharing their life and this clearly implies they will have sex with each other."

It would have been quite interesting to have been a fly on the wall during testimony and oral argument in the case. As at least one commentator to the story noted, did the wife not have a duty to mitigate her damages?

Putting aside the 9th grade humor with such a story, I am troubled that a court can award money due to a spouse's failure to engage in marital relations. Yet, on the flip side, I can hear my domestic relations attorney friends reminding me that commission of adultery opens the offending spouse to a potentially smaller share of the couple's assets. The bottom line is that it is sad all around.

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