



“HAPPILY EVER AFTER”? IN DIVORCE / SEPARATION EXPERIENCES

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Abstract:

Walt Disney's first animated series was in 1922 (David McGowan, 2010), and that was the first promise ever made by Walt Disney Studios Motion Pictures that there is a destiny called "happily ever after". Till then, we were raised to believe that one day our prince or princess charming will come and "they lived happily ever after" will be the ending of our love stories. Despite this, when one or both people's feelings started to change, divorce is the only possible solution to continue with their destiny "they lived happily ever after". Therefore, this study explored the impact of cultural narratives implanted in our society on committed relationships and divorce. The purpose of this study was to explore how matrimonial lawyer and marital therapist fulfil their ability to preserve the divorce/ separation objectivity by bringing a new changeover for a new beginning of their client's life. In addition, this research provided an initial review of how attorneys and marital therapists can use their skills to maintain objectivity in maintaining the essential obligations in their profession while handling divorce proceedings.

Keywords:

“Happily Ever After”, Divorce, Separation, Matrimonial Lawyer, Marital Therapist

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Introduction

Ultimately, Walt Disney's film emphasizes romantic scenes within its narrative by harmonizing them with the concept of "they lived happily ever after" (McGowan, 2010). This consciousness incorporates the outlook of how a relationship ought to be like, what rules it must operate, and what characteristics in that relationship make it enjoyable, flourishing, constant, and rewarding (Hendrick & Hendrick, 2000). Cultural narratives, such as this one, are implanted in our society at a very young age, and slowly it is becoming familiar to us (Metz, 2007). Researchers have discovered that these expectations may create unrealistic expectations that lead to consecutive disappointment and divorce (Metz, 2007). Despite this general recognition, "marriages are not always to be lived happily ever after" (Thomas, & Ryan, 2008). For troubled and unresolved marriage getting a divorce is the last and best solution for each couple (Sulaiman, et al., 2013).

However, people marry for romantic-passion reasons in most situations, and the divorces are out of passionate affairs (Kressel & Deutsch, 1977). Furthermore, in reality, people tend to divorce "*not because they have turned off marriage, but because their expectations of marriage are so high that they are not willing to settle for unacceptable guesses*" (Hodgson, 1988). Consequentially, divorce occurs when both or one client realize that "divorce is the best solution for the two of them, not necessarily the most wanted solution, however the best solution and the only possible solution" (Kressel & Deutsch, 1977) for them to live happily ever after.

Despite these cultural narratives, divorce is also progressively becoming more common in today's society (Gardner & Oswald, 2006). Probably divorce/separation is the most straightforward way to end a marriage, and its more profound disillusionment with the value that marriage as "indissoluble" and the ideal of marriage "till death do us part". Perhaps divorce/separation has also functioned as an important way of restoring feelings of release and relief when couples leave an unhappy marriage (Gaffal, 2010). Naturally, in most cases, emotional chaos events that relate to the early breakdown of the marriage will subside; however, it is rarely resolved (Eric D. Turner, 1980). Sometimes, a good divorce is better than a bad marriage (Fowler V. Harper, 1961).

At the same time, all of the preceding considerations of moral divorce law should comply with the provision as to how, Lord Scarman quoted, "*An object of the modern law is to encourage each to put the past behind them and to begin a new life which is not overshadowed by the relationship which has broken*" [1979] AC 593, [1978] FLR Rep 461. In addition to these challenges, the attorney should help the client resolve the dilemmas related to losing a spouse and prepare for new social interactions (Elkins, 1977). On the other hand, the counsellor is expected to assist in fashioning a way of thinking about the decision to divorce that permits hope by helping the client reframe divorce (Chambliss, 1988). Marital therapists often assist in opting for harmonious joint custody arrangements or a peaceful separation or provide support for the spouse about to be abandoned. From the legal point, divorce is the cessation of the marital union only, conversely from the psychological view; it is more than a legal document and a courtroom event (Gaffal, 2010). Consequently, these objectives will shape the appropriate guidelines of the lawyer and marital therapist in ending their client's relationship and bringing a new changeover for a new beginning in their client's life.

Attorney's Ability To Preserve Divorce/Separation Objectivity

For better or worse, the problems that the clients bring to family law attorneys are relationship problems, and it is not about transactions or occurrences but rather people. In light of today's battle, human problems, incredibly emotional, seem so important that the clients choose to bring those problems to matrimonial lawyers. Consequently, "client's emotions and attitudes are central to problem solving and planning" (*Glesner Fines, 2012*). Hence, the attorney should be able to create a more dynamic and rewarding attorney-client relationship by giving increased attention to the client's emotional state (Elkins, 1977). On the other hand, the court cannot undo whatever damage has been done, nor force the couple to increase new positive attitudes about their marriage or to the emotional dilemma of the spouses. At the end of leaving a marriage, the client expressed continues guilt and anger directed at each other. Dissatisfaction with this relationship and these feelings will eventually lead to more post-divorce legal battles, which will last several years and several court fights later if the attorney is unable to guide their clients. It may be challenging to de-escalate this kind of conflict since its true roots are unacknowledged (Kressel & Deutsch, 1977).

Without a relationship with clients, an attorney might act with the assumptions about the client than the essential factor. For example, the attorney may assume the essential goal of the client is economical, while "his client may be more concerned with repairing a relationship, obtaining an apology, or dealing with the emotions, such as guilt, embarrassment, or fear, triggered by the situation." (Struffolino, 2018). Client anxiety, resentment, low self-esteem, fault and despair not only affect the client but the attorney-client relationship as well (Elkins, 1977). The attorney must guide the client through the anguish which traditionally accompanies a marital separation and ultimately guides the behavior of the client to facilitate the final economic and legal resolution of their marital dispute (Eric D. Turner, 1980).

One of the most complex tasks for a lawyer in a family relations case is getting enough truth to figure out the client's problem (Elkins, 1977). At the same time, a lawyer should conform to their original objectives of the law, which are to have "decent burial with the minimum of embarrassment, humiliation and bitterness of those that are indubitably dead" (Family Law Bill [HL] [Bill 82 of 1995/96]). Even when either one couple have decided that their marriage cannot be saved then, there is the possibility that the system itself would make matters worse by encouraging one to make allegations against the other which are often experienced at the time of fault-based divorce (Family Law Bill [HL] [Bill 82 of 1995/96]). The practice of the word "reasonably" does not mean that the court stands to consider whether the respondent has behaved unreasonably. The measure of damages was in order to determine that the marriage has broken down irretrievably. If the court decides that the petitioner can sensibly anticipate living with the respondent, a pretty different question should be addressed.

On the other hand, in no-fault divorce legislation, the legal divorce procedure itself often escalates the spousal power struggle, adding additional stress to the already disorganized system (Ahrns, 1980). It has been noted that "virtually any spouse can assemble a list of events, which, taken out of context", and presented it as unreasonable behavior sufficient on which to initiate a single divorce petition. ("The Law Reform Commission Of Hong Kong", 1992) Under these grounds, the law requires to show that their spouse's unreasonable behavior has caused the irretrievable breakdown of the marriage and thus makes them intolerable to live with their partner anymore. Underneath the traditional professional model of interaction, attorney traditionally seeks those facts pertinent to legal problems that could show that the

marriage has irretrievably broken down, which is less concerned with information relevant to the client's feelings. As a result, the lawyer asks direct questions forcefully in order to get the client's responses. The traditional model of lawyering requires that the client kept unemotional and rational as possible as this approach does not require any relationship (Elkins, 1977) as the procedure is only to satisfy the court of one or more of the following grounds which lead the petitioner to live with the respondent.

Conversely, an attorney who uses the counselling model views himself as a member of a "helping profession" than the mere application of technical legal skills. An attorney following a client-centered approach model based on expresses a preference of "client-centered indices of concern, seeks an ability for approval, considerate and congruence (awareness of the feelings within himself)". In this manner, the client, with the attorney's help, can verbalize their expectations by bringing them to conscious awareness. Such a relationship will be reliant upon the attorney's understanding that "feelings can be facts," *it thereby becomes possible for the attorney to interact in such a way with the client and encourage them to put the past behind and to begin a new life which is not overshadowed by the relationship which has already broken* (Elkins, 1977).

An outline of the main motivations behind this client-centered approach model is to assist the matrimonial lawyer *in preserving divorce/separation objectivity which is to "to enable the marriage to be destroyed, to ensure marriages are dissolved with maximum fairness" by promoting minimum bitterness, distress and humiliation, and finally to "avoid injustice to an economically weak spouse"*.

Marital Therapist Ability To Preserve Divorce/Separation Objectivity

According to narrative therapy, human problems arise when they maintained their arduous stories and shortly after that, their own story will command their life (Murdock, 2017). As long as we could talk, human beings have lived out and told stories about their life. We fill our world with meaning by talking about the stories we tell for almost as long. These lived and told stories are one of the ways to join one another's support in building lives and communities (Clandinin & Rosiek, 2007). Problems occur because their lives are storied by themselves, and others do not extensively fit in with their own lived experience. According to the Narrative Therapy belief, human life is a series of stories (Murdock, 2017). In reality, their lived experience may confront the significant aspects of the main storyline in their lives. Narrative therapists deem that change is happening all the time in people's lives, and therefore stories constantly constituting and reconstituting our lives (Winslade & Hedtke, 2008). Therapists should aim to produce a change in their stories and develop meaning around them.

Initiating therapeutic solutions to problems within the narrative frame involves authoring another story from the dominant narrative that maintains the problem. Clients typically prefer these different stories because it fits with, create the potential for the initiator or the non-initiator controlling their own lives, and do not challenge their significant aspects of living experience (Carr, 1998). The therapist assumes that all therapeutic conversations aim to investigate various constructions of reality rather than looking for the facts which constitute a single truth. (Carr, 1998). At this stage, the therapist's role includes focusing on the profit of the divorce and the client's strengths on starting a new happily ever after life by decreasing the client's negative feelings. Therapist who works with divorce couples should address these negative feelings about self, ex-spouse, and the divorce *issues* (Pietsch, 2002).

Although predicting a spouse's response who once was very dependent, passive, even spouses whose task is to have a greater responsibility to divorce is extremely difficult. Formerly independent, confident spouses fall apart in self-doubt and self-blame (Chambliss, 1998). Since the actual causes of the divorce are unknowable, endless speculation, blaming of self and others can drag on for years. In doing so, narrative counselling can be utilized as a practical approach in assisting these clients with exploring a new, happily ever after life without looking at the past 'empty shell'. Narrative therapist's central belief is that human life is a compilation of stories (Murdock, 2017). Findings showed that we fill our world with meaning by talking about our life stories as long as human beings can talk. Therefore, narrative therapists mainly focused on helping to create new meanings and possibilities from their clients' narratives by enabling clients to change their negative beliefs, values, and interpretations (Looyeh et al., 2012). In general, problems occur because their lives are storied by themselves and therefore others do not extensively fit in with their own lived experience. Since change is happening all the time in people's lives, therefore, stories is continuously constituting and reconstituting our lives (Winslade & Hedtke, 2008). Consequently, all the way through the divorce process, therapists should aim to produce a change in their client's stories and develop a new meaning around them. Before treatment begins, therapists trained in the approach will help divorce clients reframe the trauma of divorce and redefine the experience as a perfect way to end a miserable life in marriage and start a new, happily ever after life.

Conclusion

A majority of couple's feels that "lived happily ever after" is only when they fell in love, got married. However, that is only cultural narratives belief. Either one of the spouses can still live a happily ever after when they can end a miserable marriage. Unquestionably, divorce should not be regarded as a bereavement process but indeed a point in time of a new life. Therefore, to make this significant transition period smooth, attorneys should create a more productive and fulfilling lawyer-client relationship by focusing on the law objective rather than significant disagreements with the clients, which generally exacerbate the psychological pain. By paying increased attention to the emotional state, the therapists should help to create a new outlook on their divorce. The therapists should encourage and empower them to perceive the divorce and make sense of this divorce. Ultimately, only skilled therapists and attorneys can navigate their clients to development and empowerment.

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