Using Heartfelt Communications and Conflict Resolution Systems Design in Mediating Family, Marital and Couple Conflicts

By Kenneth Cloke

[Excerpted from Kenneth Cloke, *The Dance of Opposites: Essays on Mediation, Dialogue and Systems Design*, to be published, 2013]

"Family life! The United Nations is child's play compared to the tugs and splits and need to understand and forgive in any family."

May Sarton

"The greatest tragedy of the family is the unlived lives of the parents."

Carl Jung

"The beauty of the world has two edges, one of laughter, one of anguish, cutting the heart asunder."

Virginia Woolf

Mediation has been used with great success for several decades in settling and resolving family, marital and couple conflicts. Yet we have not developed the methods, processes and approaches needed for us to respond preventatively and proactively -- not merely to individual disputes -- but to the chronic and systemic sources of conflict *within* these relationships, by imagining what could be done creatively to avert them altogether, or make them easier to handle.

Far more importantly, we have not adequately appreciated the role that conflicts play in the relationships between family members and couples, or acknowledged their ability to pinpoint *precisely* the places where those relationships are cracked and need mending. Every conflict within every family, marriage, civil union, and couple represents a crisis that can lead either to disruption and a severing of the relationship, or to profound learning, deeper levels of intimacy, and improved communications and relationships.

Conflicts in intimate relationships are often occasional, accidental and unique; yet they are also systemic, repetitive and alike in both form and content to previous conflicts that have occurred countless times in the past and will occur over and over again in the future until they are resolved. Why? Because they are *initiated*, organized and brought to fruition by deep, important, unresolved issues that are endemic and fundamental to the relationship.

These systemic issues are difficult and dangerous to approach because they lie at the heart of what holds the relationship together. Therefore, simply discussing, let alone negotiating or resolving them, always contains the possibility of even greater divergence or separation, and with them, the experience of grief and loss. Yet, also contained in these issues, is the possibility of deeper understanding, renewal, and transcendence, and with them, the experience of joy and freedom.

We have all experienced family, marital and couple conflicts that are cyclical, chronic and systemic. What we have not adequately recognized is that for this very reason, they are amenable to systemic analysis and inhibition through an examination of their chronic sources, by applying the preventative methodology of conflict resolution systems design.

The central difficulty, however, with ordinary forms of systemic analysis, including conflict resolution systems design, is that they do not begin by understanding the emotional, or affective significance of conflict within the relationship, are not grounded in the heart, and are not able to work with the intimate elements of family and couple relationships. These are deeply sensitive, delicate, heart-based, and emotional relationships that require conflict resolution systems that emanate from the heart.

The Dangers of Heart-Based Intervention

The emergence of chronic conflict is a sign that a given system is unable to reform or repair itself, and has therefore decided to erect makeshift lines of denial, defense, and counter-attack, resulting in over- and under-compensation efforts, in order to protect itself against any resolution that could trigger fundamental changes in the core elements of the system.

As these defenses and imbalanced responses aggregate, they produce growing insecurities, fears that the whole structure might collapse, and heightened resistance even to minor modifications that, it is feared, could trigger an avalanche. As the fear of systemic meltdown increases, even those in favor of change often retreat and seek to preserve or roll back the status quo, or deflect the change by focusing on less serious issues and opting for settlement rather than resolution. At this point, simply *discussing* the issues becomes dangerous.

When the relational systems that operate in families, marriages and couples begin to sense the possibility of a general breakdown, every open, honest, heartfelt conversation is seen as making change possible, or as leading into "dangerous," uncharted territory. In these interactions and exchanges, traditional analytical conflict resolution techniques are of little use, and may even cause emotions to escalate and resistance to harden. Whenever we seek to avoid emotional or heartfelt communications in discussing our conflicts, it is a clear indication that deep-seated and systemic issues are at stake.

Every open-hearted conflict communication is therefore dangerous—partly because no one ever gives unambiguous permission to resolve their conflicts; partly because permission to stop a fight or settle a dispute does not translate into permission to resolve the underlying reasons that gave rise to it or reach forgiveness and reconciliation; partly because every transformation and transcendence represents a breakthrough that could not have been imagined or consented to at the time that permission was given; and partly because every genuine breakthrough can dramatically transform people's lives, changing even

what is considered normal and acceptable and fundamentally altering the system that has held them together.

Some Varieties of Danger

Among the many dangers for mediators in initiating open, honest, heartfelt communications between family members and couples in relational conflict, most fall roughly into two categories: those that are readily apparent and could result from any effort to resolve the conflict; and those that are more elusive and stem from efforts to generate deeper, subtler, more profound understandings that are potentially transformational in scope. The readily apparent dangers include

- The danger that we could escalate the conflict further
- The danger that there could be physical violence
- The danger that we could be subjected to other people's intense emotions
- The danger that we could have to revisit our own emotionally painful experiences
- The danger that we could do or say things we do not mean, or become someone we do not like
- The danger that we could increase resistance and make resolution less likely

The deeper, subtler, and more profound dangers include

- The danger that we could discover we are wrong and feel compelled to change our minds and behaviors as a result
- The danger that we could never resolve the underlying issues for our conflict and be condemned to repeat it
- The danger that we could continue lying to ourselves about what we have done
- The danger that we could not tell the truth to someone whose life might change as a result
- The danger that we could be required to change our *own* lives and suffer consequences we are not prepared to accept
- The danger that nothing will ever change
- The danger of not ever finding out who the other person is
- The danger of not ever waking up to who we really are
- The danger that we could have to forgive our enemies, or worse, ourselves
- The danger that the conflict will cease, and we will stop growing because there is no more danger and no one asking us to improve

Openhearted communications are especially dangerous in these latter ways, each of which defines a moment when playing it safe becomes *more* dangerous than taking the risk of being honest and opening heartfelt conversations. When we take these risks in conflict, we wake up, face our fears, pay attention to details, drop our egos, become more humble, operate out of the center of who we are, connect more authentically with others, and think creatively. All of these strengthen authentic relationships and deepen intimacy and heartfelt connection. Yet by doing so, we transform our conflicts, acquire skills that allow us to transcend what got us stuck in the first place, and no longer face the same kind of danger. [For more on this topic, see Kenneth Cloke, *Mediating Dangerously: The Frontiers of Conflict Resolution*, Jossey Bass/Wiley Publishers, 2001.]

To encourage dangerous, transcendent, system-breaking, heartfelt conflict communications, we need to navigate a middle passage, and *simultaneously* avoid the twin traps of well-intentioned, hypersensitive, mindlessly sentimental, pop-psychological, superficial, endless emotional processing; and manipulative, insensitive, hardheaded, dispassionate, emotionally disconnected legal and logical systemic analysis. This middle way requires us to communicate, plan, mediate, and design conflict resolution systems not only from the mind, or even the emotions, but from the heart as well.

Heart to Heart Communications

Communicating from the heart is highly intuitive, holistic, sensuous, and circular, and cannot be accessed either using techniques or attitudes that are excessively emotional, chaotic, abstract and sentimental; or those that are excessively rational, reductive, linear and insensitive. To avoid these pitfalls, we need to be clear not only about *what* we want to communicate, and not only when, how, and to whom, but most importantly, *why* we want to communicate. The reason is that the answer to this question generally comes from the heart.

The goal of heart-to-heart communications in conflict resolution is to encourage profound, poignant, authentic, intimate connections that dissipate conflict at its deepest locations inside each person, i.e., in their "hearts." Heart-based communications in conflict resolution are, in many cases, less about professing love or caring for one another than about recognizing their pain, releasing them from the burden of our false expectations, and helping them learn skills that allow them to transcend what got them into the conflict in the first place. For this reason, the deepest dangers in heartfelt conflict communications lie not in what people say outwardly to their opponents, but what they realize inwardly and say to themselves.

In family and couple mediations, the underlying issues that people worry most deeply about *do* end up being about love and caring, and these also have external and internal faces. These underlying issues commonly fall into two fundamental categories:

1. Does the other person love or care for me?
2. Am I unlovable, do I deserve to be loved and cared for?

As an illustration, consider a family member who complains that others don't pick up their dirty clothes or wash their dishes. If they are asked why that is important to them, they may respond, "Because it is irresponsible/disrespectful/unclean." And when asked why that is important and pressed for a deeper answer, they may say "It shows they don't respect me and what I want." And when a mediator asks what it *means* that they don't respect you and probes deeper, they will often say "It means they don't love me."

And now, finally, we can see that their deepest conflict is not about the dirty clothes or dishes, but about whether they are loved and believe themselves to be lovable. The object of conflict resolution systems design ought to be to identify the questions that will allow people to realize and communicate these deeper reasons for their conflicts, and resolve them at that level.

Some Heartfelt Questions for Mediators

In ordinary mediations, and in conversations between family members and couples, it is possible to address a variety of miniscule, seemingly minor yet heartfelt issues that are indirectly but profoundly influencing their conflict. This can be done by asking questions that emanate from a place of loving or caring; that are profound or poignant; and that invite people into a heart-space and ask them to answer.

Here are some questions that can be asked by mediators in family, marital and couple conflicts that can move their conversations slowly but inexorably into the danger zone, while seeking to surround it with the *safety* of a heartfelt response:

- Before we begin, can you tell me a little about yourselves?
- What do you hope will happen as a result of this conversation? Why is that important to you?
- Why are you here? Why do you care? What did it take for you to be willing to come here today?
- What kind of relationship would you *like* to have with each other? Why?
- What is one thing you like or respect about each other? Can you give an example? Another?
- How does it feel to hear each other say these things? What would happen if you said them more often?
- Is there anything you have in common? Any values you share?
- What life experiences have you had that have led you to feel so strongly about this issue?
- What role have you played in this conflict, either through action or inaction?

- If you had 20/20 hindsight, what would you do differently?
- Is there anything you would like to apologize for?
- On a scale of 1 to 10, how would each of you rank that apology? What could you do to make it a 10? Are you willing to try right now?
- What is one thing you would like him to acknowledge you for? What is one thing you are willing to acknowledge him for?
- What do you think she was trying to say in that apology/ acknowledgment? [To her] Is that accurate? [If not] Would you like to know what is accurate for her? Why don't you ask her?
- How would you evaluate the effectiveness of what you just said in reaching her? How could you make it more effective? Would you like some feedback? Why don't you ask her?
- Is this conversation working? Would you like it to work? *Why* would you like it to work? What is one thing she can do that would make it to work for you? [To her] Are you willing to do that? Would you be willing to start the conversation over and do those things now?
- What is the crossroads you are at right now in your conflict?
- Will you ever convince him you are right? [If not] When will you stop trying?
- What would you most like to hear her say to you right now?
- What would you have wanted him to have said instead?
- What does that mean to you? What other meanings might it have? What do you think it   meant to her? Would you like to find out? Why don't you ask her?
- Can you imagine what happened to him also happening to you? What would it feel like? Would you like to know what it felt like to him? Why don't you ask?
- Would you be willing to take a moment of silence right now to think about that?
- Has anything like this happened to you before? Who? When?
- What are you *not* talking about that you still need to discuss?
- What issues are you holding on to that the other person still doesn't know about?
- What price have you paid for this conflict? What has it cost you? How much longer are you going to continue paying that price?
- What would it take for you to give this conflict up, let go of what happened, and move on with your life?
- Do you really want this in your life? What would it take for you to let it go?
- What would change in your life if you reached an agreement?
- If this were the last conversation you were going to have with each other, what would you want to say?

The object of these questions and countless others like them, is to define a choice point, a place where things can shift on the basis of intention and caring. Fundamentally, for mediators, our goal is not to skew, manipulate or predetermine what others chose, which belongs solely to them, but simply to present them with an authentic choice by asking questions that invite a heartfelt response. It is, in other words, to draw the parties into the *crossroads* that has been created by their conflict, the place where their lives could change as a result of what they decide (or not decide), and then ask them to choose. In the moment of their authentic choice, our task is completed, and we need to respect their decision, whatever it may be.

Some Crossroads in Family, Marital and Couples Conflicts

Most conflicts in families and couples appear to be entirely personal in nature, and are often described as "personality clashes." Yet as these conflicts accumulate, what initially seemed unique and entirely personal can suddenly emerge as general, widespread, chronic and omnipresent, and as the byproducts of a dysfunctional family system. Yet these larger issues often remain hidden beneath the issues families and couples are fighting over, even when they happen hundreds of times.

Together, they create a crossroads, a choice point where every decision, including no decision, takes the participants in a different direction. Here are some of the crossroads we encounter in all our conflicts:

- Whether to participate in the conflict and behave badly, or calm down and try to discuss it
- Whether to acknowledge the other person's truth or deny it, remain rooted in our own story, and slip into biased or delusional thinking
- Whether to experience intense negative emotions and feelings, or to repress and sublimate them
- Whether to aggressively assert and hold tight to our position, or search for solutions that satisfy both sides' interests
- Whether to experience our opponent as an equal human being entitled to respect, or demonize him or her and victimize ourselves
- Whether to acknowledge and grieve our losses and let them go, or hold on to our pain as something precious and continue reliving it
- Whether to learn from our opponent and the conflict so as to transcend it, or hold on to our grievances and being right, leaving it bottled up inside
- Whether to try and correct the person or the system we have both been operating in
- Whether to forgive and re-integrate with our opponent, or remain isolated and wounded deep inside

- Whether to open our hearts again to the other person, and reach true reconciliation
  [For more on this topic, see Kenneth Cloke, *The Crossroads of Conflict: A Journey into the Heart of Dispute Resolution*, Janis Publications 2006.]

Each of these crossroads requires a higher order of skills to resolve, transform and transcend, and with each new set of skills we *evolve* to a higher order of conflict. This idea, that our conflicts evolve over the course of our lifetimes, offering us countless opportunities to learn new skills and confront new conflicts, also needs to be built into the conflict resolution systems design process.

We evolve in each of the crossroads we face in life, as we learn how to form intimate relationships, date, become a couple, form committed relationships, and have families. Each of these requires a higher level of skill in working through our conflicts, and if we do not have these skills we will find it difficult to form lasting, satisfying, intimate relationships with another person, and may separate when we might have been able to persevere by developing higher order skills in problem solving, negotiation and conflict resolution.

Marriages, Civil Unions, Couples and Conflict

In *Marriage: A History*, Stephanie Coontz chronicles the transition from marriage as coerced and women as property or slaves, to the rise of romantic love and equal partnerships. This early history led Ambrose Bierce, writing in the 1920's, to cleverly define marriage as "A friendship recognized by the police."

While weakening many unsatisfying relationships, the transition to love and partnership in marriage, family and couples has made satisfying, intimate, lasting relationships stronger, in part because the removal of various forms of force and coercion also creates a choice in each person regarding whether to be in the relationship or not, and when chosen, it ceases to generate resistance.

So what is marriage? How are marriages, civil unions and couples different from other relationships in ways that matter when people engage in conflict? Marriages, civil unions and long-term couples can be seen as committed relationships, including those between same sex partners, who are now free to marry and live together in many states. Because couples in many countries today are free to choose to be together, their relationships are almost entirely acts of the heart. This means that conflict prevention and resolution procedures that are designed to work in marriages, civil unions and other voluntary committed relationships, to be successful, must also touch the heart – but how exactly do we do this as mediators?

In the beginning in every intimate relationship there is attraction. Later, this becomes "the story of how we met" – so we can regard marriages and couples as defined partly by the stories we tell other people and ourselves -- stories of serendipity, romance and true love. But stories are not always factually accurate,

and there are ways that even romantic stories can distance people from each other, diminish their problem solving capacity, and reduce their authenticity. For most couples, the experience of conflict results in an entirely different set of stories, ones that need to be analyzed, resolved, transformed and reconciled with their earlier stories in order to make sense of their relationship.

Marriages and civil unions are also rituals that have extraordinary transformational power, a power that is created partly by the couple themselves, and partly by their relatives and friends, who invest these ceremonies with particular meaning. There are also thousands of little rituals couples engage in every day, reassuring sacraments that recreate their connectedness, including rituals of polarization and conflict. By examining the couple's conflict rituals, it is possible to transform them from negative to positive, simply by shifting and investing them with a different set of meanings.

Couples are also defined by their experience of regular emotional, personal and sexual intimacy, the immense power of which we still do not fully grasp, in which two turn into one, and each becomes as vulnerable as it is possible for them to be. The cessation of sexual relations is often the result of a withdrawal of emotional vulnerability and personal intimacy, and a byproduct of injured feelings and distrust that are generated by chronic unresolved conflicts. Yet we know little about how to mediate these issues, in spite of the fact that they are often the driving force in extra-marital affairs and can inflate the impact and significance of even the smallest disappointments and disagreements. Discovering ways of reversing this coldness, sulking and distancing should also be a part of the systems design process.

Marriage can additionally be viewed as a set of expectations arising from the families of origin of each person, together with a set of inherited approaches to solving problems, negotiating and resolving conflicts, and a set of attitudes toward disagreements, disapprovals and disparities that need to be transformed and transcended for the marriage to evolve and rise or fall on its own merits. Initiating an open and honest discussion and negotiation of expectations can have a transformative impact on family and couple relationships.

Marriages, families and couples can also be defined as a set of spoken and unspoken *conversations* in which implicit expectations are communicated and accepted or rejected; in which hopes and dreams, fears and anxieties, wishes and requests are telegraphed to each other, with varying rates of success; in which people either connect *beneath* the literal meaning of their words, or fail to do so and retreat into silence, criticism, tears or yelling. It is the frustrating failure of these circular, ineffective conversations that often end a marriage or dissolve a family, and finally terminate in divorce.

Marriages and families can also be defined by *objects*, or rather, by their investment of ordinary objects with meaning, transforming them from things

into fetishes. Ordinary household objects can become comforting and reassuring, and are somehow able to contain the intimacy and connectedness of the couple. This attribution of meaning carries over into conflict, so that objects, times and places, including a family home, can become infused by memories of conflict with negative energy. As a result, objects may require a kind of exorcism, in which they are dis-invested or de-fetischized of meaning after the conflict is over, or in separation or divorce.

Marriages and families also generally consist of a division of labor, in which each person becomes primarily responsible for carrying out a different set of tasks and responsibilities. Each then becomes dependent on the other, and in divorce or separation this dependency is broken, triggering primal fears in each that they will not be able to function without the other person's contributions: i.e., in those who have not earned as high an income, whether they will be able to make it financially; in those who have not cared as much for the children, whether they will be able to create the relationships they want.

Marriages, in addition, are economic units in which money and property are amalgamated, power and status are shared, and purchases and sales, including the sale of each person's labor power, are engaged in and consented to; where resources are allocated, expenditures and investments are decided upon, and money is earned and spent. These also can become sources of chronic conflict in families and couples, as it often happens that individuals differ in their financial orientation and style, their willingness to incur debt or live beyond their means, their desire to save, and in the meaning money has for them.

Marriages and families are also a set of subtly negotiated agreements on how to live together, raise children, spend time and energy, visit friends, eat and sleep, grow sick and heal. Marriages and families, in short, are vast, complex, multi-faceted, multi-dimensional systems in which each contributes and from which each receives something special and different. These reciprocal relationships can be jointly defined, negotiated collaboratively and agreed to by consensus.

This yin/yang inter-relationship of couples and families constitutes a system that is self-reinforcing and resists change, yet needs to evolve and adapt to constantly changing conditions in the overall environment, as well as in each person, which also creates an on-going source of conflicts. Marital and family conflicts also take place within a larger environment, system and context that is influenced by cultural, social, political and economic conflicts that impact couples directly, but are rarely noticed, discussed or addressed. These conditions should form part of the systems design process as well.

Each of these ways of understanding families and couples, whether in marriages, civil unions, or other committed relationships, helps us to identify a different set of systemic sources of conflict that could arise within the relationship. Each of them in turn needs to be recognized as lying beyond traditional conflict

resolution systems design processes, and incorporated into any successful, strategic, comprehensive conflict prevention and resolution program. Moreover, each needs to be regarded not as fixed, but changing over time as the couple ages and their conflicts evolve through various life stages.

Conflict Evolution and Erikson's Life Stages

For families and couples, there is a similar evolution in our conflicts and approaches to resolution, each of which requires a higher order of skill in order to graduate to a higher level of conflict. These can be seen to match or closely follow the life stages identified by Erik Erikson. These, along with their associated conflicts, are:

- *Infancy*: trust versus mistrust
- *Early childhood*: autonomy versus shame and doubt
- *Preschool*: initiative versus guilt
- *School age*: industry versus inferiority
- *Puberty*: identity versus identity confusion
- *Young adulthood*: intimacy versus isolation
- *Middle adulthood*: generativity versus stagnation
- *Late adulthood*: integrity versus despair

These stages might be redefined somewhat from a mediation perspective and the conflicts given a somewhat different focus, but what is critically important that does not appear from a casual reading of this list is how the resolution of each core conflict that arises at each life stage creates a platform for the resolution of the next, higher order of conflict, and how these translate into specific, typical conflicts.

If we consider, for example, typical teenage/parent conflicts over curfew, we can see that what is taking place beneath the surface is That an evolution is taking place allowing the dispute to be addressed on the following levels, each with its own level of skill:

1. Simply exchanging insults or accusations that lead nowhere
2. One parent "laying down the law," and insisting on a time to return home, leaving the teenager with three options: blind obedience, passive-aggressive behavior, or open rebellion and consequent punishment
3. Both sides negotiating over curfew ending in a compromise based on their relative power
4. Each side clarifying the interests that underlie their positions, with the parent arguing for safety (while minimizing or denying the importance of independence), and the teenager arguing for independence (while minimizing or denying the need for safety)
5. Both parties speaking openly about their emotions and telling each other stories about the experiences that produced them

6. Recognizing that the family as they have known it is about to die, since the teenager is getting ready to leave home forever, and discussing sensitive, heartfelt questions, such as:
   o Who will they be without each other?
   o What will happen to their love for each other?
   o How will they be able to function?
   o How can they learn to accept and trust each other?
   o What can each of them do now to improve their relationship and keep the family together?

   These largely unspoken, heartfelt questions will surreptitiously yet profoundly affect their conflict over curfew and allow them to evolve—not only to higher levels of communication, relationship, and decision-making, but higher orders of conflict and resolution as well.

7. Discover ways of improving their families' conflict culture and redesigning now-outmoded family systems and environments to accommodate their transition from childhood to adult relationships, or allow for different outcomes at different agreed upon stages.

These levels of communication and conflict resolution, starting with impasse, can be diagrammed more succinctly and practically as follows:

Focus	**Parent**	**Teenager**
Insults & Accusations:	"Irresponsible"	"Bossy"
Parent's Position:	10 PM	Obedience or Punishment
Both Positions:	10 PM	2 AM
Interests	Safety	Freedom
Emotions	Fear, Guilt, Loss	Shame, Anger, Loss
Spiritual Reality	Death of the Family	Loss of Security/Support
Heartfelt Desire	Love, Acceptance	Love, Acceptance
Family System	Prevention, Redesign	Supportive Relationship

Ultimately, through this analysis, we can see that there are only two goals in any family conflict over curfew:

1. To transfer responsibility for safety from the parent to the teenager consistent with freedom, and
2. To transition from a family system based on parental control to one based on voluntary, consensual, adult relationships grounded in familial love.

These goals only begin to become possible at Level 3, yet many families never get beyond Level 2. Nonetheless, we can see in retrospect that this was precisely what the conflict took place in order to teach them. We can also see that each transition to a higher level of conflict and resolution can be triggered by a few relatively

simple questions. For example, starting at the first level, a mediator might ask each of the parties the following simple questions:

- What they want
- Why they want it
- What they are feeling
- What deeper realities are they about to face
- What kind of relationship they want to have with each other
- What they think they might do to make their family system and conflict styles more effective in the future

Underlying much of the resistance to using these techniques and evolving as a family is that they recognize subconsciously that doing so will require them to surrender their denial about the loss of their old relationship, genuinely transfer power to the teenager, and transform the way conflicts are resolved in ways that reflect an evolutionary shift from power and rights to interests, with no guarantees that in the end they will be wanted or have the relationship they want.

As members of families and couples proceed through the stages in their individual lives, three alternatives emerge as options. Either,

1. Their primary relationships will change as a result,
2. They will leave those relationships because others no longer meet their needs, or
3. They will remain in those relationships, which will become seriously dysfunctional and prevent them from evolving to higher orders of conflict and resolution.

Family and couple conflicts are often a result simply of people moving through different life stages simultaneously, creating contradictory needs and expectations and competing demands for attention. These constitute an important source of dysfunction in many family and marital systems, and another element that needs to be added to our systems design toolkit when working with families and couples. Let us then examine conflict resolution systems design principles more closely to see how they might be applied to family and couple conflicts.

What is Conflict Resolution Systems Design?

Conflict resolution systems design techniques were initially conceived and used primarily in organizations and workplaces, but with a little modification and some tweaking, they can also be applied by families and couples to develop inexpensive and effective ways of preventing and reducing their levels of chronic conflict, increasing their capacity for collaboration and teamwork, improving their morale and revitalizing their relationships.

Conflict resolution systems design was originally conceived and developed by William Ury, Steven Goldberg, and Jeanne Brett in their book, *Getting Disputes Resolved*. Their core idea was to design a comprehensive set of conflict resolution

mechanisms that would encourage prevention, informal problem-solving, early intervention, loopbacks to collaborative negotiation, on-going feedback, evaluation, monitoring, and de-escalation throughout the life of the conflict.

This systemic approach to conflict resolution supports varied and diverse methodologies that can incorporate multiple and divergent perspectives, employ widely varying processes and techniques, produce synergistic results, be ranked from low to high cost, and encourage feedback, learning and self-improvement. Comprehensive approaches can be designed that prevent conflicts before they happen; support problem solving, negotiation, dialogue and coaching as they escalate; and mediation, arbitration and other forms of resolution after they have become intractable or reached impasse.

Systems design procedures can be used to encourage families and couples to regard their conflicts as parts of an interlocking, interdependent whole that they can address in multiple, assorted ways. It therefore allows for the development of a variety of *integrated* dispute resolution mechanisms, rather than isolated, disconnected procedures, and focuses attention directly on the sources of chronic conflict within the relationship. Conflict resolution systems design prioritizes interest-based approaches, such as direct, informal problem solving, marital mediation, family circles, couples counseling and collaborative negotiation.

By retooling and modifying organizational processes and experiences, designing interest-based conflict resolution systems for families and couples might include:

- Conducting a "conflict audit" to assess the chronic sources of conflict within the family system, identify their causes and assign a cost, both financial and relational, to unresolved disputes
- Analyzing the sources of conflict, including their connections to family systems, hierarchical structures, family conflict cultures, ineffective forms of communications, decision-making processes, family goals and strategies, recent and impending changes, shared values, individual morale, conflict styles, etc.
- Identifying core elements of the conflict cultures in their parents families of origin and developing alternative approaches, reinforce informal mechanisms already in place for resolving disputes, and how these might be supplemented with enriched alternatives
- Focusing on interests, rather than on power- or rights-based solutions
- Emphasizing prevention and systemic solutions
- Expanding the numbers and kinds of resolution alternatives available internally within the family or couple, and externally within their friends and community
- Arranging resolution procedures from low to high cost

- Including a full range of options from minor communication and process changes to mediation and arbitration, with low-cost rights and power backups
- Building in "loopbacks" to informal problem-solving and collaborative negotiation
- Incorporating consultation, facilitation, coaching, dialogue, circles, mentoring, feedback and evaluation, and similar processes
- Rewarding people for prevention and using resolution procedures
- Providing training, motivation, skills, support, and resources to make sure these procedures work and evolve
- Continuing to improve understanding within the family or couple of how these efforts succeed and fail, increase skills, and augment the overall design

In addition to these, mediators can offer questions, assign homework, and design mechanisms that allow families and couples to acknowledge and affirm and acknowledge each other, reach forgiveness and reconciliation in their conflicts, and openly state their love and affection for one another.

The core goals of the systems design process, as applied to families and couples, would then be to match conflict resolution mechanisms with specific family or couple needs, prevent and resolve interpersonal and chronic conflicts at their source or inception, achieve higher levels of resolution than whatever the current system allows, and promote insight, change, improved relationships, heartfelt communications, intimacy and learning, so that conflicts can be transformed and transcended, rather than merely settled or forgotten and chronically repeated.

The most commonly used procedures in the typical systems design toolkit for organizations include informal problem-solving, peer counseling, coaching, mentoring, feedback, team and relationship building, public dialogue and open forums, peer and professional mediation, supportive confrontation, ombudsman offices and processes, internal appeals and organizational review boards, binding and nonbinding arbitration, and similar processes. Some of these can easily be applied to families and couples, while others will prove less useful.

As families and couples evolve or change, their conflicts will naturally accumulate along the fault lines that lie hidden within their systems. These conflicts point directly to what is *not* working in their relationship, while their resolution often reveals some new processes, principles or kinds of relationship that are waiting to be born. In this way, family and marital conflicts can be seen simply as the sound made by the cracks in the system, the first indication of the birth of a new paradigm, a warning light signaling imminent breakdown, or a path to improvement, and an evolution to a higher order of conflicts.

Designing Conflict Resolution Systems for Families and Couples

Few families or couples have designed or implemented adequate systems for resolving conflicts, and most do not use the systems they have until after unacceptable damage has occurred. When this happens, the conflict is generally pigeonholed as someone else's problem, or beyond the reach of conversation and mediation, or not within the expertise of the family members or couple to resolve. As a result, whatever solution they come up with often does not reach deep enough into underlying attitudes and expectations, and comes back later to create new difficulties. If this goes on for long, people grow exhausted, become cynical and defensive, and begin to give up on the relationship.

What is needed, therefore, are complex, collaborative, self-correcting conflict resolution systems with early intervention procedures that are designed to prevent disputes before they arise, nip them in the bud, get people back into constructive communication, resolve whatever disputes may arise and create a rich array of alternatives leading to resolution, learning and better relationships.

If we imagine how we might design an ideal approach to conflict prevention, it would certainly begin by educating children at the earliest ages in conflict resolution, but even if we decide to be less visionary and scale back our expectations, it would be useful to begin by offering new couples and those who are planning to live together, marry or start a family ways of designing their responses to future conflicts, including how they want to prevent, engage in and resolve them. Here are a few options they can consider in doing so:

1. *Conflict Coaching:* One clear entry point for systems design might be the decision to live together, or the marriage ceremony itself, which could entail a conflict coaching session or a meeting with a systems design practitioner, in which the couple can discuss how they want to minimize the destructive impact of their conflicts and are offered resources and options that can help them throughout their relationship.

2. *Mediated Prenuptial Agreements:* Another entry point might arise by redesigning the ways parties negotiate prenuptial agreements and mediating their differences. Ordinarily, these conversations take place in the presence of attorneys, who can make the process unnecessarily adversarial by negotiating the terms of their divorce before they've even married. An alternative would be to mediate these agreements so as to create a heartfelt context for their negotiation and transform their discussion of the prenuptial agreement into a conflict resolution systems design process. For example, a mediator might ask the following questions:

    •   Does this feel strange to you, discussing your divorce before you are even married?
    •   What do you hope to achieve through this conversation that might strengthen your marriage rather than weaken it?

- How did you meet?
- What attracted you to each other? What do you love about each other?
- What made you decide to get married?
- Why are you interested in reaching a prenuptial agreement?
- Do you have any fears, anxieties or concerns regarding talking to each other about these issues and negotiating a prenuptial agreement? What are they?
- What can we do in this conversation to reduce those fears, anxieties or concerns?
- Have you had any arguments or conflicts in your relationship so far? What happens when you argue you wish would happen differently?
- What is one thing the other person could do or say that would help you communicate better when you have a disagreement?
- What are some of the patterns you get into when you argue that you would like to break?
- Are there any ground rules you would like to propose for your future conflicts and disagreements with each other?
- What words or phrases would you use to describe the kind of relationship you most want to have with each other?
- What are the patterns in your family of origin regarding conflict? Regarding money? Regarding intimacy?
- How did people fight in your family? Over what issues? How did they resolve or overcome their differences? What would you like to do differently?
- What does the word "Wife" mean to you? The word "Husband"? The word "marriage"?
- Why do you think it is important to clarify your intentions and agreements regarding the legal, monetary or property issues in your marriage?
- What does money or property *mean* to you? *Why* do you want it? What are you afraid will happen if you don't reach an agreement about it?
- What would you like to have happen, once you are married, with respect to these issues, or any others you may want to add:
  o Property or investments you acquired before you were married?
  o Property or investments you will acquire after you are married?
  o Financial, emotional, and other contributions either of you may make to your life together in the future?

- o   Income either of you will earn?
- o   Debts you may have acquired before you were married?
- o   Debts you will acquire after you are married?
- o   How will you pay for your joint living expenses?
- o   How will you take care of children you already have, or may have in the future?
- o   How will you take care of family members who may need your assistance?
- o   How would you like to handle illness, old age and retirement?
- o   Other issues you would like to resolve?

- What would you like to happen in the event that either of you dies or is seriously injured while you are married?
- What would you like to happen if you decide to separate or divorce? What would you most like to avoid? How would you like to feel about each other and the process?
- Would you want to place any pre-conditions on the payment of spousal support, or the distribution of property and debts, if you were to separate at some point in the future?
- If you are not able to agree on issues that arise in the future, how would you like to resolve your differences? What methods of resolution would you like to use? Would you like to know what the options are and how they work?
- If you decide to use coaching, mediation or arbitration, who would you like to use as a coach, mediator or arbitrator?
- What other issues would you like to discuss in advance of your marriage?
- If you were to write a "Marital Constitution," what would you want to include? What would the Preamble say? The Bill of Rights? How would you like to make decisions regarding different issues? Would you each be willing to write a draft of a "Marital Constitution" and read it to each other at our next meeting?
- What do you want to do or say, and not do or say to each other about your future life together?
- What questions would you most like to ask each other that you haven't yet had a chance to ask?
- What questions would you most like to be *asked* by each other?
- What would you like to say to each other as reassurance that, in spite of having separate interests and negotiating these difficult issues, you really do love each other and want to be married?

3.   *Analysis of Family and Marital Conflicts*: It is also possible, either separately or as part of the negotiation of a prenuptial agreement, to undertake a

deeper analysis of the principal issues that are likely to arise within the family or couple and how they might be handled more positively in the future; or to facilitate a discussion, analysis and brainstorming session on how their disputes might be prevented. Here are some examples, in the form of a checklist the parties can complete and share with each other:

Common Issues in Family and Couple Conflicts

- Power
- Intimacy
- Career
- Cleanliness
- Control
- Identity
- Monogamy
- Age
- Holidays

- Money
- Children
- Commitment
- Privacy
- Alcohol/Drugs
- Expectations
- Religion
- Communication
- Negotiation Styles

- Sex
- Love
- Responsibilities
- Friends
- Personal Space
- Blended Families
- Values
- Culture
- Goals

Common Ways of Handling Them

- Arguing
- Leaving
- Silence
- Shopping
- Sarcasm
- Illness/Injury
- Denial
- Medication
- TV

- Screaming
- Talking
- Insults
- Eating
- Sex/Affairs
- Move
- Avoidance
- Focus on Children
- Become a Workaholic

- Physical Violence
- Hiding
- Crying
- Punishing
- Alcohol/Drugs
- Remodel
- Depression
- Call Parents/Friends
- Separation/Divorce

A Few Ways of Handling Them More Positively

- Time-Outs
- Family Meetings
- Gifts
- Couple Counseling
- Marital Mediation
- Family Councils
- Giving Thanks

- Apologizing
- Vacations or Retreats
- Sex / Cuddling
- Individual Therapy
- Marital Encounters
- Circles / Dialogues
- Asking Questions

- Setting Times to Talk
- Take Turns Speaking
- Going on Dates
- Family Interventions
- Couple Coaching
- Skill Building/Training
- Acknowledgements

4. *Adjunct processes*: Here are some additional methods and processes that may be useful for families and couples to consider and select from in designing their own unique mix of preventive measures and responses to conflict:

   - Schedule pre-marital discussions on topics like:
       o Shared values for their relationship
       o Unspoken assumptions and expectations
       o Family patterns with regard to how conflicts were handled in their families of origin
   - Agree on how specific ways conflicts will be handled, including things both partners agree they will *not* do or say the next time they argue
   - Improve motivation by rewarding positive behaviors
   - Receive joint training in communication, anger management or other interpersonal skills
   - Receive joint training in problem solving, collaborative negotiation and conflict resolution skills
   - Schedule "dates," surprises, family gatherings and vacations to repair their relationship
   - Periodically go on facilitated "marital retreats" or "encounters"
   - Make time for periodic reviews, evaluations and feedback on how the relationship is working
   - Ask each other, "What is one thing I could do differently that might improve our relationship?"
   - Select a Couple, Life or Conflict Coach, and agree to get coaching at the other person's request
   - Schedule regular "Family/Marriage Check-Ins" and "Tune Ups"
   - Create and maintain a joint list of resources with a rich variety of support systems including friends, relatives and professional services for various kinds of problems and conflicts
   - Use hybrid approaches that emphasize the responsibility of *both* partners for the success of the marriage
   - When stuck, agree in advance to go to couples counseling if the other person requests it
   - Agree in advance to go to individual therapy if the other person requests it
   - Agree in advance to go to marital mediation on request, preferably before the argument becomes destructive
   - Pick a mediator or therapist to represent the interests of minor children in difficult family mediations

- Identify for each other the things each person needs to do or say or let go of in the argument, or to open their hearts and reach forgiveness and reconciliation
- Celebrate successes and design rituals of reconciliation

5. *Creative Relational Exercises:* In addition to these, mediators can design creative exercises that draw people into deeper awareness of what is actually at stake in their conflicts and help them find heartfelt ways of deepening and improving their relationships. Among these exercises might be the following:
    - Write a eulogy in advance for your family, marriage or relationship and share it with each other, explaining what you value in it, or what you want to preserve and why
    - Write a detailed description of the other members of your family or relationship, including their favorite likes and dislikes, from food to entertainment and behaviors, then share it with them and see how accurate you were
    - Say three to five positive, acknowledging, complimentary things about the other person each day for a week, then evaluate and decide whether to continue
    - Discuss what you would most like the other person to do for you when you are feeling sick or down, then agree to do at least one of them
    - Discuss and plan in detail in advance how each person would like to be addressed or spoken to when there are problems to be solved or conflicts to be discussed
    - Discuss various options for family decision making, including announcement, consultation, delegation, voting, consensus and unanimity, and decide which ones you want to use for each major variety of decision you are likely to face
    - Identify and share what you feel most strongly about and are unwilling to give up or compromise on, and what you feel less strongly about and are willing to modify or give up if it is important to the other person
    - Clarify your dreams, wishes, fears, expectations and assumptions with each other by writing them down and sharing them
    - Jointly design rituals that both people agree to engage in every day
6. *Exercises After Reaching Impasse*: Beyond these, consider the following exercises that can be used to improve intimate relationships *after* conflicts have occurred or become destructive, and threaten the continuation of the relationship*:*

- *Love Story:* What drew you to the other person in the first place? What did you like about him/her? What did it feel like to be together?
- *Tragedy:* What went wrong? When? Why?
- *Sour Grapes Inventory:* Make a list of all the things that are wrong with the other person and what they did.
- *Poison Pen letter:* Write a letter to the other person giving expression to all your intense wounded, enraged, and angry feelings. Then put it aside and decide later whether to send it.
- *Letter of Confession:* Make a list of all the things that are wrong with you and what you did.
- *Balance Sheet:* Next prepare a balanced list with a more realistic accounting of what you each might have done better.
- *Apology:* Write a sincere apology to the other person listing all your crimes and faults. Make it as honest as you would like them to be in return.
- *Letter of Forgiveness:* List all the expectations you had of them that they did not meet, then choose to forgive them for not meeting them.
- *Letter of Self-Forgiveness*: Write a letter that starts "Dear Me…," listing all the expectations you had of yourself, and forgiving yourself for not meeting them.
- *List of Costs:* If you can't forgive them or yourself, write down what it will cost you to hold on to each expectation.
- *Letter of Gratitude:* Write a sincere letter of thanks for all the lessons you have learned and received from them.
- *Wish List:* Write a list of all the things the other person could do that would make you happy.
- *Promises:* Write a list of all the things you could do to make the other person happy.
- *Redefining the Relationship*: List all the negative words you have used to characterize the other person. Then write a new list of positive words that create the definition you would *like* to have of them going forward.
- *Defining a New Frontier:* What can you continue to learn from the other person? How can you make sure you will carry this lesson with you and not lose it? What is the next challenge in your relationship? [Drawn partly from Daphne Rose Kingma, *Coming Apart: Why Relationships End & How to Live Through the Ending of Yours*]

These are merely a few of the countless ways of using conflict resolution systems design in heartfelt ways to deepen and repair relationships and help families and

couples prevent and resolve destructive adversarial conflicts. Other methods can be developed by deepening our understanding of the systems design process, and applying a set of design standards, or algorithm, to measure their present system against.

An Algorithm for Systems Design Processes

When we examine systems design processes as a whole, regardless of whether they are used in public or private sector organizations or in families or couples, it is apparent that they follow certain rules or patterns and express a set of shared values, and it is possible for these to be expressed directly in the form of a set of design criteria, or as an algorithm or procedure that works through a series of steps to produce a result.

Here are a few of the design criteria, values, principles, standards or elements that might be used to guide the systems design process in general, or to evaluate a current conflict resolution system to see whether it meets them:

- All interested parties are included and invited to participate fully in designing and implementing content, process, and relationships
- Decisions are made by consensus wherever possible, and nothing is considered final until everyone is in agreement
- Diversity and honest differences are viewed as sources of dialogue, leading to better ideas, healthier relationships, and greater unity
- Stereotypes, prejudices, assumptions of innate superiority, and ideas of intrinsic correctness are considered divisive and discounted as one-sided descriptions of more complex, multi-sided, paradoxical realities
- Openness, authenticity, appreciation, and empathy are regarded as better foundations for communication and decision-making than secrecy, rhetoric, insult, and demonization
- Dialogue and open-ended questions are deemed more useful than debate and cross-examination
- Force, violence, coercion, aggression, humiliation, and domination are rejected, both as methods and as outcomes
- Cooperation and collaboration are ranked as primary, while competition and aggression are considered secondary
- Everyone's interests are accepted as legitimate, acknowledged, and satisfied wherever possible, consistent with others' interests
- Processes and relationships are considered at least as important as content, if not more so
- Attention is paid to emotions, subjectivity, and feelings, as well as to logic, objectivity, and facts

- Everyone is regarded as responsible for participating in improving content, processes, and relationships, and searching for synergies and transformations
- People are invited into heartfelt communications and self-awareness, and encouraged to reach resolution, forgiveness, and reconciliation
- Chronic conflicts are traced to their systemic sources, where they can be prevented and redesigned to discourage repetition
- Victory is regarded as obtainable by everyone, and redirected toward collaborating to solve common problems, so that no one feels defeated
- Conflicts are transformed and transcended as people are encouraged to learn from their conflicts and prevent them from recurring

In all of these ways, it is possible for mediators to significantly alter the course of chronic conflicts in families, marriages and couples by inviting them to speak to each other directly -- not just about their recollections of facts and opinions, or simply about their angers and fears -- but about their love for each other and what they care most deeply about. It then becomes possible for mediators to design conflict resolution systems that can genuinely turn conflicts into learning experiences and opportunities for deeper and more satisfying relationships. Doing so takes considerable ingenuity and skill, but these are skills we need to keep love alive in any family or couple, and worthwhile whatever effort it takes.