**Booklet I**

# What Explains Divorce Conflict and Conflictual Co-parenting Relationships?

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Moderate to high conflict co-parenting relationships occupy most of the time and resources of attorneys, mental health professionals, mediators and courts in the current family law system. Much has been said and written about these relationships and the special problems they present. Programs attached to the court system have been developed to try to improve this problem, such as parent education programs, court-connected mediation services, custody studies, co-parenting counseling, and more recently, parenting coordinator services. These cases often bring with them allegations or proven domestic violence and substance abuse and sometimes include substantial problems between children and one of their parents, including estrangement. Tempers run hot even with professionals and advocacy groups. Think tanks, special subject conferences and numerous publications address these challenging cases and the issues they raise, and special treatment programs have been developed to try to improve individual situations.

In the past, some judges, such as Justice Donald King in San Francisco or Judge Mary Davidson in Minneapolis, developed judicial management programs to try to smooth the path to divorce for families and contain the development of co-parenting conflict. Some theories have been asserted, such as those in Jan Johnston and Linda Campbell's system theories[3]. In

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[1] 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.

[2] 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.

[3] Johnston, J. & Campbell, L. E. G. Impasses of Divorce: The Dynamics and Resolution of Family Conflict. Free Press (1988).

addition, it has been asserted that the attachment patterns of the parents and/or the role of personality disorders affect the level of co-parenting conflict. Notwithstanding, we do not have a comprehensive theory of co-parenting conflict, and of particular importance, we do not have a comprehensive theory that suggests any solutions- meaning interventions that might help. Simply assigning high conflict divorces to attachment patterns or labelled groups (such as personality disorders) offers little in terms of intervention strategies.

Borrowing from psychological theory, organizational theory and the theories abounding about critical decision-making, a comprehensive theory **is** possible. The problem with simply assigning pathology to the parents does not solve the problem. In fact, in particular, assigning personality disorders to parents even suggests that the situation is hopeless. Similarly, even if the attachment theories are correct, they suggest no intervention and also raise the specter of hopelessness. Johnston's systems theories are particularly helpful because they do suggest interventions. The *Negative Reconstruction of Spousal Identities*, for example, leads us directly to an intervention strategy, as does the *Unholy Alliances* problem.[4]

In organizational theory, an analysis of a dysfunctional system occurs on three levels, or as one author wrote, through three lenses: the individual level (sometimes described as the cognitive level); the culture level (which places the individuals in a larger context that includes history); and the organizational systems level.[5]

Much of this work has focused on disasters (such as the Cuban Missile Crisis or the Challenger space craft disaster), but is applicable to co-parenting conflict. Why? Because as our social science research has shown that moderate to high conflict often leads to disastrous outcomes for the children in those families, although the disasters often do not show up until those children are grown. Some disasters occur sooner, such as children becoming estranged from a parent, but the insidious effect of co-parenting conflict often is not seen until the child is living her or his own family life many years later. So, let us examine co-parenting conflict through these three lenses, with the goal of developing intervention strategies that make a difference.

### 1. Individual Level/Cognitive Mistakes

Parents in a moderate to high conflict co-parenting relationship make a number of cognitive mistakes. Although these might be viewed as "symptoms" of pathology, doing so does

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[4] Johnston, J.R. & Campbell, L.E.G. *Impasses of Divorce* (1988).

[5] Graham Allison first put forth the "Three Lenses" form of analysis (Allison, G.T. *The Essence of Decision*, Boston, Little, Brown, 1971) but others have expanded the concept, particularly Bower who through his research showed the importance of organizational structure, culture and processes (Bower, J. *Managing the Resource Allocation Process*, Boston: Harvard Business School Press, 1970).

not lead to intervention strategies as well as identifying the cognitive errors.  Cognitive errors are better seen as skill weaknesses than as pathology. Simply put, people can learn skills that undercut cognitive mistakes.

## Overconfidence Bias

Overconfidence in oneself leads immediately to the blame-frame.  If there is a problem and one absolves oneself of culpability because of overconfidence, "*a belief that I am right*," it is a natural next step to find fault elsewhere, to find that another person is wrong and must be causing the problem.  Overconfidence comes from several different psychological processes: maintaining a sense of wellness, limitations in reflective abilities, and a dynamic of reciprocity vs. coercion.  In order to maintain a sense of wellness, people believe more confidently about themselves than is usually objective or factual.  When that belief is challenged, by having interpersonal problems, rather than accepting  a more realistic appraisal of oneself, people are quick to turn the blame onto the person challenging us.  When a child of divorce asserts to a father that she finds his yelling at her aversive, and he responds in an intense manner tinged by anger that "*I am not yelling at you; you are getting that from your mother*," we see evidence of this knee-jerk need to restore a sense of wellness by blaming another person.

That example also illustrates a second cause of overconfidence- limitations in self-reflection.  Very few people are able to reflect (fully and objectively) on their stimulus value, that is, the impact of their behavior patterns on others.  It is very difficult cognitively to step outside of oneself and have an objective picture of how one appears to others.  When we hear our recorded voice, for example, it sounds so different from what we think that we sound like.

Michael Spierer, Ph.D. uses an unusual intervention for this problem; he videotapes clients talking about difficulties with their ex-spouse and then shows them the videos.  He reports[6] that many of those clients become enlightened and more objective with regard to their stimulus value.  Mike Ebner, Ph.D., had couples in counseling with him repeat an argument that they reported, but had the man, who was usually bigger than the woman, kneel and the woman stand.  The difference in physical size changed the character of the argument and helped with reflection.[7]   Finally, overconfidence bias develops from the lack of reciprocity in many co-parenting relationships.   Gerald Patterson, at the University of Oregon, identified an interpersonal principle which he called Reciprocity vs. Coercion.[8]  The principle is that people all have an internal balance sheet where they keep track of how much giving and taking there is in their relationships and that healthy relationships have a good balance.   When the balance

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[6] Personal communication.

[7] Personal communication.

[8] Personal communication.

becomes skewed, people begin to develop a range of emotions, including resentments, anger, self-pity and so on.  He classified all of these reactions under the rubric of feeling "coerced" in the relationship.  Often parents describe this as the other parent being "controlling".  Ironically, it is usually both parents alleging this, because both feel the imbalance and feel coerced.  This creates arrogance in each of the parents, each refusing to "give in," even in the service of their children.  In Game Theory, this would be described as a negative tit-for-tat situation.

## Confirmation Bias

As Vallacher, *et al,* eloquently describe, people are vulnerable to intractable conflict because of their need to develop coherence in their view of the world and a platform from which they can launch reactions.   They define intractable conflict as "*one that becomes entrenched in cognitive, affective, and social-structural mechanisms*" and note that "*As a conflict becomes a primary focus of each party's thoughts, feelings, and actions, even factors that are irrelevant to the conflict become framed in a way that intensifies or maintains the conflict*."[9]   In essence, people develop negative belief systems about the other parent, find examples as "proof," reframe irrelevant information to fit the beliefs and even spin contradictory information to support the belief.  Though irrational and self-defeating, parents become trapped in these belief systems, and it sometimes seems that no amount of new information can release them.  In          co-parenting counseling, a set of parents begin to dig out from an intractable conflict system, but one negative incident can send them back with even firmer beliefs.  The "*us-against-them*" inherent in human relations gets triggered, and people reinstate, even reinforce, their coherent understanding of the conflict of the other parent, the nature of the relationship with the other parent, the role of the children in the family and a sense of legitimacy.   All of these might be irrational, contradicted by the facts, but all ambiguities are removed, and, unfortunately, people know how to respond without having to think about it.[10]

One of the effects of having a belief about the other parent and the goings on in that parent's home with the children is confirmatory bias.  This involves a loss of objectivity, analysis and critical thinking.  In a healthy relationship, both parties are constantly revising their beliefs about one another as new information is received.  They are able to analyze new information, consider alternative explanations for ambiguous information, check out their interpretations and inferences and question and revise their beliefs.  The Dali Lama was once asked what he would do if reincarnation was scientifically disproved and he replied simply that he would have

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[9] Vallacher, R. R., *et al,* Rethinking Intractable Conflict, *American Psychologist* May-June, 2010, p. 262.

[10] Vallacher et al provide an in-depth look at the genesis of and "dynamical" factors involved in the development of intractable conflict and the difficulties freeing people from the "battle to the death" path that they are on.

to change his beliefs.  In Co-parenting conflict, the beliefs become reified, unchanging, and eventually unquestioned.

## Inferential Thinking

Another cognitive shortcut humans use to create coherence in their environment is inferential thinking.  We get a certain amount of data through our senses, and we begin to make sense of it all, some by recognizing real patterns but some by guessing about what we do not know. We draw inferences.  Much of the time, this shortcut serves us very well.  We take bits and pieces of information, put it together so that our life has a coherent stor. This provides us with a platform for action.

However, sometimes we forget that our inferences are only guesses and could be wrong.  If Jim says to Mary, "*How were the children over the weekend?*" and she winces at him, there could have been a lot of inferential thinking going on.  Mary might have inferred that Jim was critical of how she spends her weekends with the children and sent him a "*I'm ready to fight*" signal.  Jim might infer that Mary took offense at his simple question about the children and concluded that she is an overly sensitive jerk.  In healthy relationships, people recognize that their inferences are guesses and have methods of checking their inferences out.  Mary might say, "*Are you criticizing the way I spend weekends with the children?*" to which Jim might answer, "*No, not at all.  I noticed the children had been bickering a lot last week and wondered how they were over the weekend.*"  These parents put themselves back into reality and focused on the children.  Or, Jim might ask, "*Did my question offend you?*" and Mary might respond, "*No, I had a twinge in my back.  It is acting up.*"

In co-parenting conflict, parents engage in inferential thinking and do not actively check out their inferences and adjust their understanding of objective reality.  Their relationship with one another becomes increasingly distant from reality and more with whom they think the other person is because of what they inferred happened.   This is exacerbated by the diminishing amount of information from one another as they talk less and less.  With less information to balance inferences, inferences can become increasingly distant from the reality.  At the extreme, we call this paranoia, which is essentially being dominated by inferential thinking about some bits of data.

## Ambivalence Avoidance

We sometimes marvel when we meet with parents locked into moderate to high levels of conflict regarding how they were once happy with one another or even in love.  We walk into a waiting room and see two people who not seem to know one another, only to find out they are were married for fourteen years.   Rather than a solution, divorce sometimes simply

eliminates all of the positives, while the now separated parents keep all of the negatives of their marriage. Long-term relationships have ambivalence. Spouses have mixed feelings about one another, sometimes more negative than positive, and sometimes the reverse. Healthy people and healthy relationships include tolerance of ambivalence.

Interestingly, it is often this ambivalence that keeps people in relationships, but will not work long term, ultimately leading to having affairs, engaging in violent behaviors, and the like. Once separated, there is a natural tendency to resolve the ambivalence by focusing only on the negative.

Johnston's *negative reconstruction of spousal identities* might in part be an attempt to resolve the ambivalence by reinterpreting the relationship in a way that dismisses the positive and reinterprets what might have seemed positive at the time as evidence of the negative. In a recent co-parenting counseling case, the effort was wildly successful. and the parents established a very positive level of communication and cooperation. The session ended in praise and laughter all around , and as the parties walked away from the office, the ex-husband reached out and took the ex-wife's hand, which she surrendered to him without objection. They had "hated" one another in the first session. A functional co-parenting relationship can bring a resurgence of ambivalent feelings and without a tolerance for that, where one or both of the parties might start the angry dance again, restoring the "hate" to avoid the attraction. On the other hand, as illustrated in the example above, the opposite result is also possible.

## Roots in the Marriage

One cannot ignore that the patterns of conflict seen in a divorce were the identical patterns seen during the marriage. After the initial stages of a marriage, spouses begin to experience differences between one another. They come from different families of origin, neighborhoods and experiences growing up. They might have had very different types of romantic relationships prior to considering marriage. They likely have different ways of thinking and patterns of emotions, different values, insecurities, fears and desires. This inevitably leads to disagreements, at which point they even experience a difference in how they address disagreements.

Historically, humans have taken on the issue of disagreements with a final decision-maker, whether that comes from a third party decision-maker (e.g., a religious leader, etc.) or a designated spouse, historically the male. As western cultures moved away from the husband having the final say and towards egalitarian marriage, in which there is not final decision-ßmaker, spouses needed new skills for resolving disagreements. Unfortunately, only a small portion of the population of married people came into marriage with those skills. Only very

recently have scientists begun to delineate the disagreement resolution skills needed to have a reasonably amicable marriage.

When spouses are unable to resolve disagreements and address the differences between them, disagreements become disputes, which when unresolved, they can morph into serious interpersonal conflict. Happily married spouses have as intense disagreements as unhappily marriage people, but there are differences. First, they ultimately resolve the disagreements. Second, they limit the emotional damage to one another by not turning a disagreement into nasty judgments and damaging comments to one another, and limit the extent of the emotional damage by having a way to get back on track quickly. Spouses lagging in those skills escalate the emotional intensity of disagreements and spend more and more time in the marriage in conflict or cold wars. Some of those latter spouses may stay married, for many different reasons, but many seek a divorce.

However, divorced parents still face differences and disagreements, still lagging the skills to resolve them. As a result, they do the toxic dance of a conflictual co-parenting relationship, either in a non-cooperative cold war or in open conflict, both of which occur before the eyes of their children. Some become "*frequent fliers*" in the legal system, wanting the rule of law and judges to resolve the disagreements.

The root of these problems are sometimes the presence of mental health problems, but more frequently, people are lagging the skills needed to resolve disagreements that arise from their differences.

## Do the Math

Let us start with a story. Ken and his wife have two Toyota cars, and thus have two Toyota keys on their key rings. The keys are identical except, because Ken has a car with a trunk, an additional button is needed to open the trunk. His wife has a Rav4, so there is a door at the rear rather than a trunk. Ken was amazed that whenever he picked a key by feel on his ring, it was almost always his wife's car key, not his. The odds should be 50/50 that he would pick the key to his car. Did he just have bad luck?

## Distorted Beliefs and Memory

The contradiction described above raised Ken's curiosity, and he actually began to count the times that he picked each key. After a period of time, he discovered that the result was about 50/50. His belief that he was picking the wrong key most times was a fiction. He had developed a belief that was wrong. Why was that?

This is not the only example of this human trait. Many people feel that they are always choosing the slowest line to stand in, when statistics tell us that over time, that should average out. Tennis players are more likely to remember their missed shots than their good ones. Gambling research tells us that people feel the loss of a hundred dollars much more intensely than winning a hundred dollars. John Gottman, researching marriages for many years, tells us that it takes about five positive experiences in the marriage to even out one bad experience. Why is this?

The most common complaint of divorcing or divorced spouses is that the other spouse is "controlling". We hear such phrases as, "*It was always his way or the highway*," and "*If I said the sky was blue, she would say it was green*." Is the perception that the other spouse is "controlling" accurate?

When the human species parted ways with the other great apes in the Great Rift Valley in eastern Africa, humans lived in an inhospitable environment, in which dangers were imminent and food was hard to find. Most humans did not survive or live very long. Those who did learned what works, like how to use a club, but even more importantly, how to detect dangers and scarcity, survived. Evolutionary selection pressure was on us to pay much more attention and remember (more vividly) the things that can go wrong. While finding food gave us pleasure, not finding food was a matter of life and death. Seeing a banana tree gave us pleasure; seeing a snake scared the daylights out of us. In other words, we are hardwired to pay much more emotional attention to negative experiences than to positive experiences. For Ken, seeing the wrong key in his hand was experienced more intensely than seeing the right key, and so, his memory became distorted. More importantly, he developed a belief that was a fiction. Only by performing his little experiment and counting was he able to correct this distorted belief.

We know from the research of John Gottman that something similar happens in marriage. We feel negative experiences about five times as intensely than we feel positive experiences. We are much more likely to remember the times when our spouse disagrees with us than when he or she agrees with us, simply because we feel disagreement with much more intensity than we feel agreement. We might not even notice when there is agreement. Likewise, we feel our spouse controlling a situation much more intensely than when our spouse lets us control the situation. We feel giving-in with more intensity than when our spouse gives-in. We can develop distorted beliefs in our marriage, or co-parenting relationship, because of this human trait. We simply pay more attention to, feel more intensely and remember more vividly, when things go wrong than we do when things go well.

## Intractable Conflict and Delusions

There is a good deal of literature focused on what is called "intractable conflict." Intractable conflict refers to those situations in which people develop very negative beliefs about other people, whether that be two people in a divorce or two groups of people with different religious beliefs. Nothing seems to change the conflict and hostility between the two. People involved in intractable conflict often behave in destructive ways towards each other, and often this is done in self-defeating ways. Worse yet, being destructive to the other person is often harmful to both people.

Not everyone who divorces ends up in intractable conflict, but many do. In most cases like this, ex-spouses behave destructively towards one another, but often in self-destructive AND self-defeating ways. They rewrite history to rationalize this behavior, and they almost always have distorted memories of the marriage and the other spouse.

One wonders. Had they counted and done the math, perhaps they only had three positive experiences for every one bad experience, but sadly that might have been enough to convince them that the whole marriage was bad. On the other hand, perhaps had they counted and done the math, they might have discovered that their spouse gave-in about the same number of times that he or she did not. Had they counted, perhaps their child reported positive experiences with the other parent more often than negative experiences. In other words, had they done the math, perhaps they would have discovered that their beliefs about one another were a fiction and that intractable conflict is foolish and counter-productive.

Remember Ken and his keys? In the true sense of the word, Ken had developed a delusion. A delusion is a belief about reality that is a complete fiction, based on inferences about the world around us that are wrong. Only by counting the number of times that the right and wrong keys were chosen was Ken able to "cure" his delusion and get back to reality. One result was that after his counting experiment, he noticed that he was choosing the right key as often as the wrong key. Even his perception of reality had changed to what was true.

Spouses can easily learn this skill, do the math and realize that their inflated negative views of one another are incorrect. They can also learn that they had been noticing the negative behaviors and not the positive, or at least neutral, behaviors. Perhaps a different and better outcome would result if spouses and ex-spouses counted the behaviors of each other and did the math.

**Summary**

On the individual level, separated parents involved in damaging levels of co-parenting conflict are likely making cognitive mistakes. These are overconfidence bias, confirmation bias,

inferential thinking without reality testing, the avoidance of ambivalent feelings by maintaining the negative interactions and lagging disagreement resolution skills.

Interventions in the co-parenting system will likely include addressing these cognitive mistakes. Parents who address directly their ambivalent feelings should start to improve their co-parenting relationship. Developing a coherent and objective story about their marriage and its ending that allows for ambivalence can help. For example, understanding the problems in their marriage as a reflection of too little in common to balance the normal problems or as a problem of clashing control strategies learned in their families of origin, might make it easier to accept that they might like, even love, some traits in the other person, even if the marriage did not work.

Inferential thinking is resolved through establishing better reality testing. Here we defer to a later section in this article dealing with open information systems. Intractable conflict and confirmation bias are difficult to address because research suggests that it often takes a disaster to shake up a system of intractable conflict. Telling parents stories about disasters can sometimes do it.

In a real co-parenting case, the parties decided to attend a co-parenting counselling session because their oldest child was getting married. They then discovered that she was having two wedding receptions, one for each "side" of the family, because she did not want her parents to ruin her wedding. That "disaster" shook the parents to the point that they did not want the same for their three younger children. Telling that story to parents with a five-year old can make the potential of a "disaster" a bit more compelling. Redefining "wellness" for parents can help with the overconfidence bias. Setting personal standards of behavior, independent of the other parent's conduct, shifts the focus from blame for problems out of control to behavior in control.

Modeling social maturity is one of the Five Parenting Skills that social science tells us affects outcomes for children. By focusing on modeling social maturity to each of the parents, rather venting their complaints about the other parent, the attention shifts. If a mother complains that the father is gruff or overly critical, asking the mother what is the socially mature way of responding to someone who is gruff or critical changes the focus to behavior over which the mother has control.

Being a good parent becomes the definition of wellness, rather than simply being better than the other parent. Ridding themselves of delusions by doing the math can help change negative beliefs to beliefs based on reality. Finally, teaching and training separated parents in disagreement resolutions skills can be very helpful. (For a list of those skills and training approaches, please refer to our book: *The Road to Successful Marriage is Unpaved: Seven Skills*

*for Making Marriage Work (available for sale of many bookstores (e.g., Barnes & Noble or on line on [Amazon.com](Amazon.com) or [BarnesandNoble.com](BarnesandNoble.com)).*

### 2. Culture and History

The culture in a family is no simple thing.  It is a reflection not only of the history of the parental relationship, but also stems back through each of the parents' families of origin and even their differing ethnic backgrounds.  If this were a paper on marriage, we would have to deal with the complexity of this issue in detail.  Fortunately, co-parenting conflict only involves several aspects of this complex issue: how to make decisions, how to raise and solve problems, and how to raise and resolve parenting concerns.  Even this overstates the issue; the key issue is how to resolve disagreement when both people think that they are "right".  Of course, there is little to resolve when parties agree.

First and foremost, parents should not be led down some rosy path that they can have a good co-parenting relationship without disagreement.  Relationships have disagreements, and conflict is healthy when the resolution leads to both parents accomplishing something important: something that is a better solution when it includes the values of both parents.

There are two basic forms of conflict: Cognitive Conflict and Emotional Conflict. **Cognitive Conflict** is when parents disagree about a real issue (e.g., signing a child up for karate). **Emotional Conflict** is when the disagreement gets side-tracked and personal (e.g., "*You are always trying to run things*").  Emotional conflict is rarely constructive.  When cognitive conflict is collaborative, everyone gains.  Cognitive conflict can be as passionate as emotional conflict, but the focus is on the objective issue, not on denigrating one another or simply trying to "win."  Cognitive conflict can be very emotional because parents can be very passionate about the issue about which they disagree.   The temptation, when resolving cognitive disagreements, is to avoid regressing to emotional conflict and emotional arguments.   The solution is to keep it a "passionate" <u>cognitive</u> disagreement: staying on topic, getting more information when needed, identifying and including the goals of both parents that are involved in the disagreement, and getting to a solution.

Parents locked into co-parenting conflict generally demonstrate flaws in how they resolve disagreement, often stemming from the culture of their backgrounds and their history of success with the strategies that they employ.  Discussions about how those in their extended families historically resolved or failed to resolve disagreements can be very helpful.

## Unilateral Decision-Making

The culture of a family likely includes definitions of which decisions are joint and which are unilateral.  Often these are heavily influenced by the history of the parents, role definitions

and bargains made in the marriage.  The process by which decisions were made was also likely determined in the marriage, with the same historical and cultural influences.  There is often a mismatch of these lists and processes with the new condition of separated parents.

Parents who felt no particular need to be involved in some decisions when married might now want to be involved.  Some decisions can now have an impact on the residential schedule and can feel intrusive.  Businesses learned long ago the importance of deciding first how to decide, that is, who could make what decisions and what process for making decisions was to be followed.  Some very successful businesses, such as Digital Equipment Corporation, went out of business because they did not re-evaluate how to make decisions when conditions changed.  When parents separate, conditions change.  Separated parents who fail to redefine how decisions will be made, set the conditions for destructive conflict.

Most law is of little help here.  The list of custodial decisions in various jurisdictions can be as few as 6 major custodial decisions to as many as 12. Few provide a decision-making model that fits a unique family, and few if any provide a decision-making process that parents can employ.

The intervention for this problem is for parents to make a list of joint decisions.  This might include the obvious, such as not only choice of school, but also might include subtler or unique family issues, such as whether or not stepparents can give haircuts.  By definition, if a decision is not on the list of joint decisions, parents can make a unilateral decision.  Parents should be able to modify the list over time to take into account changes in circumstances. Parents should then be provided a decision-making process for joint decisions.

## A Culture of No, Yes or Maybe

When Lou Gerstner took over IBM, that behemoth was sinking fast in the early 1990's he coined the phrase, "*culture of no*."[11]  In some co-parenting relationships, one of the parents essentially vetoes any initiative made by the other parent, from signing the child up for activities to taking the child to counseling.  This is different from simply disagreeing; it is the psychological act of gaining power by saying "no".  However, the parent who interferes in initiatives rarely offers alternatives for accomplishing what needs to be accomplished for the child.  There is a corollary called the "*culture of yes*" when there appears to be agreement, but this is simply because one of the parents failed to raise objections or disagreement when the issue was discussed, only later to undermine the agreement.

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[11] Gerstner described the "culture of no" at IBM and how he turned that around in his book, *Who Says Elephants Can't Dance,* New York, Harper Business, 2002.

Bob and Brenda engaged in an initial session of co-parenting, which went well and included some initial agreements on sharing information procedures. Both appeared to be in agreement, but shortly after the session, Brenda sent an email to the counselor indicating that she was discouraged because Bob had lied so much in the session. One of the agreements in the first session had been future rigorous honesty. This is a culture of yes, when Brenda appeared to be agreeing, but then began back-door lobbying to undermine the process. If Brenda perceived that Bob lied in the meeting, Brenda should bring that up at the meeting, not after the meeting is over.

There is also the "culture of maybe", where parents engage in interminable discussions but never make a decision together. Sometimes they simply engage in endless debates with one another, sometimes they get sidetracked with other issues but never reach closure on an issue.

The antidote to the "culture of no" is to establish a procedure whereby if a parent objects to the initiative of the other parent, they must identify what it is that the parent making the initiative is trying to accomplish. In addition, that other parent must make other proposals to accomplish the issue at hand. They can then have a collaborative discussion on the merits of alternatives and arrive at a mutual decision.

The solution to a "culture of yes" is hard and fast rules is setting the time period for the open debate and limiting the post-debate back room lobbying. The solution to the "culture of maybe" is to structure the discussions to deal with one issue at a time and for one of the parents to be in charge of reaching closure on the issue. A clear procedure (e.g., our Six Steps for Making a Decision) can also help reach closure on issues.

### 3. Organizational and Systems Level

Many separating parents, who might have recognized that they were in an "organization" as spouses, no longer view themselves in an organization that needs rules and procedures in order to accomplish important goals. In fact, the very idea of being tied to one another, not just to their children, in an organization might seemed abhorrent. They fell into the trap of believing a divorce would assure that they no longer had to work side-by-side in an organization that had the long-term welfare of their children as their "product". They might be under the illusion that they can just raise the children, when they have them, without having to coordinate that with the other parent, and somehow have everything turn our well.

This failure to establish a family of children and separated parents with rules and procedures in place, like any successful organization finds necessary, is a fundamental cause of co-parenting conflict. Separated parents are not in two families. They, like their children, are in one family, into which the parents have introduced a new factor that by itself causes new

logistics problems- two residences.    A successful enterprise has five fundamental issues to address with organizations rules and procedures:

1. **Open information system.** Creating an open information system requires that everyone involved has the same body of information.   This was an organizational principle introduced into the United States by the highly successful Japanese companies in the 1960's and 1970's.  When every worker in an organization has the full information about company operations, the worker not only understands his or her role, but also can contribute to increases in how the company works.

   The implication is that a family with separated parents must have rules and procedures where both parents have the same body of information about the children.  In this way, they can identify problematic differences between their homes and approaches to the children, identify concerns with regard to each other's homes, identify early important decisions to be made, make decisions about the logistic issues that arise (e.g., getting sports equipment back and forth), both be involved in medical care and so on.

2. **Goal setting.**  Flowing directly from an open information system, an organization must coordinate the efforts of all parts of the organization to accomplish a goal or group of goals.

   The implication for co-parenting is that the parents must coordinate their parenting in order to accomplish important goals.  Teaching self-discipline, for example, is more likely to happen if both parents apply the same rules, have similar consequences, have similar expectations, require the same or similar chores and responsibilities and so on.

3. **Trouble spotting.** An organization needs to be able to identify trouble spots before they happen and be prepared with solutions.

   For the co-parenting organization, this includes current trouble spots, such as the conduct of the parents when they are both at the same event or how transitions from home to home are conducted.  Planning solutions for current and likely future trouble spots requires communication, planning and procedures.

4. **Flexibility.** Successful organizations recognize that flexibility is necessary to respond to unexpected developments.  A supply chain can be disrupted, and the organization must pivot quickly if it is to be successful.

   Flexibility in a family with separated parents orbits around access.   The best operating co-parenting relationships have flexibility in all forms of access: parents to children, children to parents, temporary schedule changes, participation in the children's lives independent of a custody schedule and so on.

5. **Rules and procedures**. Finally, organizations must have rules and procedures for making decisions and solving problems:   who is in charge of what decisions, how decision-making meetings are set up and conducted, who will be included in those meetings and so on.

   The rules and procedures for co-parents must include how and when a problem, concern or decision is brought up, what happens when it is brought up, how to structure the decision making process and the steps to take in order to make those decisions.

   On the organizational level, the lack of rules, procedures, and even the recognition that the co-parents are in an organization together, is a major cause of conflict.

## In Closing

We addressed the causes of divorce and co-parenting conflict through the lens of  the individual, cultural and organizational levels.  The results of this analysis can seem daunting, with so many factors involved and emotions running high.  Nevertheless, as we will hopefully show in the last six Booklets in this Series, while understanding the causes seems complicated, the interventions make only modest demands on the divorcing or divorced parents.

However, we are not finished looking at the complex arena in which divorces take place and the other contributing factors to divorce and co-parenting conflict.  Three of our other Booklets address special problems in the traditional family law system itself, and one addresses an issue that might help explain the persistence of divorce and co-parenting conflict, despite good efforts by professionals to help them resolve it. Before that, however, we want you to

consider in another of our Booklets how the traditional family law system traps people at an extremely vulnerable time into making self-defeating decisions.