

<http://health.newsvine.com/news/2011/09/07/7654373-husband-must-pay-up-for-sexless-marriage-is-that-a-win#comments>

Husband must pay up for sexless marriage. Is that a win?

by Brian Alexander
msnbc.com , 09/07/2011

It sounds like the opening line of a joke. French wife sues her ex-husband over his refusal to, uh, perform during their marriage. But the widely publicized lack-of-passion lawsuit raises the question: how much is marital sex worth?

The 51-year-old ex-husband was ordered to pay the equivalent of about \$15,000 by a judge in Nice, southern France, for not getting busy in the bedroom with his 47-year-old spouse for the 21 years of their marriage according to the British paper *The Telegraph*. However, suing a spouse (or an ex-spouse) for monetary damages is rare. And success rarer still. In 2004, a Spanish man tried it when his wife shut him out for 5 days and a judge tossed the case.

Even so, sex -- or rather than absence of sex -- finds its way into lawsuits all the time.

In the U.S., denial of sex is not usually spelled out in divorce codes although “mental cruelty” fits the bill. Oklahoma has a provision for “gross neglect of duty”. In some states, plaintiffs can charge the defendant spouse with “impotence” and collect settlements. Other states specify that the impotence had to have been present before the marriage -- a provision that harkens back to the days when people pretended not to have had sex before the wedding day.

More often, third parties are sued for causing “loss of consortium”. That does not always mean just sex. It could mean hubby can no longer mow the lawn. But generally that’s just a nice way of saying a spouse longer performs up to par (or at all).

In New York State, a wife sued a local town after her husband shattered his elbow tripping on a damaged sidewalk. She won \$85,000 for loss of consortium. Which sort of makes you wonder just how integral his elbow was to their “consortium”.

And of course, there is the old “alienation of affection” lawsuit against a third party such as a mistress. If a husband or wife stops having sex with the spouse because he-or-she is all worn out from lunchtime at the Motel 6, the spouse might collect loss of consortium damages from the paramour.

A big tobacco company was even sued for loss of consortium. In 1997, an Indiana woman named Norma Doerner sued Swisher International because her husband had smoked the company’s cigars and got tongue cancer. He eventually died of it and she sued. She lost the case, mainly because she had divorced him 6 years earlier.

Exactly why the French fellow stopped having sex with his wife for over 2 decades remains unexplained. But the judge only valued his services at about \$714 per year. So maybe his wife wasn't missing much.

Reader Comments

1. jiminyjiminy / Sep 7, 2011 4:52 PM EDT

Possibly porn-induced erectile dysfunction?? Google it! Though we can only speculate....

1a. dysphoria / Sep 7, 2011 7:07 PM EDT

I was wondering if the poor woman found out she was a "beard" for someone who was in the closet. That would be pretty devastating. Enough to sue over, perhaps?

1b. jiminyjiminy / Sep 7, 2011 8:23 PM EDT

Not sure I'd sue at all for this; would try to "fix" the problem if I could. Hurt people do things though, right or wrong. If he was in the closet, it's a shame there wasn't enough love there for him to be who he was. Wouldn't be able to stay married to him but an amicable split would have been good. If he had medical issues, then she absolutely shouldn't have sued. "In sickness and in health", right? Though perhaps they could've/should've discussed other options to fill her sexual needs?? Maybe?

1c. Fake media propaganda rebuttal / Sep 8, 2011 9:57 AM EDT

Didn't take no time for a bunch of (women most likely) to accuse him of being gay. This idiotic falsehood perpetuated by every single woman against every single man that has any issues in the bedroom at any time is complete horse-shit!

Women get trained in their teens to think men always have hard-ons. And if they don't, then they are gay or something is very wrong with them or they are sick or over 65. That is HORSE-SHIT!

Men 13-to-23 can think a hard-on in 10 seconds on a 747 crashing into the ocean. This ability decreases DRAMATICALLY every 5 years after this age. In his mid-30s, it really changes and again it gets worse in his 40s and the 50s again. Men who brag that they are the same as they were when they were young is an complete lie even though 90% of men will scream this is not the case with them.

The equipment is in PEAK performance at those young ages and women WRONGLY base their judgments of men's equipment in their 30s-40s based on their experience with men in their younger days (i.e., teens and 20s). Not to say that some men do very well in their 30s and 40s. But even so, it is NOT the same as when they were 18 (not even close).

If men blame women's sexual issues on being lesbians every time they failed to orgasm or enjoy sex with them, how many gay women would there be? Fact is that

women just need K-Y jelly to perform and men can ignore their issues and get what they need and just try to sympathize/empathize with their women's sex problem.

On the other hand, men that have sex issues/stress (mental) issues/health issues cannot easily get a hard-on. (Pharmaceuticals do get them one. But the QUALITY is nowhere CLOSE to a spontaneous REAL erection. It feels like it does for a women who is not in to sex and has to use K-Y). It is 100% noticeable to women because men cannot FAKE that. What if a woman's unit closed up and was very painful? Very NOTICEABLE unless they were working in perfect order. Then there would be 65% lesbians then.

Men lose their performance sexually BIG TIME as they age. They do not talk about this to ANYBODY and, in fact, 98% of men LIE constantly about anything that has to do with their sexual prowess and abilities even when they are 65-85 years old. They brag and lie if the topic ever comes up almost predictably 100% of the time. NO MAN ADMITS he has any issues with sexual performance EVER. And they do everything humanly possible to HIDE it from their women and everyone else including their DOCTORS!

So for all you women that claim that every man that has not shown you interest (or been able to perform as you THOUGHT he should WHEN you thought he should) is gay, you are 90-95% of the time WRONG. If that is the only reason you are making that assumption (e.g., no other real substantial as in actually catching him pursuing live men and actually having gay relations) proof.

This is a public service announcement for any men who have been accused of being gay when they are NOT. Which is a hell of a lot of men.

2. GimDan / Sep 7, 2011 4:53 PM EDT

Well, cost really comes back to how much does a women actual usage rather than a man's worth to her. Most men are willing to throw down at the slightest of hints married or not whereas women statistically point to sex decreases after marriage.

3. chuckzul / Sep 7, 2011 5:00 PM EDT

If men were to successfully prosecute this in the U.S., there would be a lot of male millionaires running around.

3a. Toosano / Sep 7, 2011 5:24 PM EDT

That is true!

3b. node4 / Sep 7, 2011 6:45 PM EDT

There's not enough cash that's ever been printed to cover that bill.

3c. affable100 / Sep 8, 2011 12:32 AM EDT

I'd be one of them...

4. Kevin C-752389 / Sep 7, 2011 5:00 PM EDT

Can we men start suing women because they put on weight after marriage and become disgusting so we don't want to touch them?

Of course not. It is absurd as is the original case. Also, why did she stay 21 years with no sex if it was so important to her?

4a. jiminyjiminy / Sep 7, 2011 5:16 PM EDT

Can our wives do the same? We tend to get fatter AND lose our hair and they're supposed to still want us.

4b. AuroraF1 / Sep 8, 2011 2:34 AM EDT

I'm amazed that any Americans are breeding at all these days. American sex is like 2 massive nasty hippopotamuses trying to hook up. Why would either participant want to engage? No wonder that porn is so popular.

4c. Ru-780672 / Sep 8, 2011 3:34 AM EDT

Yes, I'm sure that Kevin is quite the fatty (who thinks squatting on his greasy sofa as having a life) complaining about his wife being 10 lbs heavier than when he married her.

4d. Kevin C-752389 / Sep 8, 2011 9:00 AM EDT

Ru-780672 --

First, clearly you missed the point. I was talking about the absurd.

Second, I am not married (but SHE did get fat after we divorced).

And third, I am not overweight. So sorry, you lose.

4e. Ru-780672 / Sep 8, 2011 9:08 AM EDT

No, I don't "lose" anything. But I did miss your absurd point - my bad. :)

4f. Miker-3057253 / Sep 8, 2011 9:21 AM EDT

Frankly, even at my best, I'm still baffled as to why women would ever find men attractive.

5. juliop / Sep 7, 2011 5:02 PM EDT

And they say the French are more sexy?

6. Hot-in-Miami / Sep 7, 2011 5:04 PM EDT

Maybe he was cheating on her. If he wasn't willing to give her sex and had no (medical) reason whatsoever (and unless he had a medical condition, chances are high that he IS getting sex somewhere), she should have either divorced him or spoken to him about having an open marriage.

7. tsapience / Sep 7, 2011 5:16 PM EDT

How has no one mentioned the idea of consent? Even though it is expected that married couples will have sex, marriage is not legally tantamount to forfeiting the right to consent or not consent to sex at any given time. That's why, in modern times, we have come to recognize that marital rape is still rape.

Allowing someone to sue another for withholding sex flies in the face of the very important principle that an individual should not be compelled to have sex against his or her will and that consent to sex can be revoked at any time if someone is no longer willing. Would we be so amused if a man sued his wife for not putting out? It doesn't matter what we think of someone's choice to have sex or not. Sometimes people don't want sex and that's a personal choice.

7a. node4 / Sep 7, 2011 7:00 PM EDT

When an (ex)spouse pursues this kind of action, it seems to me that they don't care about the money but feel the need to hurt someone back for something that meant a great deal to them. That appears to be the case here and I don't begrudge her for doing so. In my opinion, she's perfectly justified. Same for any man in a similar situation. Just my 2-cents worth.

7b. Peel-Layer / Sep 8, 2011 12:34 AM EDT

tsapience --

If they don't plan on having sex then don't plan on getting married because it will cause further issues.

If there is no medical condition and you are married then, as a woman it is your job to make sure your husband is well taken care of. Otherwise if you don't care about his feelings, there are other woman out there.

Marriage isn't all about sex. But it is a big part of it.

I don't know why this country pays for divorces!

7c. saddened-1829725 / Sep 8, 2011 9:53 AM EDT

This case is clearly not about a medical condition. This case is clearly not about one party "having a headache" every now and again. This case is not about freezing out a spouse for a few days, weeks, or even months because they've done something that makes the other spouse not want to touch them for a while. And this case in no way has application toward the status of marital rape for anyone with an ounce of common sense.

If indeed, for 2 decades (that's 20+ years), he refused to have relations with his wife and did not take steps toward freeing her from the marriage, then there is a serious issue there and a breach of contract (as unsavory as it is to think of marriage that way). There is no doubt that 'No' means 'No' in the marital bed as elsewhere. But this was taken to such an extreme that it is a different situation altogether. It is not about forcing a spouse to have relations against their will. It is about failing to fulfill the terms of a marriage contract for a very, very long time. Maybe he had a good reason. Maybe she shouldn't have won. I don't know. I'm not trying to debate the merits of the case. I do, however, feel that equating it with rape is going too far beyond the bounds of this particular case.

Peel-Layer, your sexism is showing. It is not a "woman's job" to make sure her husband is taken care of. How 1950s of you! It is no less a man's job to see that his wife is taken care of (whatever that means to her). Sometimes, that means respecting her desires or lack thereof occasionally. But again, such situations have no bearing on this 20+ year refusal. Different situation.

And for all you guys posting on here about how unfair this is, if the roles were reversed and the woman had to pay up, I've no doubt you'd all be crowing about how the bitch got what she deserved.

8. Toosano / Sep 7, 2011 5:27 PM EDT

I'm curious what this woman looks like. I mean, is she a "mirror breaker"? Do you have to put Vicks VaporRub under your nose to get close or roll her in flour to find the ... Uh, sorry. Getting carried away here. Lol.

There has to be more to this than meets the eye.

9. Don from Mo / Sep 7, 2011 6:05 PM EDT

Interesting that the judge found in her favor. But then when he put the value as barely over \$700 per year (less than \$2 per day), the judge was providing his perspective on what sex

between them was worth. And it's even less than that if he factored in cost of living adjustments over the last 21 years!

9a. BarbaraB-810840 / Sep 8, 2011 8:37 AM EDT

Wish I would have come up with that one. Worthless attorney. Worthless husband.

10. Carmen-1965629 / Sep 7, 2011 6:08 PM EDT

This is an old story. He had health problems.

It's really about breach of contract for either sex. Sex is the fundamental part of the marriage contract.

Mistresses are acceptable in France and work well when the female spouse doesn't want sex but wants to stay married. It's costly, however, for the man.

No, a spouse cannot be forced into having sex. But the spouse should have no reasonable expectation that the other's needs will cease to exist and not have those needs provided elsewhere.

10a. Miker-3057253 / Sep 8, 2011 9:26 AM EDT

> "It's really about breach of contract for either sex. Sex is the fundamental part of the marriage contract."

Yeah? That should result in some more interesting case law. Like, what is the common law standard of performance? Once a day? Once a week? Is there an orgasm percentage requirement? Do faked orgasms count? For that matter, must the orgasm be caused by penetration? If so, where?

I really really don't think the Law is going to look at this as a contract issue. And I really, really don't think most of us would want them to do so.

11. j-681078 / Sep 7, 2011 6:24 PM EDT

Did the guy seek out some help from a professional?

If so, he did his best and she ought to be forgiving.

12. dbett-855362 / Sep 7, 2011 7:17 PM EDT

Loss of consortium usually has little if anything to do with inability to have sex. At least the evidence presented in your run-of-the-mill PI case where the claim is made focuses MUCH more on the loss of non-sexual services.

13. SW Florida Registered Independent / Wed Sep 7, 2011 8:13 PM EDT

It's a regular occurrence after marriage. Then after the sex life ends, it's just an interminable period waiting for the sweet release of Death.

13a. Ru-780672 / Sep 8, 2011 3:37 AM EDT

Only if you married for a reason other than love.

14. Tabi1966 / Sep 7, 2011 9:01 PM EDT

Funny, I divorced my 1st husband because sex wasn't a priority to him AFTER he married me. I stayed a size 2-4 almost the whole marriage with a very brief jump to 6 and back down. I made his breakfast every day, fresh lunch, held a fulltime job, and & cooked when I got home. I also kept the place clean. He started dropping off then by our last year zippo, nada! 1-yr celibate not by my choice.

I tried Drs, therapists, U-name-it. Finally I asked for a divorce. I loved the guy to death. He was my best friend and now he's with a women 3-4 times my size. Found out what was wrong with him from a T.V frickin show. Says he went to a Dr. and now he's all better.

If anyone deserved a settlement, it's me! I was without sex for OVER a yr (I don't cheat) and he gets fixed for a size-16? Talk about destroying one's self confidence!

14a. Jon-2730330 / Sep 8, 2011 1:49 AM EDT

Tabi1966 --

Sorry to hear about this. Do you mind sharing what his problem was? Sounds rather odd to say the least.

14b. Tabi1966 / Sep 8, 2011 4:02 AM EDT

Hey Jon. No, after 20 yrs of friendship before-and-after the divorce, he dropped it on me. He lives in another state with his lady and we would talk every few months. I called him one day to say "hey" and he sounded kind of distant and cold. Very unlike him. I asked him how things are going and that kinda stuff. He drops on me that he was watching an episode of Dr. Oz and the topic was about problems like his (i.e., no interest in sex at all). So he said he saw the Dr. and "flipped the switch that didn't work" ???? (not a pill I asked) Nothing else. Then says "I've moved on".

I was clueless. The person that always was my buddy said "see ya". No reason and no explanation on why I went without. But now he's fixed. Sorry, but for the time I put into that relationship without bitching, I felt I was due an answer.

So I am sorry "flip of the switch" is all I have as info.

14c. redmoth / Thu Sep 8, 2011 6:20 AM EDT

I think it's very sad you would divorce your "best friend" because he was unable to have sex. Can't you be creative or deal with your "needs" on your own? There are way more important things in a marriage. There are also more important things than being a size-4 such as commitment and real love. That's probably what he's found with his new mate. The size she wears is irrelevant. The fact that she loves him and wants to be with him just as he is is what's important.

15. laughingatyourhair / Sep 7, 2011 9:49 PM EDT

I think the guy got rid of her on the cheap! Wow, wish my ex had only cost me the same, NOT.

16. Jonathan Reid-1158169 / Sep 7, 2011 9:57 PM EDT

Al Bundy? Is that you?

16a. node4 / Sep 7, 2011 10:16 PM EDT

Forget it, Peg. I checked the calendar and it's not our anniversary. So we're not going upstairs.

16b. BarbaraB-810840 / Thu Sep 8, 2011 8:43 AM EDT

That "Married With Children" show had some classic lines.

17. Stillwitty / Sep 7, 2011 11:20 PM EDT

Hey, I'm all about "personal choice". But dude -- Nobody has a Headache for 21 YEARS!!!

18. Charlie-1956511 / Sep 8, 2011 12:32 AM EDT

Maybe she was fat. Oops, I'm sorry. Is that politically correct? I remember when I was a skinny, zit-faced kid in school. No girl wanted me. But nobody has a problem with that. Now, if a woman is FAT? Guys are supposed to want them anyway.

Or what if she's fucking crazy out of her mind with meanness, ridiculing the guy to the point where she'd ultimately sue him for \$15,000 after calling him "limp dick" for 21 years? After all, a guy's ding-a-ling DOES have a mind of its own and it doesn't like to be criticized. So shouldn't she be suing his Johnson? "Uh, yes Your Honor. I could've made X amount of dollars hooking on the street corner for those 21 years and I feel I'm owed my back pay."

I mean come on! Money for no sex? Isn't that prostitution? I will be so glad when the bombs start falling.

18a. Miker-3057253 / Sep 8, 2011 9:29 AM EDT

That's what I was thinking. This woman basically went to court to have herself officially declared a 'whore'.

19. Domewars / Sep 8, 2011 5:25 AM EDT

Did anyone consider the fact she might be butt-ugly, have poor hygiene, etc. No offence, lady. But if it's a problem, you DIVORCE the man -- you don't sue him. And what dumbass sided with her?

19a. BarbaraB-810840 / Sep 8, 2011 9:05 AM EDT

I'm sure he would have known that BEFORE he married her. The Judge isn't stupid!

20. redmoth / Sep 8, 2011 6:22 AM EDT

No one should be allowed to sue their spouse for this after the fact. What a ridiculous case. It should have been thrown out of court for sure! Either you accept what your spouse is able (or willing) to give or you get a divorce and move on. But suing them over it is wrong.

21. oldtincan / Sep 8, 2011 7:28 AM EDT

When I was a younger man, there weren't a lot of males who could keep up with me in the sex department. After I got married, I never ran around on my now ex-wife. When the mood was right, I performed right up to par. Then I noticed that there were other things in life that I wanted to learn such as the Civil War, baseball games, music, archeology, reading the Bible, etc!

Now I know that sex is a part of life. But the media overplays it to the extent of brainwashing people as to where being a decent family or human being is now being shunned as a boring way to live if people don't think about it 24/7! Perhaps this is why I've noticed that a lot of single and married people have gotten rid of their tvs. I am considering doing away with mine.

Hollywood is trying to turn our whole nation into a nation of perverts! You can't hardly find any decent shows that doesn't include sex to the point that what purpose is watching tv period! I haven't given into what Hollywood thinks they can persuade me to do. I am my own man and don't try to tell me that something I know is perverted is okay because I am not a weak-minded individual and I know what is right from wrong.

Before long, Hollywood will (and has already tried to) make it seem okay for an adult to have sex with underage girls and guys! I'll just stick to my John Wayne movies and feel good about what I have viewed!

21a. Miker-3057253 / Sep 8, 2011 9:34 AM EDT

Excellent point! It's to the point where I can hardly allow my kids to watch TV at all. And I'm pretty tired of it myself. Even "prime time" shows seem centered on sex. (The latest Fran Drescher show was pretty much the last straw. We don't even watch network TV any more.) Sex is great. But there are lots of other things in life.

22. T. Fargo / Sep 8, 2011 7:33 AM EDT

The "For better or worse" defense didn't work? What a shame. If it's a man not getting any, well he wouldn't get anything.

23. Willow Sunstar / Sep 8, 2011 7:59 AM EDT

What about those couples where one partner has a medical condition that doesn't allow for sex? Clearly this particular judge didn't think about the precedent he would set.

23a. BarbaraB-810840 / Sep 8, 2011 9:03 AM EDT

Get real!!

24. Mark440 / Sep 8, 2011 8:47 AM EDT

And so it is true. ~~Love~~ Sex and Money make the world go round. This is just one fucking thing after another.