A Letter to Those Going Through Divorce—and Everyone Else

There are few things we *frum* Jews are more afraid of than divorce. Scroll through Jewish publications and you will find ominous warnings about the rise in divorce, with articles on "Why Young Couples are Divorcing," "Why Middle-Aged Couples are Splitting Up," and everything in between. But in my view, we're afraid of the wrong thing. While we can and should be thinking about how to support couples and strengthen troubled marriages, too often it is the *how* of divorce, rather than the fact of it, that causes the most damage.

The divorce rate in the Orthodox community is generally low, hovering at around 10%. But our rate of *high-conflict* divorce is exceptionally high–upwards of 57% according to the latest research. Divorce is never anyone's Plan A; it is heart-wrenching and painful. And, it's the high-intensity, extra-nasty divorces that destroy individuals, children, and communities in the most devastating ways.

I'm not writing to you as someone who has personally lived through divorce–and I won't pretend to know what it's like. I'm speaking because I've spent my career addressing *get*-refusal with a front-row seat to the thorniest, most complex, and high-conflict divorces in our community. In these cases where one spouse is refusing to release the other from a Jewish marriage, there are generally additional factors at play, such as a prior history of domestic abuse, extremely contested and drawn-out litigation, and more. I've seen firsthand the fallout and collateral damage of these cases–and that's why I'm sharing methods for how we can change the status quo. The bad news is that we have a problem. The good news is that with education and information, we can fix it.

No. 1: Acts of War Generate… War

Divorce is a time of unprecedented anxiety. You must turn a life inside out, split it at the seams. It comes as no surprise to me, or anyone else, that in this process people panic. You might *think* you know your spouse, but you don't know them in divorce-land. Who are they *now*? What will they do next? How afraid should you be? Better to empty the bank account and move the money, just to be safe.

In a time of overwhelming fear, it's natural to self-protect. Unfortunately, the actions many people take to protect their interests early in divorce are acts of aggression toward the other party. They drain bank accounts and pensions, they quietly change title on properties, they threaten to refuse the other parent access to the children—or they start claiming that the *get* is "complicated" because there's so much to figure out.

In many cases, the parties in a divorce have a lot of power to decide the direction of the process. Engaging in "acts of war" like the behaviors listed above tends to start a cycle of animosity, each partner doubling down to protect themselves and "upping the ante" in the conflict. These divorces can quickly spiral out of control, ultimately costing hundreds of thousands of dollars and years of pain and suffering. And what's the result of all this self-protection? The parties have less of the things they want the most: time with their children, financial security, the emotional health to successfully begin a new relationship. It's critical that we avoid these acts of war whenever possible and set people up for success in navigating a fair divorce process. (Note: One exception to this point involves domestic abuse, as pursuing a restraining order due to safety concerns is a necessary step. I am speaking primarily with regards to non-abusive divorces.)

No. 2: It Takes a Village, Not an Army

Are you liking all of my military analogies here? People wonder how divorces get to these extremely high-conflict places, particularly when they begin amicably. From what I see, it's often well-meaning friends and family members who end up aggravating and poisoning the divorce process. Too often, a former husband and wife are encouraged by their friends and family to engage in acts of war, to protect themselves and "fight for what's yours!" Listen, I get it–I am none too happy when a kid is mean to one of my kids, so I can only imagine the whirlwind of emotions I would feel watching a child or sibling go through a painful divorce. But if we *really* want the best for our loved ones, let's encourage them to imagine a future beyond the horizon of the current conflict. The sooner we can get things resolved, the sooner they can open a new–and, hopefully, brighter–chapter of their lives.

This holds true for professionals, as well. Divorcing spouses regularly complain that their lawyers don't yell and scream enough, and are therefore incompetent advocates. A good matrimonial lawyer will provide a reality check on whether or not their client's expectations are realistic and advocate for the terms that are most important to the client. Yelling about everything is generally ineffective, and only adds additional time and cost to the process. Furthermore, litigation is not the only tool to resolve disputes in a divorce–mediation, arbitration and collaborative law are only some examples of alternative systems that can help resolve post-separation conflicts in a faster, cheaper and more emotionally-affirming way. Speak to a trusted professional in order to determine which process will best fit your needs—particularly in cases of domestic abuse, where not all methods are appropriate.

Men and women going through divorce are in need of social support in this moment, more than ever. However, the guidance they receive early on can make all the difference in how the divorce process itself will progress. In times like this, we need a village to offer support–not an army to go to battle.

No. 3: Forget Justice–Welcome to Problem Solving

Years ago, I was reading a novel in which a character was going through a divorce. At one point, a fellow character told her she was having "the divorce fantasy" again. What is this, you might ask? It's where the judge bangs down his or her gavel, looks you in the eye, and says "Ma'am, I don't know *how* you have lived with this piece of garbage for so long. You deserve a medal–and the 401K, of course."

Most people enter divorce feeling hurt, abandoned, and *wronged*. And in a lot of cases, they're right. They have suffered the pain of adultery, knowing that the most intimate part of their relationship was compromised and betrayed. They have been abandoned by the person they thought they could always count on, whose unconditional love turned out to be fairly conditional in the end. In the cases I work on at ORA, the vast majority of people have been abused and controlled, watching the marriage they entered with such high hopes turn into a nightmarish prison.

After all that, it's normal to want justice. The only problem is that the divorce system does not provide it. Divorce is less about who's right and who's wrong than who gets what. Both court and *beit din* are focused on solving the problems at hand (generally kids and money), rather than adjudicating who hurt who the most. So where does all of that anger and frustration go? Some days, I wish I knew. It takes therapy, support, and enormous internal strength to focus on problem-solving, knowing that you have been hurt and the person was not held accountable. As we learn quickly in divorce advocacy, only G-d can provide true justice–in this world, we have to do the best we can.

No. 4: The Sun Will Come Out Tomorrow

A wise friend once shared the advice she gives to clients navigating separation. "This divorce can be a blip in your life," she tells them, "or it can be your whole life–you choose." There's a lot we don't get to choose in life, and divorce is one of them. And while we can take steps to outline a fair and amicable process, as we often see in post-abuse divorces one bad actor can derail a system (Whoever said "it takes two to tango" wasn't too familiar with divorce). However, even in a far-less-than-ideal situation, the one thing we *can* choose is our perspective.

The American Psychological Association describes "future orientation" as "a time perspective that is focused on the future, especially on how to achieve one's desired goals." As we've discussed, it's incredibly easy to get stuck in the moment, especially when that moment is so all-consuming and so, so very hard. But the more we can focus on what's next, the more we can ensure this divorce is only a "blip" in our lives, and not our whole lives. The sun will come out tomorrow, if we make the space for it.

I once attended the wedding of a former *agunah* (by far the best part of my job!). As I watched her spin around the dance floor with her family and friends and laugh delightedly with her new husband, it was hard to believe that only a few years earlier we had regularly spoken through her tears. We think of divorce as a boxing match, where the gloves come off and the parties fight to the bitter end, their friends and family cheering them on from each side, the community getting torn in half as everyone picks a champion. In truth, the people going through divorce are not combatants, but just people. People who have a whole new life and new future waiting for them.

As we approach the *Yamim Noraim*, we think of teshuva, of the broken relationships in our lives waiting to be healed. In the case of divorce, teshuva is not about reconciling, or forgetting the ways in which our former love has hurt us. Instead, teshuva is about moving bravely forward to the next chapter in spite of our pain. We cannot choose who gets divorced, or even what our community's divorce rate looks like. But we *can* find a better way to go through this. Our future depends on it.

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