

Divorce Conflict Information Booklet Series¹

Section Two: Planning the Solutions

Booklet 9

Theoretical Considerations and Interventions in High Conflict Co-parenting Relationships

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“Humans often fail to see what is close to them and obvious to others.”
Graeme Simston, *The Rosie Project*

Preface

- Moderate to high conflict co-parenting relationships occupy far too much time and resources of attorneys, mental health professionals, mediators and courts in the family law system. Much has been said and written about these co-parenting relationships and the special problems that they present. Programs attached to the court system have been developed to try to improve this problem. e.g., 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 of or proven domestic violence and substance abuse, and sometimes include substantial problems between children and one of their parents, including estrangement. Tempers run high 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.

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

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 ninth 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

asserted, such as (1) Johnston and Campbell's system theories, (2) attachment patterns of the parents or (3) the role of personality disorders in understanding co-parenting conflict. However, at present, we do not have a comprehensive theory of co-parenting conflict. Of particular importance, we do not have a comprehensive theory that suggests interventions which might help. Simply assigning high conflict divorces to labelled groups offers little in terms of intervention strategies.

In Section One of this Series on divorce conflict, we discussed that some divorce conflict is inevitable, based on the (1) special challenges of marriage itself, (2) lagging skills of the parties, (3) normal human traits and on the (4) rules and payoffs in the current family law system. (which tend to fan the flames). We also posited that divorce conflict can be addictive to vulnerable people, making them tenaciously resistant to attempts at resolution. Some parties manage to remain reasonably amicable, and many parties later manage to recover and resolve the conflict going forward in their lives. For these parties, the divorce was, as it is intended to be, a solution to a problem. Here we focus on coparenting relationships with intractable conflict.

Introduction

The challenging cases tend to be moderate to high conflict, but the real dilemma is that the conflict persists, many times through the rest of the parties' lives. We see the parties and their children in anguish, and only marginally responsive to attempts at intervention, if at all. In addition to anguish, children in these families, at all ages, tend to develop serious problems in their own lives outside of the family, both as children and as adults.³ Even with children who appear to be resilient and do not develop substantial mental health or legal problems of their own, as Robert Emery has pointed out in numerous publications, those children experience a good deal of pain in their lives. For example, research informs us that children from high conflict divorce families have twice the likelihood of being divorced in their adulthood when compared to children from low conflict divorce families.

In Section Two of this Series on divorce conflict, we are looking for Solutions. We began this Section with a brief introduction of our new Bargaining Model, which has a better chance (at least) of not aggravating conflict between the parties. The Model not only helps spouses agree on plans to reach family and financial goals for their children but also models skills that the parties can take forward to resolve future disagreements. We touched on using several Game Theory principles to assist parties in developing plans for their futures, including "growing the pie" by

³ The following are good meta-analyses of the effects of parental conflict on children: Amato & Keith (1991) *Parental Divorce and the Well-Being of Children: A Meta-analysis*, Psych. Bull, 110: P. 26; Depner, et al, (1992) *Interparental conflict and child adjustment: A decade review and meta-analysis*. Family and Conciliation Courts Review, 30: P. 323; and, Reid and Crisafulli (1990) *Marital discord and child behavior problems: A meta-analysis*. J. of Abnormal Psychology.

addressing the goals of both parties. In Booklets X, XI and XII, we discuss practical techniques for assisting the parties in this process, again drawing on several additional Game Theory techniques.

In this Booklet, we focus on the theoretical underpinnings of co-parenting conflict—specifically the persistent conflict between parties with children.

Borrowing from psychological theory, organizational theory and the theories abounding about critical decision-making, developing a comprehensive theory is possible.⁴ The problem with simply assigning pathology to the parents is that it does not solve the problem. In fact, 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. However, Janet 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 that she has described.

In organizational theory, an analysis of a dysfunctional system occurs on three levels, or as Graham Allison wrote, through three lenses: (1) the individual level (which we call “Individual Cognitive Mistakes”), (2) the culture level (which we call “Culture and History”), which places the individuals in a larger context that includes history and (3) the organizational systems level⁵ (which we call “Organizational Systems”).

Much of this work focused on disasters (such as the Cuban Missile Crisis or the Challenger space craft disaster), but is applicable to co-parenting conflict.

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 or becoming suicidal in their teen years. However, often the insidious effect of co-parenting conflict is not seen until the child is living her or his own family life many years later.

Now we want to examine co-parenting conflict through these three lenses, with the goal of developing intervention strategies that will make a difference, which we present in three parts:

⁴ See our Booklet I in the Divorce Conflict Information Booklet Series, “*Three Lenses Approach to Understanding Divorce Conflict*”

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). See Chapter 4 of this Booklet, where we rely heavily on Allison’s analysis.

1. Part One-Individual Cognitive Mistakes
2. Part Two- Culture of Conflict and History of Failure
3. Part Three- Organizational Systems

Part 1. Individual Cognitive Mistakes

Parents in a persisting 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 not lead to intervention strategies. They are cognitive mistakes, and not symptoms of pathology! We present five of these cognitive mistakes:

1. Overconfidence Bias:

Overconfidence in oneself leads immediately to the blame-frame. If there is a problem and one party is overconfident, it is a natural next step to find fault elsewhere, meaning to find that the other person must be causing the problem. Overconfidence comes from several different psychological processes: maintaining a sense of wellness, limitations in reflective abilities, the natural human tendency to judge ourselves by our motives and judge others by their actions, and a dynamic of reciprocity vs. coercion.

In order to maintain a sense of wellness, people believe much better about themselves than is usually objective or factual. When that belief is challenged, by having interpersonal problems, rather than accept a more realistic appraisal of ourselves, we are quick to turn the blame onto the person challenging us. When a child asserts to a divorced 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.

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

Michael Spierer, Ph.D. (Madison, Wisconsin) has used an unusual intervention for this problem. He videotapes clients talking about their difficulties and then shows them the videos. He reports⁶ that many of those clients become enlightened and more objective with regard to their stimulus value. Mike Ebner, Ph.D (Portland, Oregon) had couples in counseling with him

⁶ Personal communication.

repeat an argument that they reported, but had the man, who was usually bigger than the woman, kneel and had the woman stand. The difference in physical size changed the character of the argument and helped with reflection.⁷ The men understood what it felt like to argue with someone bigger, and the women understood the impact of bloated aggression, when she was the bigger party.

Robert Sopolsky, in *Behave*, points out that people judge others by their actions, but themselves by their motives.⁸ We touched on this human phenomenon in an earlier Booklet. Assume a woman swears at a man, and he swears back. He judges her for her swearing, but he might see himself as innocent for the same behavior because of his intention (e.g., to show her what she sounds like).

People tend to justify or rationalize their own behavior derived from good or at least neutral motives. In addition, we tend to be over-confident in our positions, even when our behavior would be judged poorly in another person. In high conflict co-parenting relationships, the parties judge each other harshly for the behavior in which they themselves engaged, which they justify by their intention or motive. Scientists call this a “judgment error”.

Finally, overconfidence bias develops from the lack of reciprocity in many co-parenting relationships. Michael Patterson (University of Oregon) identified an interpersonal principle which he called *Reciprocity vs. Coercion*.⁹ The principle is that we all have an internal balance sheet, where we keep track of how much giving and taking there is in our relationships, recognizing that healthy relationships have a good balance. When the balance becomes skewed, we 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 an inch,” even in the service of their children. In Game Theory parlance, this would be described as a negative “tit-for-tat” situation.

Overconfidence bias, derived from normal human characteristics, is often perceived as “defensiveness,” and this is the purpose, although calling someone defensive does not point to solutions. This makes it a bad explanation. Identifying the source of overconfidence bias leads to solutions. Using blame to restore a sense of wellness, for example, is undergirded by insecurity. The problem with blame is that the underlying insecurity is neither addressed nor resolved. To resolve insecurity, an individual needs to take responsibility for their behavior,

⁷ Personal communication.

⁸ Sopolsky, R. (2017) *Behave. The Biology of Humans at our Best and Worst*, (2017) Penguin Books.

⁹ Personal communication (He might have published too)

admit to mistakes and faults and apologize when needed. The way to reduce fear of diving off a high dive is to dive a few times, not avoid it. The divorced father needs to say, *“I am sorry I yelled at you. I want to teach you not scare you. I will practice speaking to you in a normal voice.”*

2. **Confirmation Bias:**

As Vallacher, *et al*, eloquently describe, people are vulnerable to intractable conflict because of their need to develop coherence with their view of the world and a platform from which to launch reactions. They define intractable conflict as *“one that becomes entrenched in cognitive, affective, and social-structural mechanisms”*. They also note: *“As a conflict becomes a primary focus of each party’s thoughts, feelings, and actions, including factors that are irrelevant to the conflict become framed in a way that intensifies or maintains the conflict.”*¹⁰ 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 can work hard and begin to dig out from an intractable conflict system, but one problematic incident can send them back to their now even firmer negative beliefs. The “us-against-them” inherent in human relations gets triggered,¹¹ and we reinstate, even reinforce, our 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 and contradicted by the facts, but all ambiguities with confirmation bias, are removed, and we “know” how to respond without having to think about it.¹²

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 somehow reincarnation was scientifically disproved. He replied that he would have to change his beliefs. In co-parenting

¹⁰ Vallacher, R. R., *et al*, Rethinking Intractable Conflict, *American Psychologist* May-June, 2010, p. 262.

¹¹ See Section I of this Booklet series.

¹² 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 their “battle to the death” pathway.

conflict, the beliefs become reified, unchanging, and eventually unquestioned. When someone points out that what a person is saying is contradicted by the facts, they can easily reply, “*You don’t know what is really going on,*” or “*You don’t know what he/she is really like.*”

3. Inferential Thinking:

Another cognitive process people use to create coherence in their environment is inferential thinking. We get a certain amount of information 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 story, and 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. Or, Jim might ask, “*Did my question offend you?*” and Mary might respond, “*No, I had a twinge in my back. It’s acting up again.*”

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, rather than the real person, because of what they inferred. 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 reality. At the extreme, we call this paranoia or delusional thinking, which is essentially being dominated by inferential thinking with insufficient information to justify those conclusions.

4. Ambivalence Avoidance:

We sometimes marvel when we meet with parents locked into moderate to high levels of

conflict at how they were once happy with one another and even in love. We see two people in a waiting room who seem not to know one another, only to find out they were married for fourteen years. 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 the tolerance of ambivalence. It is often this ambivalence that keeps people in relationships that really will not work long term. When this happens, but before any divorce filing, this ambivalence leads to the point of one or both of the parties having affairs and/or engaging in violent behaviors. Once separated, unfortunately there is a natural tendency to resolve the ambivalence by focusing only on the negative. Johnston's *negative reconstruction of spousal identities* is 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, where the parties had been warring in the first session, Ken started the second session by asking an open-ended question to get to know the people better. He asked the parties how they had met and what they were thinking about one another at the time of marriage, not what they think now. Ken kept introducing the subject of sadness that their hopes and plans had not worked out. He did so without attributing any blame- focusing on the eventual imbalance between the good and the bad. Interestingly, the parties were able to acknowledge what they still liked about each other. They told Ken they were sad, but not angry. The effort was wildly successful, and over a short series of sessions, the parents established a very positive level of communication and cooperation. The last session ended in praise all around, including laughter. As the parties walked away from the office, the ex-husband reached out and took his ex-wife's hand, which she surrendered to him without objection. They had "hated" one another in the first session, but by the end, they hated the pain they had caused one another.

A functional co-parenting relationship can bring a resurgence of ambivalent feelings, and without a tolerance for that, one or both of the parties might start the angry dance again, restoring the "hate" to avoid the attraction. There were good reasons for their divorce but they could acknowledge that and still like each other.

5. Lagging Skills:

In Booklet 1 of this Series, we challenged the framework that parties in persisting conflict have personality disorders. The challenge was not in terms of whether or not that perspective was correct, but rather that it was a poor explanation for the problem because it did not point to a solution. People with personality disorders are notoriously difficult to treat and generally have

very limited prognoses.

Another problem with the diagnosis of personality disorder is that the person becomes a caricature, not a real human being with positive motives, desires, love for his or her children and a desire to suffer less. Professionals often see them solely as problematic people who leave a wake of damage behind them in relationships, often with little or no empathic concern for them. Part of this is because a diagnosis of personality disorder comes out of the medical model of mental health and is seen as a disease with predictable symptoms. Like a cancer patient might be seen as “my pancreatic cancer case,” a personality disorder might be seen as “the histrionic mother.” This dehumanizes the party.

Another and more constructive viewpoint is to view some people as lagging in important skills for relationships. John Gottman and his cohorts identified surprises in their research. The first wave of their research, summarized in their book, *How Marriages Succeed or Fail*, got the “fail” right, because that is mostly what they studied. However, they did not quite get the “succeed “ right until later research revealed some keys.

One surprise was that successful marriages have as many conflicts as unsuccessful marriages; the conflict is simply handled differently. In other words, in successful marriages, spouses have skills for minimizing harm to one another and resolving conflict successfully, where those in unsuccessful marriages suffer from those skills lagging or possibly lacking.

The lagging skills explanation is a good one because it leads to solutions. In any specific case, the lagging skills can be identified, and the skills can be trained. Some skills are certainly more challenging than others, but research suggests that most can be taught. Empathy, for example, might seem impossible to teach, but two separate bodies of research show that it can be taught through what is called *perspective taking*.

For example, in criminal mediation studies, referred to as “Restorative Justice,” the criminal meets with the victim and a mediator,¹³ and both begin by learning about the other person’s perspective on what happened. Taking that step led to agreements on reparation and forgiveness. For our purpose, engaging in the behavior of seeing the same situation from someone else’s perspective leads to increased empathy. Other research has identified methods for increasing a person’s ability to take the perspective of another person.

Other skills are more easily learned, like how to resolve disagreements or work

¹³ In many instances, other key people from the community also participate.

cooperatively to make choices. The most difficult skills to learn are those that challenge our personality structure. For example, defensiveness has an evolutionary purpose that does not translate well to modern society. We defend ourselves to avoid feeling and being vulnerable. When we are vulnerable, we lose some control over what goes on in our lives. When a person proposes marriage, he or she is vulnerable because the other person has control over what happens next. The person proposing has made him or herself vulnerable because the answer might be “no.” The more insecure we are with others, the more we avoid being vulnerable, and we do this through various and myriad forms of defensiveness. Mary says to Roger, “*You’re late again.*” Roger smirks and says, “*Like you are never late!*” [turning the criticism around], or says, “*There was a big accident on the highway,*” [a lie], and so on.

Paradoxically, the way to become more secure is to practice rigorous honesty, letting yourself become vulnerable. This is similar to desensitization to fear, where the best way to overcome a fear is to do the thing that is the source of fear. Diving several times off a high-dive will lead to less fear. Making oneself vulnerable several times leads to less insecurity. Learning this skill can require counseling to uncover the self-talk undergirding the insecurity, but managing our vulnerability in a healthy way is possible to learn.

Identifying lagging skills and teaching the skills identifies the problem and the solution , much better than diagnosing people with personality disorders.

Summary- Individual Cognitive Mistakes:

On the individual level, separated parents involved in co-parenting conflict are likely making some cognitive mistakes. There is overconfidence bias, confirmation bias, inferential thinking (without reality testing) and ambivalence avoidance. Perhaps most importantly, the parties likely have lagging skills that can be corrected with training.

Interventions in the co-parenting system will likely include addressing these cognitive mistakes. Both parties might need to address their ambivalent feelings directly, in order to improve their co-parenting relationship. They might also need to develop a coherent and objective story about their marriage and its ending which is less focused on blaming one another and more on lagging the skills to resolve normal disagreements.

In addition, understanding the problems in their marriage will include: a realization of too little in common to balance the normal problems of marriage, a problem of clashing control strategies (likely learned in their families of origin) or some problematic traits in the each other that can no longer be ignored.

Inferential thinking is resolved through establishing better reality testing. Here we defer to a later section in this Booklet dealing with open information systems. Intractable conflict and confirmation bias which are difficult to address because research suggests it often takes a disaster to shake up a system of intractable conflict. However, sometimes the “disaster” can be fast forwarded to the present time. Telling parents stories about disasters can sometimes do it.

In a counseling case Ken once had, the parents requested coparenting counseling because they learned that their oldest child, who was getting married, was having two wedding receptions, one for each “side” of the family. 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 and went to co-parenting counseling to “fix the family,” which they did. Telling a “disaster” story like this to parents with a five-year-old can make the potential of a “disaster” a bit more compelling. Stories like this can scare parents into seeking to improve their coparenting relationship. As another example, if a counselor informs parents of a young child that parents who disrupt the attachments of their young child leads to children who are five times as likely as teenagers to be suicidal, can bring the threat of a future disaster to the present.¹⁴ In other words, making clear to warring parents that their behavior can have disastrous effects later on their children’s lives, with real research examples, can make them more amendable to treatment.

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. One parent behaving well can make a major difference.

**We cannot stop others from inviting us into their toxic dance,
but we do not have to accept the invitation to dance with them.**

Modeling social maturity is one of the five parenting skill sets that social science tells us affects outcomes for children. By focusing on modeling social maturity to each of the parents, rather than their complaints about the other parent, the attention shifts. If a mother complains that the father is gruff or critical, asking the mother what the socially mature way is to respond to someone who is gruff or critical, changes the focus to behavior to the person (i.e., the mother) who has control.

**Being a good parent becomes the definition of wellness,
rather than simply being better than the other parent.**

¹⁴ This is a genuine research finding.

Part 2. Culture of Conflict and History of Failure

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
- how to raise and resolve parenting concerns and
- how to resolve conflicts.

Even this overstates the issue, the key issue is how to resolve disagreements when both parties believe that they are "right."

First and foremost, parents should not be led down some rosy path that they can have a good co-parenting relationship without conflict. Relationships have conflict, and conflict is healthy in some forms.

There are two basic forms of conflict:

1. cognitive conflict and
2. emotional conflict.

Cognitive conflict is when parents disagree about some 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 wins. 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." For example, a parent who thinks his or her child is already too aggressive, can passionately object to karate as teaching the child to hit. The other parent can as passionately respond that karate teaches aggressive children not to hit. This is a conflict, but the focus is on the topic, not each other. Cognitive conflict has resolutions; emotional conflict does not.

Parents locked into co-parenting conflict generally demonstrate flaws in how they resolve disagreements. This often stems from the culture of their backgrounds and their history of failure- especially with the strategies that they employ with one another.

When people have difficulty resolving disagreements when there is cognitive conflict, there is a tendency to regress to emotional conflict. Many divorcing parties have reached the point where what started out as cognitive conflict has reached the stage of being solely emotional conflict. What might have started out as a conflict in how tidy to keep the home might have become one calling the other a slob, with the other responding by calling the other person compulsive.

Emotional conflict leads to three symptoms resulting from a culture of conflict and a history of failure to resolve conflict:

1. Unilateral decision-making
2. Fruitless arguments and
3. Power play

1. 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 agreements made during the marriage. The process by which decisions were made was also likely determined during 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 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-decide how to make decisions when conditions changed. When parents separate, conditions change. Separated parents who fail to re-define how decisions will be decided 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 six major custodial decisions to as many as twelve, but 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 not only choice of school, but also subtler or unique family issues, such as whether or not stepparents can give haircuts, and the like. 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.¹⁵

2. Fruitless Arguments

Arguments made for the purpose of “winning” are almost always fruitless because they tend to focus on denigrating one another, rather than focusing on the disagreement. Often in arguments, both parents are “right,” but the focus is often proving that “*I am right*” and “*You are wrong*.” For example, karate does teach how to hit but also how not to hit. Both are true.

What should be done when two people disagree and both think that they are right? This is one of the lagging skills defined in Booklet I. Here’s the good news. This is a skill that can be taught and can prevent fruitless arguments. We should add that Gottman and his cohorts also discovered that when people in healthy relationships disagreed, they did less emotional damage to each other by not resorting to personal criticisms or other denigrating acts, or apologizing if they did, and perhaps even more importantly, they developed a procedure for recovering quickly from the conflict.

3. Power Plays

Power plays come in many flavors: the Bully, the Withholder, the Reasoner, the Closer and the Never-ender. It is important to remember that while “winning” appears to be the goal, people experience “losing” substantially more intensely than “winning.” Often, it is avoiding losing an argument that spurs our worst behaviors. Losing brings our deepest insecurities to the surface. Gambling research finds that losing is approximately five times as emotionally intense as winning. For example, winning \$500 feels as intense as losing \$100. Measuring the emotional intensity of winning or losing an argument is of course impossible, but we can comfortably extrapolate from other research on winning and losing and assume that in the middle of an argument, the prospect of losing drives the behavior beyond what is reasonable.

- a. **The Bully** simply tries to overpower the other person by getting louder, resorting to denigrating comments, making physical threats and sometimes even engaging in violent behavior.
- b. **The Withholder** cuts off the supplies in the relationship, gets cold, ignores the other person, withholds affection and shows no interest in the other person’s perspective.
- c. **The Reasoner** thinks of many reasonable arguments for his or her position and uses reasoning to dismiss, negate and minimize the other person’s position.

¹⁵ Our book, *Game Theory and the Transformation of Family Law* and our *Co-parenting Training Booklet*, both available from Unhooked Books, provide such a Model for joint decision-making.

- d. **The Closer** simply ends the discussion with an *“I don’t want to talk about it.”* Or simply leaving.
- e. **The Never-ender** just keeps bringing it up, even forgetting (on occasion) that the original argument ended in an agreement. The other person can only end an argument by giving in. Any of these strategies can escalate into threats of further litigation, again trying to win or at least not lose by getting a Judge to take sides.

Culture of Conflict (Cultures of No, Yes But and Maybe)- A Possible Solution

When Lou Gerstner took over IBM, that behemoth company was sinking fast in the early 1990’s. He coined the phrase, the **“Culture of No.”**¹⁶ Some co-parenting relationships are dominated by a Culture of No. In some, 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 or Solutions 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 perhaps this was simply because one of the parents failed to raise objections or disagree when the issue was discussed. Only later, that same person undermines the agreement.

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 specifically dealt with the issue of future rigorous honesty. This was initially a Culture of Yes, when Brenda appeared to be agreeing in the meeting, but then began back-door lobbying to undermine the process. It then shifted to a Culture of No. If Brenda perceived that Bob lied in the meeting, Brenda should have brought that up during the meeting.

There is also a **“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. This is often driven by one person who is a *“maybe I will; maybe I won’t”* type of person and can never be nailed down to an agreement.

- The solution to the “Culture of No” is to establish a procedure where if one parent objects to the initiative of the other parent, the objecting parent should identify exactly what he or she believes that parent is trying to accomplish and then

¹⁶ 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.

attempts to make one or more proposals to accomplish that initiative. They can then have a collaborative debate on the merits of various alternatives and arrive at a mutual decision.

- The solution to a “Culture of Yes” is hard and fast rules with regard scope of the open debate, including specific limits on post-debate back-room lobbying. In other words, there is no “Yes, but.”
- 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., Six Steps to a Decision¹⁷) can also help reach closure on issues.

Shifting From Emotional to Cognitive Conflict - A Possible Solution

A family culture of conflict is driven by having emotional conflict rather than cognitive conflict. The solution is to shift from emotional to cognitive conflict, with an assumption that both people can be “right.” Conflict then becomes a disagreement about an issue, not an emotional battle in which winning or losing dominates. In our earlier example, the parents have an aggressive child and would like the child to learn to exercise better self-control through extracurricular activities. One parent suggests karate, because karate might teach better self-control, while the other objects because it might escalate the aggressive behavior. Once they recognize that they have a disagreement, where both might be right, they have many choices for solutions. They can gather more information about karate or they can explore other extracurricular activities and the effects of those activities on an aggressive child. They can also speak with an expert and get guidance. They both win if they find a solution because behind what appears to be a conflict is the same goal for both parents: helping an aggressive child have better self-control.

Summary- Culture of Conflict and History of Failure

All relationships have problems that require solutions. However, methods for solving problems in relationships are undergirded by family experiences, which in turn reflect deeply embedded cultural assumptions. The methods learned by spouses might work reasonably well or they might clash. One of the tasks of a successful marriage is to modify each spouse’s approach to problems in order to solve them more successfully. It is reasonable to assume that in most divorces, the methods used by the spouses clashed, and efforts to develop more successful problem-solving approaches failed, often resulting in a good deal of suffering and frustration.

¹⁷ Waldron, K. & Koritzinsky, A. *Co-parenting Training Workbook*, provides a Six-Step Procedure for making joint decisions, solving problems, resolving parenting concerns and resolving conflicts based on organizational research. The Workbooks are available at <http://www.unhookedbooks.com/>. See also our Blog Series on Divorce.

**For certain marriages, divorce is therefore a solution to
persisting frustration and suffering.**

The task facing divorcing spouses, therefore, is to develop skills for identifying and solving problems with one another. As we discussed on in Booklet I, the first step is describing a problem in a way that can lead to a solution, and then once identified, having an approach to solving the problem.¹⁸

At the cultural level, the family and cultural histories of the parties prepare them for the challenges of relationships that will inevitably include conflicts, disagreements, mutual decision-making and solving problems. With similar assumptions and approaches, and with an ability to modify differences in approaches, a couple can master these challenges. However, when unable to do so, divorce is a possible solution. When the parting spouses are also parents, they continue to have a relationship and still face those same challenges, often with assumptions and approaches that clash. The solution is for the parties to develop new assumptions and new approaches.

Organizational research provides us with assistance by providing good decision-making, problem-solving and conflict-resolving approaches that can be easily taught and learned. This subject is the perfect segue to Part 3.

Part 3. Organizational Systems

Many co-parenting books and programs suggest that separated parents develop a “business-like” approach to one another, leaving behind the problems of intimacy that they had when together. This is sage advice, but often a “business-like” approach is not fleshed out very much. As a result, in this Booklet, we attempt and present an enhanced business-like organizational approach, borrowing from organizational psychology.¹⁹

A co-parenting relationship is a “business”. A business has three functions: (1) the task of the business (the service or product that it produces), (2) internal maintenance in order to run the business, and (3) external relationships necessary to accomplish the task. Watch how the two systems (the traditional business and the co-parenting business) have much in common:

- 1. The task:** The task of a co-parenting relationship is to raise children successfully. This includes not only a generally happy family experience, including some fun, but also teaching the child/ren to be competent, confident and independent by the time

¹⁸ *Ibid*, 10.

¹⁹ Our book, *Game Theory and the Transformation of Family Law*, and our Workbook, *Coparenting Training*, provide guidance on and details about the organizational systems applied to co-parenting relationships.

they are grown. The latter often means making the child do things the child does not want to do.

2. Internal maintenance: This is more complicated. First, it is important to distinguish between business relationships and personal relationships. Personal relationships rely on feelings and communication. Business relationships rely on rules. The advantage of rules is that feelings become irrelevant. You can have business relationships with people that you do not know, respect or even like. Your authors could sit down at a table with complete strangers or even people we hate and play a game of poker, because we all know and follow the rules. Co-parenting counseling that tries to improve communication is missing the point; the focus should be developing rules.

3. External relationships: These relationships necessarily involve how the organization will interact with people outside of the organization in order to accomplish the task. For a co-parenting “business”, this involves interacting with teachers, the children’s friends, extended family members of both parents, coaches, doctors and dentists, Scout leaders and so on. A co-parenting business must set up rules and procedures to be followed in order to be successful. A rule might include, for example, that both parents will be at the same parent-teacher conferences in order to save the teacher time and make sure they are both getting the same information. A procedure might include sharing documents sent home from school.

Organizational Rules. A successful co-parenting relationship requires rules which must be agreed to by the parties. Some of those rules are rules of conduct, meaning how the parents will behave toward one another and how they will not behave. Some of the rules are organizational. The following are examples of how organizational and co-parenting rules have much in common:

1. Information sharing: An organization runs best if there is a commonly held body of information about important matters. We call this an “**open information system**”. Sitting through company meetings and listening to what is going on in sales and accounting might be boring, but is essential. Married parents share information about the children every day, but separated parents are often tempted not to share information regularly because they want to avoid one another. The co-parenting relationship therefore becomes a “**closed information system**”. Open systems are self-correcting and closed systems are not, so in the latter, little problems become big problems. In business, the solution is to have company meetings on a regular basis. In co-parenting, usually a telephone call

between parents once a week suffices, as long as there are procedures in place for sharing information that cannot wait until the next meeting, such as emergencies.

- 2. Decision-making:** Organizations have a procedure that everyone understands as to how decisions will be made. Often those include steps to take, and although there is often a “boss” who has the final word, most successful businesses have a collaborative process. A co-parenting business runs best if the process is collaborative, including the goals and interests of both parents.
- 3. Problem-solving:** Businesses run into problems and have procedures and rules in place as to how problems get solved. A co-parenting business needs a procedure in place for how problems are to be brought up, and what to do once surfaced.
- 4. Conflict resolution:** Likewise, organizations run into conflicts and have procedures for how to resolve them. For example, most businesses have a labor relations conflict resolution procedure or a department that deals with complaints. A co-parenting business also needs a procedure that addresses conflicts, if and when they occur.

We would be remiss in closing out this Booklet if we did not transition from theoretical considerations in high conflict co-parenting relationships to some intervention strategies. We will therefore introduce to some possible Solutions.

Introduction to Intervention Strategies Regarding High Conflict Co-Parenting Relationships

Borrowing Graham Allison’s model of looking at a problem through three lenses²⁰, we have looked at high conflict co-parenting relationships at the individual cognitive mistakes level²¹, the culture and history level²² and the organizational systems level²³:

At the individual cognitive mistakes level, we identified five issues which contribute to ongoing conflict between co-parents in high conflict cases:

1. Overconfidence bias
2. Confirmatory bias
3. Inferential thinking

²⁰ See Footnote 3.

²¹ Chapter 1.

²² Chapter 2.

²³ Chapter 3.

4. Ambivalence avoidance
5. Lagging skills

At the culture and history level, recognized that people come into relationships with strategies for dealing with conflict that might clash, and we pointed out that conflict is when people disagree. When people clash, they tend to shift from cognitive conflict to emotional conflict. We discussed the impact of emotional conflict, comparing it to cognitive conflict, leading to:

1. Unilateral decision-making
2. Fruitless arguments
3. Power plays

We also discussed possible solutions where there is a culture of conflict or a history of conflict:

1. Culture of conflict: Shifting the conflict from an emotional to a cognitive conflict
2. History of conflict- No, yes (but back filling) and maybe: applying procedures, rules with limits and structuring the conversation

Parties come to relationships with many influences from their past on how to deal with interpersonal disagreement. They also come to relationships with strategies for dealing with the inevitable control problems that arise in relationships. When those strategies clash, if the parties are unable to change their strategies to work better with one another, they will likely separate or divorce. If they continue to apply the same strategies to the co-parenting relationship, they will continue to clash and fail.

At the organizational level, we presented an enhanced business-like organizational approach, discussing three business functions relevant to the co-parenting relationship:

1. The task
2. Internal maintenance
3. External relationships

At the organizational level, we also compared the co-parenting relationship to successful organizations and identified relevant examples of organizational rules:

1. Information-sharing systems
2. Decision-making systems
3. Problem-solving systems
4. Conflict-resolution systems

We defined the task of the co-parenting relationship raising children successfully, which in most cases, is a shared goal of the parties. Therefore, the problem (if one exists) is not to be found in their goals, it is with the rules and procedures for conducting a successful co-parenting “business”. In other words, to avoid or escape a high conflict co-parenting relationship, parents, with or without guidance, parents must proactively assess and address the issues identified above on the previously discussed three levels: the individual cognitive mistakes level, the cultural and history level and the organizational systems level.

This theoretical model is complex. We would all like simple answers to problems, but problematic co-parenting relationships are complex and require complex solutions. If we are serious about helping people out of the trap and suffering of high conflict co-parenting families, we need a solution that addresses the complexity of their situation. This involves Two Steps: 1) assessment and (2) treatment.

Regarding the Assessment Step, it is not traditional step, in the sense that we are not looking for mental health problems or personality problems. We are looking for (1) over-confidence bias (2) confirmatory bias, (3) inferential thinking, (4) ambivalence avoidance and (5) lagging skills. We are assessing the strategies employed for disagreement and the underlying assumptions of those strategies. We are examining the following: information sharing systems, the need for rules, the rules and procedures for making decisions, solving problems and resolving conflicts and the rules and procedures for interfacing with people outside of the immediate family.

Regarding the Treatment Step, where we find weaknesses, education, treatment and training are used to improve the co-parenting relationship. If a skill is lagging, the person learns the skill. Bias is corrected with perspective-taking training. The absence of rules and procedures is corrected with education, training and practice. People change slowly over time, but the goal is not to have miracles. It is to start people in a positive direction.

A final Note regarding treatment: When applying the Treatment Step because of an addiction problem identified in Booklet 3, special time and attention is required.

1. First, special skills need to be taught to the parties.
2. Second, methods of resolving disagreements and organizational structure must be put into place. For those people who have been in intractable conflict for some time, and are likely addicted to the conflictual relationship, they will need ongoing support to stay on track. This could be in support groups for divorce conflict, similar to AA meetings. In alcohol addiction, for example, the recidivisms rate in the first year of sobriety is 90%, as people have “slips.” By year three, the rate drops to about 10%.

**It might take up to three years of ongoing support
for high conflict co-parents
to have a stable co-parenting relationship.
What a difference it will make for them and their children!**

We promise you, it will be worth it!