

The Divorce Agreement Newsletter

Wednesday, March 1, 2017

Martial Arts and Divorce Negotiations

When most people think of martial arts in the context of negotiating divorce agreements, they probably have in mind something like arm wrestling. It's time to take a fresh look at another model, namely the modern Japanese martial art of Aikido (pronounced "eye-KEY-dough"). Aikido was created by Morihei Ueshiba (1883-1969) as a synthesis of martial arts, philosophy and spirituality. It means "the way of unifying (with) life energy" or "the way of harmonious spirit." In this millennium it has become a worldwide movement.

The most basic idea in Aikido is successfully to defend yourself against an opponent, even a vicious one, without harming that other person. Watching this happen in practice is like observing a form of ballet, even though the conflict may be serious, such as an opponent with a knife. Another element of Aikido is to divert the opponent's strength so as to make it actually work against the attack. The end result is to transform a struggle to win into a situation in which both persons recognize a mutual interest in collaboration.

In this way, Aikido is not dissimilar from the interest/concern based negotiating advocated in the famous book by Roger Fisher & William Ury, *Getting to Yes: Negotiating an Agreement Without Giving In*. One looks beyond the other's position to learn his or her underlying interests and concerns. Thus begins a search for objective principles that can lead to a collaborative resolution, or at least a compromise. Put another way, the goal is to reinforce both the assertive and cooperative inclinations of the parties in a manner that promotes their collaboration, as in the Thomas-Kilmann model.

There are many ways to use this approach in custody cases, where often nobody really wins. Many child psychologists these days believe that respect and cooperation between the parents is generally more important to their children's future than any particular parenting schedule. If the issue can be transformed from who is the better parent, or what schedule is best, into a discussion of how the parents can find ways to work together, collaboration becomes possible. "Assuming that what you just said were to take place, how can we then ...?"

There are many other examples of how the negotiations are transformed when the issue is facing the future rather than sorting out the past. Does this approach always work? No, since there is nothing that always works in divorce disputes. An "Aikido mindset" just gives us a few more options.