

Lifestyle

# Can you have a good divorce?

*Fleishman is in Trouble* portrays divorce in all its terrors and tragedies – but is it ever possible to end a marriage well?

BY MARIE-CLAIRE CHAPPET / PUBLISHED: FEB 22, 2023



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**T**he latest prestige TV show to offer up water-cooler moments (sorry *The White Lotus*, you are now off season) is *Fleishman is in Trouble*. The Disney+ miniseries, starring Claire Danes and Jesse Eisenberg, is the much-anticipated adaptation of Taffy Brodesser Akner's bestselling book, which dominated the zeitgeist in 2019 with its witty, insightful look at a crumbling New York marriage.

Divorce has always provided excellent fodder for books, TV and films (*Kramer vs Kramer*, *The War of the Roses* are standouts) and we were all, for better or worse, doggedly following the Depp-Heard trial. Maybe it's a combination of morbid curiosity and schadenfreude that keeps us glued. But do these stories – whether fictional or not – negatively impact the way we see divorce? Namely, does ending a marriage need to be highly compelling and grab-the-popcorn messy? Perhaps not.

This was the rationale behind family barristers Sam Woodham and Harry Gates who, in 2018, established The Divorce Surgery, the UK's first 'one couple, one lawyer' firm – moving divorce proceedings away from the adversarial and towards teamwork. It's the legal answer to 'consciously uncoupling', designed to de-stigmatise divorce by moving away from the default model, and to de-traumatise divorce by ensuring that the process is endured together. It essentially encourages participants to view the process as a 'life change' as opposed to a failure or a battle. Its genesis, was a real divorcing couple.



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"Seven years ago, I got approached by a couple who said: 'We've never been divorced before. We just want to know what's fair, and we want to hear it together'," says Woodham. "That was the revolutionary starting point for me. When Harry and I decided to start The Divorce Surgery it was fairly heretical. People assume that

couples *want* the fight, but our numbers show that people don't necessarily." Proof of Woodham's claim is that, due to higher demand, there are now many more services offering this less combative approach. "That doesn't bother us at all," says Gates. "It was always our goal to try and change the way divorce happened."

Attempting to divorce differently was the attitude of writer Christel Holst-Sande Cowdrey, whose divorce from her partner of 25 years is the subject matter of her latest book, *How to Fire Your Husband in Easy Steps*. The first obstacle she faced, when approaching her divorce, were myriad preconceptions of what divorce should look like and the opinions of friends and family, all of whom were gunning for a true *Fleishman* showdown. "I was the so-called 'aggrieved partner' (there was infidelity), but I didn't want to have an angry divorce," she says. "Everyone was pushing me towards that, but I had seen it play out with my own parents. I knew that the person in my position is always the one doing the heavy emotional lifting and making the decisions, and so I decided to make one that wasn't going to be so adversarial. I cared about him too much. I thought, you know, I'm going to do it my own way. I'm not going to let anybody hurt anybody."

## Does ending a marriage need to be highly compelling and grab-the-popcorn messy?

Cowdrey was not alone in wanting to avoid what she saw as a 'typical' divorce. Woodham and Gates are keen to stress how ugly the family courts can be, and how most family barristers would, in fact, advise you to do whatever you can to avoid ending up there. "Couples are very often taken aback by the adversarial quality of divorce proceedings," says Gates. "When you go to court, you're up against your former spouse, somebody you loved – somebody you may still love – perhaps the father or mother of your children. You'll go to court and you'll be described as Mr Smith versus Mrs Smith, and the barristers will all refer to each other as their opponents or 'the other side'. There is nothing collaborative or collegiate about this at all."

He continues: "We certainly took the view that this was all being presented from the wrong end; what we ought to be focusing on at the beginning is a joint solution, because at the end of the day, that's what the court is trying to do."

Both Woodham and Gates are desirous of a reframing of the way we view divorce – not as an end of something, but as the beginning of something else. Too often we see divorce as destruction, and the sadness implicit in this is the eradication of a previous happiness. "Part of the critical task when exiting a marriage is not to throw your past under the bus and feel bad about everything that's gone before, just because of the way it's ended," he says. "That's actually a really important piece of work to be done in giving each other permission to move on to the next stage. You can value your relationship together. But as a society, we focus far too much on the ending, rather than all the stuff that came before."

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"There is no reason to destroy what you once had when you were really loving towards one another," agrees Cowdrey, whose primary motivation for preserving her connection with her ex-husband during their divorce was her children. After all, your co-parenting is at stake if the divorce gets messy. As she points out, "there is no easy time to fracture a family", but there is a way to preserve and protect a new, altered one. "He remains a wonderful father whom my kids adore, so I had to ask myself, why would I destroy their father?" she says, plainly. "You need to put yourself aside when there are children involved, and prioritise the health of the family moving forward."

"When you look at the emotional harm caused to children, it's witnessing parents in conflict – and that can happen in a bad marriage as much as it can in a bad divorce. But it doesn't *have* to happen in a divorce," says Woodham. "If you're getting people to work together, you're also getting them to reach a conclusion more

quickly, so they spend less time in conflict. Our approach typically takes four months, but a lot of divorces can take more than a year."

So, what are the key steps to achieving a 'good' divorce? Woodham and Gates believe in seeking as much advice and help before starting legal proceedings, stating that it is as much "an emotional journey" as a legal one. Planning is also important, as well as getting an understanding of finances and how co-parenting might work. In that respect, they believe that their approach – where appropriate (there are obviously many cases, including abuse, in which it is obviously not) – is preferable, as it allows you to be in control of the process, particularly when it comes to constructing these plans and jointly taking on the fixed fee. "Fundamentally, this is meant to be a relationship that works for both of you –and even if you can't decide how you want to be together, you can both decide the way you're going to divorce," says Woodham. "Start by thinking: this is a joint hurdle for us to navigate and the best way to navigate it is together."

'Fleishman is in Trouble' is available to watch now on [Disney+](#) in the UK



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