

Viewpoint – A Center Newsletter

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DIVORCE AND THE ARGUMENT CULTURE: Thoughts on Mitigating Harm¹

GEORGE: "Nobody dares to solve the problem because the solution might contradict your philosophy and for most people clinging to beliefs is more important than succeeding in the work."

State of Fear - Michael Crichton

Socio-linguist, Debra Tannen's 1998 audiobook entitled "The Argument Culture: Moving from Debate to Dialogue" advances the premise that the United States culture has become one of an unrelenting battle of opinions. She termed this unending battle the Argument Culture (AC). Dr. Tannen describes a pervasive, warlike atmosphere where dialogue is viewed as a fight. Our prevailing belief is that conflict is best resolved by approaching any issue in an adversarial manner.

A polarized opinion atmosphere, rather than an environment where dialogue leads to increased understanding and solutions, seems to dominate our culture. In the AC we assume opposition instead of common ground. We view arriving at the truth as a debate where there are only two sides. Our culture prefers to set up a fight rather than to view truth as a crystal with many sides. Dr. Tannen believes we often miss the *complex middle* when having AC disputes. Our culture sorely needs to foster more constructive ways to settle disputes and divorcing families surely need our help in doing the same.

Dr. Tannen describes our knee-jerk response to conflict as "agonism", from the Greek word, *agonia* or "contest". She states that all too often we take an automatic, competitive stance towards disagreement. The media driven response is to set up a debate. Agonism is also evident in the "programmed contentiousness" rampant in our cultural language today. In an argument, "we are not trying to understand". Instead of looking for understanding, "we are looking for what is wrong or weak about a person's argument".

Given that our "metaphorical framework" is to view disputes as battles, we use the language of battle and war for many activities, such as sports events, elections and disagreements over parenting. We set up artificial competitions for art forms and disciplines such as ballet and gymnastics. But not all human activity is competition based. Activities such as ballet and gymnastics are more appropriately viewed as celebrations of human movement and artistic

¹ William G. Austin, Ph.D. (1/2005) introduced the term "harm mitigation" in a personal communication concerning relocation.

expression. Unfortunately over competition and the use of military metaphor is common. The AC “who won” attitude effects our view of divorcing families and parents who struggle with how to create a future for their children.

Language also matters in Dr. Tannen’s view of the AC. “When we are using language, language is using us”, Dr. Tannen adds. Language molds our ways of thinking about problems. When accusations become a part of divorce proceedings, our focus shifts to who is right, rather than thinking about what brought about the accusations and what we can do to improve the family’s overall functioning. Our “warrior mentality” creates a loss of intellectual curiosity about the family’s emotional makeup. We loose our ability to appreciate how a divorce reverberates through an extended family social system. The debate mentality, the “who won” stance, focuses on performance² as opposed to assessing the significance and deeper meaning of words and actions.

Dr. Tannen is clear that there are times when people need to fight. There are occasions when we must take a stance against evil or wrong doing. However, the language of evil, good/bad, right/wrong pervades our culture so much so that we are easily goaded into finding ways to criticize others needlessly. According to Dr. Tannen, “when opposition becomes the overwhelming model, the AC damages us”. Given the AC, we tend to polarize viewpoints into opposites.

Take for example the cultural debate on abortion. In many societies abortion is viewed in more complex terms. Many post industrial societies allow for abortion but set conditions on second and third term abortions, where concerns about sentience and viability resonate with most people. American society, however, has divided the abortion issue into a winner take all proposition. Either you have a pro-choice or pro-life point of view. These “global identifiers” do not leave much room for the *complex middle* where we could arrive at a solution to the abortion issue similar to other advanced nations (Gorney 2004).

In divorce disputes, polarizing terminology and accusation frequently force parents into armed camps. Family members and friends join parents in the fight. But “tribal warfare” often does enormous damage to children, forcing them to choose not only between one parent and the other but between one side of their family to the detriment of their emotional bonds with the other side.

² There are several websites devoted to teaching divorce clients proper behavior during investigations, evaluations and psychological assessments.

In such an environment, the notion of compromise is lost. In the early to mid 1800's Congressman and later Senator Henry Clay (Kentucky) became known as "the Great Compromiser" for his ability to quell sectional rivalry with encompassing plans (The Missouri Compromise [1820] and The Compromise of 1850). Today being labeled a compromiser is likely to be viewed as a weakness in the political realm or in the emotional climate of a contested divorce.

When divorcing parents focus on conflict, they fail to pay attention to sufficient and family-specific details which are necessary to consider in an appropriate and functional post-divorce parenting plan. They lose sight of the joint exploration needed to position the family for its undefined future. Providing insight into how a family may arrive at a workable parenting plan can be de-emphasized when evaluators are trying to find who is at fault or, more specifically, which parent is responsible for aggressive behavior which causes a child to behave in oppositional ways.

In a sense accusatory language in divorce proceedings functions the same as a "wedge issues" in the political realm. Wedge issues, like gay marriage or when to stop tube feeding brain injured patients, are "hot buttons" which force people to one side of endless debates. They distract from other problems our society needs to deal with, such as the mounting federal deficit and the enormous weight of fiscal responsibility our shortsighted generation is placing on our children. In divorce disputes overstating accusations is the AC consequence of parents positioning themselves for a favorable outcome. But such behavior gets in the way of the development of a more realistic, inclusive picture of changing family life. In short, parents lose the desire for and ability to create open dialogue about how the children will live day to day in a post-divorce environment.

Our adversarial system, and the zealous representation which is an outgrowth of that system, employs a wholly different strategy than arriving at the truth through scientific inquiry. Legal maneuvers to exclude evidence on technical grounds are not the same as the employment of systematic, multimodal procedures designed to confirm or disconfirm certain ideas about a family. Recent professional writing on parental alienation, for example, advances the view that in such cases some children internalize the adversarial system itself. In effect, the child's refusal to see a parent is a manifestation of a winner takes all system, which the AC advances.

Based on the AC summary described herein and its implications for divorcing families, the following suggestions are in order:

- 1. The Complex Middle**

Divorcing and divorced families must be understood in all of their richness. Angry parents often describe the other parent in pejorative terms, using one dimensional language. They leave out or de-emphasize the opposing parent's likely skills as a parent and adult. Simply describing a parent as inadequate labels them globally and restricts a family's view of itself as a dynamic and changing emotional system, which includes individual shortcomings.

Accusations in divorce families often function as an exclusory device, keeping us from acknowledging each parent's capacity to parent. Evaluators, attorneys, and judges would do well to fully appreciate the complexity of family systems. Judges should look for investigators and evaluators whose opinions and recommendations offer a full description of each parent's capacity, as well as their specific failings. SA and APR recommendations should point the family in a direction which anticipates the future growth and development of children.

If investigative evidence clearly reveals egregious parent behavior, specific remedial recommendations should flow from that finding. In many other divorcing families, however, competing viewpoints calcify the denigration of one or both parents, setting the stage for alienation process or entrenched conflict. Understanding a family and its complexity requires great skill and attention to detail. Translating such complexity into a realistic family plan gets lost when investigators restrict their focus to fixing blame.

2. Good Enough Parenting

The notion of "good enough" parenting is an old concept. Psychologists have used it for many years to describe reasonable caregiving skills, which allow a child to grow into an adult. Too often in our AC culture as it relates to divorce, evaluators hold parents of divorce to a higher standard than they hold their own family. For example, the notion that a parent yells at a child, while certainly not the best of parenting characteristics, need not necessarily mean that a parent is devoid of other parenting skills in caring for and loving their children.

"Good enough" parenting must be understood within the context of both divorce and personality functioning. Each adult has their shortcomings and strengths. Reports from SA investigators or APR evaluators should include a proper understanding of what each parent has contributed to the child's life even when there are difficulties. A report should suggest avenues for parent improvement when there are concerns about parenting. Continued access to a child should be assumed unless concerns about a parent are egregious.

3. Movement to Dialogue Over Opposition

The overall function of SA investigations and APR evaluations is to provide the courts with necessary data so the court can make an informed decision. Parent controversy and parental capacity are important considerations when setting up a parenting plan. But evaluators also have the responsibility to chart a path for a divorcing or conflict-entrenched family, which describes how they can contain future disputes. They should provide the parents with defined opportunities which encourage the development of respectful communication and conflict contained cooperation.

When mental health professionals, lawyers and judges are no longer involved with a family, that family is often left without a proper road map to healthy and improved functioning. Their rage often produces spurious lawsuits, appeals, grievances, and needlessly externalized blame. Our system must find a better way of reaching these parents and teaching them that conflict needs to be attenuated at some point. They must learn the language of dialogue and give up the AC dominated endless debate. They must learn give and take.

4. **Little People**

A child's long term adjustment to a changed family system is our primary concern with divorce families. Often parenting plans are crafted with the parent's issues and preferences in mind. We forget that children must negotiate the schedules we set forth. Moving back and forth between two homes is not easy even in the best of circumstances. Children can and should make this adjustment in circumstances that are free of contention and bitterness.

The AC and today's wedge issue dominated politics of distraction will not benefit children if the larger issues of getting along and creating a functional two-family-system get lost. Prescriptive answers are not a solution. Defining parenting as "equal" on an *a priori* basis is usually done for politically expedient purposes.

Family-specific parenting plans must take into account a rich social and emotional environment. Plans should be modified as children grow and their needs change. A primary goal should be the maintenance of relationships between each child and each parent whenever possible. There are many ways to accomplish these tasks. It is incumbent on those of us who work with divorce families to lend our expertise to this endeavor.

"It's not always rainbows and butterflies, its compromise,
it moves us along".

She Will Be Loved - Maroon 5

References

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