Divorce Conflict Information Booklet Series[1]
Section One: Understanding the Problem

Booklet 1
Three Lens Approach to Understanding Divorce Conflict

By Kenneth R. Waldron, PhD and Allan R. Koritzinsky, JD[2]

Introduction

Moderate to high conflict co-parenting relationships occupy a great deal 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 and private mental health projects. Some cases bring with them allegations of 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. 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 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

[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 first Booklet in the Series.
[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).

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comprehensive theory of co-parenting conflict, and of particular importance, we do not have a comprehensive theory that suggests solutions.

In this Booklet , we examine co-parenting conflict and suggest a solution by relying on organizational theory and an analysis of a dysfunctional system by viewing it through three lenses:[4]

- the individual level (which focuses on cognitive mistakes)
- the culture level (which places the individuals in a larger context that includes history) and
- the organizational systems level (which focuses on the flow of information and decision-making procedures.[5]

Social science research has shown that moderate to high conflict often leads to disastrous outcomes for the children in those families, although those outcomes often do not show up until children are grown. Some disasters occur sooner, such as children becoming estranged from a parent or acting out with school failures or worse.[6] However, 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. For example, divorce rates for children in conflictual co-parenting families have divorce rates themselves as adult at about twice the level compared to children from functional co-parenting families.

Let us examine co-parenting conflict through these three lenses.

Lens One: Individual Level
(Cognitive Mistakes)

Parents in a moderate to high conflict co-parenting relationship make a number of cognitive mistakes. In some cases, cognitive mistakes are "symptoms" of pathology. According to Mary Whiteside's research, about 20% of divorces have high conflict as a symptom of mental health disorders, especially personality and conduct disorders. About 60% of co-parenting cases

[4] Although academic, this approach helps understand why cases with parents who do not evidence serious mental health difficulties end up in intractable conflict with one another.

[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).

[6] In a case known by Ken, a teen daughter ran away from home and was discovered prostituting at an airport.

with moderate to high conflict include parents who make these cognitive mistakes, but who do not have pronounced mental health disorders.[7]

The difference between these two groups is that the former are unlikely to change, while the latter can change, with interventions.[8]

In the opinion of your authors, cognitive errors are better seen as skill weaknesses rather than as pathology. Simply put, people can learn skills that undercut cognitive mistakes.

Those cognitive mistakes are:

1. Overconfidence bias
2. Confirmation bias
3. Inferential thinking
4. Ambivalence avoidance
5. Lagging skills
6. Distorted beliefs and memory
7. Intractable conflict and delusions

1. 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. This means to find that another person is wrong and must be causing the problem. Overconfidence comes from several different psychological processes:

a. maintaining a sense of wellness ("*I'm okay*")
b. limitations in reflecting on oneself objectively
c. a dynamic of reciprocity vs. coercion

In order to maintain a sense of wellness, people have more confidence in themselves than is usually objective. 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 hates his yelling at her, 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

[7] Whiteside, M. (1998) "*The Parental Alliance Following Divorce: An Overview.*" Journal of Marital and Family Therapy, vol 24, No. 1, 3-24.

[8] People with personality disorders notoriously have a weak ability to reflect objectively on themselves and an ability necessary to change.

wellness by blaming another person. Neuroscientists even tell us that overconfidence bias has become ingrained by evolution in people's minds and is difficult to overcome.[9]

That example also illustrates a second cause of overconfidence- limitations in self-reflection. Very few people are able to reflect (fully and objectively) on how others really see them. It is very difficult to step outside of oneself and have an objective picture of how one appears to others.

Michael Spierer, Ph.D. (Madison, Wisconsin) used an unusual intervention for this problem; he videotaped clients talking about difficulties with their ex-spouse and then showed them the videos. He reported[10] that many of those clients become enlightened and more objective with regard to how they come across. Mike Ebner, Ph.D. (Portland, Oregon) 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.[11]

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.[12] 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. In addition, he reported that healthy relationships have a good balance. When the balance 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. Even when cooperating would be good for everyone involved, the feeling of coercion leads to, "*Why should I, you don't* . . ."

2. **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*

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[9] See Robert Sapolsky's book *Behave.*
[10] Personal communication.
[11] Personal communication.
[12] Personal communication.

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."[13] In essence, parents develop negative beliefs about the other parent, find examples as "proof," reframe irrelevant information to fit the beliefs and even spin contradictory information to support the belief. Even a "good" action becomes negative ("*You are just trying to manipulate me*.") 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 with 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 to one another without having to think about it.[14]

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. He replied simply that he would have to change his beliefs. In Co-parenting conflict, the beliefs become reified, unchanging, and eventually unquestioned.

3. 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 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 story. This provides us with a platform for action. For example, a man walks into a home late and sees an angry look on his wife's face. He infers that she is angry at him for being late and quickly offers an apology. This is a good guess, but still is just a guess and could be wrong.

[13] Vallacher, R. R., *et al, Rethinking Intractable Conflict*, American Psychologist May-June, 2010, p. 262.
[14] 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.

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 successful 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*." It is a dangerous cognitive mistake to believe some inferences, especially those based on very little information.

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. 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. How many times have professionals heard from high conflict co-parents comments like, "*I know what is going on in that house*," with very little information. With very little communication, inferential thinking is a major cognitive error.

4. Ambivalence Avoidance

We sometimes marvel when we meet with parents locked into moderate to high levels of conflict, forgetting how they were once happy with one another or even in love. We walk into a waiting room and see two people who do not seem to know one another, only to find out they were married for many 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. A healthy marriage is about 80% of the time positive, but about 20% negative, sometimes very negative. A study in New York of happily long-term married people included the surprising finding that most of them thought about and even discussed getting divorced at times.

In conflictual co-parenting relationships, we often find a lack of ambivalence. Perhaps it is too difficult to look at an ex-spouse and feel attracted, really like much about them and deal

with the sadness of the dream lost. At the same time, however, it is a major cognitive mistake to handle that difficulty by only hating and avoiding.

5. Lagging Skills

One cannot ignore that the patterns of conflict seen in a divorce were the identical patterns seen during the end of a 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 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. The disagreements can be important. The top three sources of disagreements in marriages involve money, sex and affection, and parenting.

As western cultures moved away from the husband having the final say and towards egalitarian marriage, in which there is no final decision-maker, 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/sensible marriage.[15]

When spouses are unable to resolve disagreements and address the differences between them, disagreements become disputes, which when unresolved, typically 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 with solutions that work well for both spouses. Second, they limit the emotional damage to one another. They resist turning a disagreement into nasty judgments and damaging comments to one another, and they 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 might 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.

[15] In a recent, as yet, unpublished study by Ken Waldron and Eileen McCarten, MSW, reported there was a direct relationship between levels of their disagreement resolution skills and the level of marital conflict.

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

6. Distorted Beliefs and Memory

Many people feel that they are always choosing the slowest line to stand in, when statistics tell us that over time, that likely averages 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, tells us that it takes about five positive experiences in the marriage to balance 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 of the other spouse as "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 and survive.

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.

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. This is 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. This bias contributes to

coparenting conflict and requires a mental effort to be more objective about the co-parenting reality.

7. 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 one another, whether that be two people in a divorce or two groups of people with different religious beliefs.[16] 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 or groups. Regardless of evidence to the contrary, the beliefs are very resistant to contradictory information.

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-defeating ways, that harm themselves as much as one another. This has the additional serious drawback of exposing children to negative, often erroneous, information about their parents.

One of the difficulties in addressing intractable conflict is the magnetic pull of the erroneous beliefs. For example, treatment might change a pattern to something positive, with numerous positive incidents, but with one negative incident, the party will say something like, "See, he was only pretending. This is what he is really like. I was right all along."

Lens One: Individual Level (Cognitive Mistakes) Summary

On the individual level, separated parents involved in damaging levels of co-parenting conflict are likely making cognitive mistakes. When we study marriages or divorces in which parents get along with each other reasonably well, we find that they have disagreement resolution skills that overcome the above cognitive mistakes. Successful interventions in a dysfunctional co-parenting relationship teach the disagreement resolution skills that can overcome these cognitive mistakes.

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

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[16] The 30 Years War that left about a third of the population dead in Europe 600 years ago was a fight between Catholics and Protestants who had intractable, often wildly delusional, beliefs about one another.

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. As simple-minded as it might seem, teaching parents to count positive and negative experiences with one another can help undermine intractable conflict. For example, a 7 to 1 ratio of positive experiences is a pretty good ratio. In fact, given the research on emotional reactions to positive versus negative experiences suggests that anything over a 5 positive experiences to 1 negative experience is a pretty good ratio.

Lens Two: Culture and History

There are four types of cultural and historical influences that contribute to coparenting conflict:

1. The belief that there is only one “right” when people disagree
2. Focusing on “emotions” arising from competing to be “right, rather than the “cognitive” disagreement when both parties are right
3. Unilateral decision making
4. A culture of ‘Yes”, “No,” or “maybe.”

Being “Right”

Understanding culture and history 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”.

Unfortunately, there are few models in our culture that illuminate the skills involved in resolving disagreements when both people, or both sides (e.g., politics), think that they are “right.” Some disagreements can be resolved because one person really is right and the other person is wrong, usually as the result of the person who is right having more or key information that the other person does not have. However, most disagreements involve both people differing but being right. Trying to prove who is right and “win” the argument is a useless and hopeless endeavor, the results of which are an escalation of conflict, bitter feelings and a failed resolution. If this becomes a pattern, spouses, or parents after divorce, develop increasingly

negative views of one another. This pattern dominates many parts of our culture.

In Game Theory terms, this approaches disagreement as a competitive game. Game Theory also prescribes the behaviors that lead to a cooperative game, which are, quite simply, a series of disagreement resolution skills.[17]

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

Cognitive and Emotional Conflict

There are two basic forms of conflict:

- **Cognitive Conflict**. This occurs when parents disagree about a real issue (e.g., signing a child up for karate).
- **Emotional Conflict.** This occurs 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." Behaviors when in conflict that are argued as emotional conflicts are destructive, usually involving negative opinions about one another, negative exaggerations and personal attacks and controlling strategies.

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 regress to emotional conflict.

The solution is to keep it a "passionate" disagreement focused on a <u>cognitive</u> disagreement: staying on topic, getting more information when needed, identifying and including the input and goals of both parents that are involved in the disagreement, and getting to a solution that works well for both parents.

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[17] For a complete definition of these skills and exercises on how to learn them, see: Waldron and Koritzinsky, *How to Plan a Sensible Divorce: How to Avoid the Toxic Dance of a Nasty Divorce.* Available on this website and at major booksellers.

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 being separated parents. In brief, it is a mistake to persist with the choices of which decisions are joint and which can be unilateral that were true in the marriage, because separated parents are operating with very different sets of information.

For example, one parent simply taking a child to the doctor might work fine, because the other parent might be busy and has the information that the child is sick, and is certain to hear the results later in the day. When a separated parent finds out after the fact that a child was sick, went to the doctor and might not have heard the results, calls to attorney are common. All too often, we hear a separated parent say something incredibly destructive like, "I can do what I want in my house and you can do what you want in your house." This greatly disrupts the experience of the child, interrupting learning by substituting adapting.

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 initially 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 what will be 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.

In brief, a coparenting relationship, after divorce, is very different than a coparenting relationship in an intact marriage, when it comes to the involvement of parents in decisions. The list of joint decisions usually expands dramatically and requires a much more deliberate exchange of relevant information.

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*."[18] 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.

Bob and Brenda engaged in an initial session of co-parenting counseling, 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 for setting the time period for the open debate and limiting the post-debate back room lobbying. The solution to the "culture of

[18] 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.

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, described later in this series) can also help reach closure on issues.

Lens Two: Culture and History Level Summary

Parents locked into co-parenting conflict generally demonstrate flaws in how they resolve disagreements, 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' culture historically resolved or failed to resolve disagreements can be very helpful. The point is that to correct errors on this cultural/social level, parents must accept that most disagreements arise when both parents are "right," explore what they are each trying to accomplish, discuss the disagreement on the cognitive level, have a clear agreement on which decisions must be handled jointly and are open and honest about their thoughts.

Lens Three: Organizational and Systems Level

This third and final analysis may be surprising to our readers. Please be patient and read on.

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 to them. 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 logistical problems. i.e., two residences.

A successful enterprise (i.e., a marriage) has five fundamental issues to address with organizational 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 contributes to increases in how the company works.

The implication for co-parenting 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.

   The implication for co-parenting is that 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 implication for co-parenting is that 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 another major cause of conflict.

Lens Three: Organizational and Systems Level Summary

Parents in the same residence are an organization, but because they live together, the information loop is very active. Because that loop is so active, the parents might not recognize the important aspects of the organization and that organization is self-correcting without much effort. When a parent comes home and asks, "how were the kids," followed by a quick discussion of any problems that arise, they do not realize that they in effect just had an organizational meeting. When parents live in two residences after a separation, the organization must become more formal, and have all of the parts of a functional organization if they hope to be successful in raising their children. As we have continuously pointed out:

Spouses divorce; Parents Don't, They Separate

In Closing

We addressed the causes of divorce and co-parenting conflict through the lens of the individual, cultural/historical 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.