

# Divorce Conflict Information Booklet Series<sup>1</sup>

## Section One: Understanding the Problem

### Introduction

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This introduces our twelve-part *Divorce Conflict Information Series*, six dealing with understanding the problem and six dealing with planning the solutions.

We are also the authors of two books meant for professionals: *Game Theory and the Transformation of Family Law* and *Winning Strategies in Negotiation and Mediation*. Both books are available at [unhookedmedia.com](http://unhookedmedia.com), where your authors define in great detail a non-competitive approach to negotiations and mediation processes aimed at optimizing long-term outcomes for both parties, and when children are involved, for the children. We also authored two books for the general population: *The Road to Successful Marriage is Unpaved: Seven Skills for Making Marriage Work* (available at most book sellers) and *Planning a Sensible Divorce* (in publication).

**The key to understanding divorce conflict is understanding marital conflict, and the key here is in understanding the challenge of resolving differences and disagreements.**

When people marry, they establish four types of relationships, all of which can be fraught with difficulties. 1. They live together, and anyone who has lived with roommates recognizes that there are challenges because of differences in lifestyle, like how tidy to be, and disagreements about how to handle the normal things that come up, like one playing loud music and so on. 2. When people marry, they take another step: they share income and expenses. This inevitably includes potential differences in money management, income production and lifestyle questions that involve money and debt. 3. They also develop an intimate relationship that includes physical love and affection along with paying close attention

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<sup>1</sup> Our Divorce Conflict Information Series is organized into two Sections: Section One- Understanding the Problem and Section Two- Planning the Solution. Each of the Sections has six Booklets. This is the last Booklet in the first Section.

<sup>2</sup> For more on the subject, you are encouraged to read the following two books written by your authors: "**Game Theory and the Transformation of Family Law: Change the Rules- Change the Game. A New Bargaining Model for Attorneys and Mediators to Optimize Outcomes for Divorcing Parties.**" Unhooked Books. Scottsdale, AZ 2015 and "**Winning Strategies in Divorce: The Art and Science of Using Game Theory Principles and Skills in Negotiation and Mediation.**" The latter is an online book only. See [www.unhookedmedia.com](http://www.unhookedmedia.com).

to one other, being loyal and supportive and so on. They are likely to have some differences (e.g., different desires for affection), which will likely be expressed in disagreements. The intimate relationship also involves management of friendships and extended families, which can include challenging differences and disagreements. 4. Finally, they develop a co-parenting relationship if and when they have children, which not only ignites differences in parenting style, but also has a huge impact on the other three types of relationships.

Historically, in almost all cultures, final decision-makers were designated. For reasons too complicated to cover here, they were almost always men, whether they be priests, rabbis, ministers, sheiks, or husbands. In some religions, that men were the final decision makers was even codified in religious texts. Only very slowly in the past 150 years have women broken the chains of domination, including in marriages, at least in some cultures. This created a novel modern egalitarian marriage in which neither spouse is a final decision-maker. Still challenged by differences and disagreements, making marriage work, or better yet, be successful, required the development of disagreement resolution skills.

Unfortunately, who was to teach those skills? Prior to egalitarian marriages, people divorced primarily because of failures to fulfill socially prescribed roles: men were providers; women were homemakers and mothers. These failures led to serious problems of depression in women and alcoholism in men, so unfulfilling were these roles. An egalitarian marriage offers much more satisfaction, but presents the challenge of making decisions together.

**The primary and current cause of divorce is marital conflict over unresolved differences and disagreements, that grow into persisting conflicts and begin to cause a great deal of frustration, emotional and sometimes physical damage, affairs, and finally divorce.**

Only in the last few years have researchers begun to study the problem of modern marital conflict. Not surprisingly, successful marriages include spouses with the skills to resolve differences and disagreements. Only a small percentage of divorces include people with those skills.

If a couple can walk away from the marriage with no financial, social, family or parenting ties to one another, divorcees can ignore their negative feelings about one another, although those unresolved feelings might poison future relationships. However, if they have children, they likely continue to have one of the types of relationships that they had during the marriage (which obviously failed). Still lagging in skills, most divorced parents continue to have co-parenting conflict, damaging themselves and their children with the toxicity of conflict, sometimes in the form of cold wars.

**Understanding divorce conflict, at least as it relates to a co-parenting relationship, is as simple as being aware that**

**couples suffer from lagging or lacking skills for resolving differences and disagreements.**

The booklets in this Series elaborate on this problem and offer solutions to those still married, to those going through a divorce, and to already divorced co-parents. More specifically, our blog on this website, titled *Skills Needed for a Healthy Co-parenting Relationship*, details the skills that research has found work to resolve differences and disagreements and thus lower the level of co-parenting conflict.

We hope you will read it and the entire Series. We also hope that understanding marital and divorce conflict, and the skills required to manage differences and disagreements, will help prevent or cure your difficulties with conflict.

Game Theory undergirds understanding the problem and planning the solutions regarding divorce conflict. In our books cited below, Ken and Allan applied principles from a branch of mathematics called Game Theory, which is the study of how and why people make the choices that they make while in the family law system regarding divorce.<sup>3</sup>

While divorcing or divorced parties might benefit from this Series, the approach assumes that professionals are the primary audience. Below, we provide a basic outline of the Booklets in this Series:

**Section One: Understanding the Problem (Six Booklets)**

**Booklet I. What Explains Divorce Conflict and Conflictual Co-parenting Relationships?**

The basic underpinnings of divorce and co-parenting conflict are explored. Divorce conflict is not viewed as a reflection of pathology, but rather as a combination of natural human tendencies and evidence of lagging or lacking skills.

**Booklet II. Falling in Hate?**

We approached divorce conflict paradoxically by describing what steps to take to have a “*really nasty divorce.*” Looking at divorce conflict with children through this lens shows by exaggeration the problems undergirding co-parenting conflict.

**Booklet III. Is Divorce Conflict Addictive?**

We posited the question: Is divorce conflict a process addiction, which hijacks the brain’s reward center of vulnerable people? This Booklet notes the similarities with other process addictions and posits that divorce conflict can become addictive for vulnerable parties. In Game Theory terms, the payoffs for conflictual behavior are neurological and subtle.

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<sup>3</sup> The subject matter covered here also applies to the management of children with separated but never-married parents.

### **Booklet III. What's Wrong with This Picture?**

This Booklet explored three general deficits in the traditional family law system and ten specific “traps” of the system that foster conflict between parties.

### **Booklet IV. Is Divorce Conflict Addictive?**

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### **Booklet V. Is the Traditional Family Law System a Static Culture, Doomed to a Future of Slow or No Change?**

Without change, the traditional family law system is determined to be a static culture that resists change with established rules and customs, enforcement, and suppressed creativity. Evolutionary progress is blocked by unquestioned and unchanging “memes”.

### **Booklet VI. Is the Current Family Law System Facing Extinction, and What Can Be Done Before It's Too Late?**

The traditional family law system has failed to recognize important inflection points in a changing culture that could lead to extinction of the system as we know it today. This Booklet posits that the family law system must do business in a very different way to survive.

## **Section Two: Planning the Solution (Six Booklets)**

### **Booklet VII. Goal Based Planning**

The basic principles of Game Theory and Goal Based Planning, are presented (without technical details) and are shown to be a solution to divorce and co-parenting conflict.

### **Booklet VIII. Growing the Pie**

Game Theory principles and subsequent research clearly indicates that, to optimize the outcomes for divorcing parties, bargaining should begin with a cooperative effort to identify and plan to reach the long-term goals of both parties, which increases the total value of a settlement package. As a result, bargaining with this effort increases the total value of the split for both parties. This Booklet explores this assertion in detail.

### **Booklet IX. Deal-Making Outside of the Box**

Game Theory principles also demonstrate that bargaining based on Goal Based Planning, and one which includes an Open Information System, which creates a Convergence of Expectations on optimal solutions. This Booklet explores such a Goal Based Planning Negotiation Model, including the skills and techniques necessary for creating the conditions for the emergence of optimal solutions.

### **Booklet X. Special Issues in Goal Based Planning**

In this Booklet, Game Theory principles are applied to lawyer-lawyer negotiations in cases in which the parties hate and distrust one another and situations in which the inclusion of a mediator can facilitate the planning process.

## **Conclusion**

Our goal in this series of booklets is to provide a comprehensive understanding of a complex problem— relationship conflict beginning in marriages, in some cases leading to divorces, and more often than not, plaguing co-parenting relationships. We have aimed high by including what we believe can prevent relationship conflict leading to divorce (at least in many marriages), minimize the damage of divorce conflict at the time of a divorce, and improve the percentage of co-parenting relationships that are amicable and functional ways to raise children once parents are separated. Toward that end, we hope we have approached this goal in ways that are helpful to professionals, spouses and parents.