

Separating Well

A common experience of negotiation for couples who are separating, is for both parties to become caught up in a 'race to arms' or 'race to the bottom'. This can be tragic, given the love and goodwill that likely previously existed in the relationship, and also given the possible effects of the disharmony on others, especially children. On many occasions I've seen well-intentioned people who value harmony and fairness lose sight of these once the relationship formally ends. Common factors reinforcing this may include unresolved emotional pain on both sides as well as negative influences from friends, family members or professionals such as lawyers and accountants who claim to have your best interests in mind. Remember, each advisor, including a counsellor or mediator, has his or her own biases, formed from their own relationship experiences. These influences may or may not lead them to encourage mature, dignified, sensible and pro-social behaviour. Consult widely if necessary, but it is advisable to take all advice with a grain of salt and be guided first and foremost by your own values.

When considering the right course of action during separation, a useful distinction can be made between outcome and process goals. For example, becoming overly fixated on outcomes such as winning the family car or having maximum access to the kids, can damage your long-term relationship with the other party and actually hurt all involved. Is the potential gain you are seeking worth the collateral damage to the long-term relationship? Consider your process goals. My observation is that people are as likely to remember their experience of the process of negotiation – for example, how they were treated, as well as how they treated the other – as they are the details of what was won or lost.

Be guided by your principles or values. Irrespective of the other person's behaviour and possible motivations, attempt to influence them in a positive way by modeling good behaviour. For example, avoid swearing, name-calling, or unnecessary criticism. Another common and more subtle unhelpful behaviour is for people to start communicating in an overly formal manner, using officious, legal or professional language which can be unnecessarily provocative and dehumanizing. For example, "I formally request that from this date onwards you would address all your enquiries regarding the children's education directly to their teacher". Rather than, "It's good that you want to get more involved at the kids' school, but I'd rather you called their teacher yourself from now on, as that way you'll get a clearer idea about what's going on." If you do not want the other person to react defensively, ask yourself how your choice of language may provoke the other person's insecurities or sensitivities. With the right use of language and tone, it is possible to be assertive without being rude.

Ultimately, the way you manage the process of negotiation should be determined by your long-term relationship goals. It is therefore worthwhile clarifying your best-case relationship scenario with the other person. If your goal is to have zero contact permanently, because the other person is continually abusive, or likely to predominantly be a negative influence in your life then perhaps you should consider having no direct contact during the negotiation process itself and using a third party such as a solicitor for this. If your goal is to have a civil and formal co-parenting relationship then negotiations should be calm, mature and child-focused. If your goal is to have a close ongoing relationship then encourage the direct, open and friendly tone that you hope to maintain into the future.