

Why Don't We Use Cooperative Methods More to Resolve Conflicts?

by Ron Claassen

We Lack the Skills and Strategies.

If our "tool box" of cooperative skills and strategies is very limited, we are more likely to abandon the cooperative approach very quickly.

All of us actually do use cooperative strategies to resolve many conflicts every day. We generally make an attempt to negotiate a mutually agreeable solution with our children, spouses, friends, and co-workers as our first approach when we experience a minor conflict (the initial awareness that one is blocking or interfering with what we would like to do or see happen). Often a quick exchange takes care of the "blocking" and we go about our usual business. But, when the quick exchange does not remove the "blocking" we often resort to some form of coercive power to get our way, such as an aggressive threat, offering a reward, a display of anger, crying and tears or some other way to manipulate the other. Another strategy we might use is to walk out or a refusal to talk and then simply go ahead and do it our way.

In a class I teach at Fresno Pacific University on Conflict and Peacemaking, an assignment is to practice a new skill or strategy between class sessions, write a reflection on the experience and report the experience to the class. I recently received a reflection from a person who suggested to her husband that they try one of the new tools she had been learning in class. She said, "Usually this kind of situation would have led to an argument. But with this new strategy we actually enjoyed talking and came up with an agreement neither of us had thought of before we started. It was great. All married couples should have to learn these skills and strategies before they are allowed to get married."

What we have observed is that as we acquire more cooperative skills and strategies, if one "tool" isn't working, we can try another "tool" and increase the likelihood that the "blocking" will be resolved with a cooperative strategy.

VORP teaches skills and strategies to help mediators assist victims and offenders in finding a cooperative response to the violations.

Some Structures Don't Encourage Cooperation and Some Prevent the Use of Cooperation.

The structures I am referring to here are those established processes within our systems (family, classroom, workplace, criminal justice system, etc.) that direct how conflict is to be addressed. In many cases the structure sends the "offender" in the conflict, once reported, into a predetermined consequence or into a power and authority based process to determine who is at fault or how the conflict should be handled. In either case, the procedure prevents or significantly discourages the parties directly involved in the conflict from attempting to find some cooperative resolution, even if they want to and even if they are willing to attempt to with the help of a mediator.

It would be possible to design our structures to cause us to at least consider the possibility of using a cooperative process to resolve the conflict before moving into authority and power structures.

If safety is a concern for one of the parties, it would be the responsibility of the authority and power structures to be sure that the parties have a safe environment from which to consider a cooperative agreement.

An example of a structure designed to promote use of cooperation in resolving conflict: In New Zealand, all juvenile criminal cases except rape with a weapon and murder, are sent first to a Family Group Conference. If the group (including victim, victim support, offender, offender's family, police, probation, faith community, etc.) comes to a unanimous agreement on the best way of handling the conflict, that agreement is submitted to the court and becomes the conditions of probation. If the offender does not agree to participate or if the group cannot come to agreement, the case is then sent to the court to make a determination. This structure has reduced the number of court cases by 80 percent.

VORP is a structure and has established a process with other systems to encourage and make it possible for victims and offenders to use cooperation rather than coercion and outside authority for responding to the conflict.

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VORP helps runaway 'find her way back home'

by Laurie Mitchell
 with Ron Claassen

Laurie Mitchell, the mediator who wrote this story is in her 4th year at San Joaquin College of Law.

Sandra and Bob, the two offenders, had run away together before Christmas of last year. Occasionally they stayed in a vacant apartment. During one of their stays, both had written and drawn on a living room wall.

I met with each offender separately. While waiting for Sandra to return home from counseling, I chatted with Sandra's mother. Mother explained that Sandra had been an excellent student, a positive person and easy to get along with. Then, she met Bob and started rebelling. At first Sandra's mother had agreed to let Sandra see Bob, but only if he came over to their home where she could supervise them. On Saturdays she made lunch for the young couple and they watched movies. When they ran away, mother felt betrayed. Sandra's mother was a single mom, trying very hard to get off welfare. She held down a full-time job and was raising two teen-agers. She had a deep faith in God and felt that God had gotten her through many rough times. Already before this incident and more since then, she had curtailed her own social life to devote herself to her girls. All were now in counseling and Sandra was on a strict routine of homework, church and limited social activity. Slowly trust was being rebuilt between mother and daughter, but the vandalism offense was still hanging over their heads.

When Sandra arrived I explained the VORP process. Sandra told us what happened and said she was eager to face up to her offense and put the matter behind her. Sandra and her mother were both angry at Bob for his continued harassment of Sandra. Sandra and mother were agreeable to the VORP process, but did not want to have a joint meeting if Bob or his

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VORP reconciliation—the healing process that begins when injustices are recognized, equity is restored, and future intentions are clarified—is a priceless gift. For this reason, VORP never charges victims or offenders to participate in the process. Instead, we rely on the voluntary support of individuals, churches, and the community who recognize the value of reconciliation.

Each year, VORP works with hundreds of victims and offenders, but hundreds more could participate in VORP if we had sufficient funds.

The VORP stories we share every month cost about \$100. That's only \$8 a month to cover mediator training, case management, volunteer support, personnel expenses, and office overhead.

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family were present. Sandra's mother was also concerned that Sandra would be blamed for damage that had been done to the apartment before she occupied it.

Next, I met with Bob and his mother. Although hesitant at first, Bob agreed to commit to the VORP process. His mother was eager for him to own up to his responsibility. She was deeply involved in her church and was trying to provide a positive path for her son to follow. She felt the VORP process of owning up to one's responsibility and making restitution to those that had been hurt was in line with her religious teachings. She said life had not been easy for her son. Most of the male figures in his life had let him down or abandoned him, and he was very angry. Mom and Bob were angry with Sandra and her mother because Sandra and her family had been telling lies to his probation officer accusing Bob of harassing Sandra.

This case was challenging. There were two issues here. First, the apartment owner had been violated and was in need of restoration. Secondly, the families of the offenders were pointing fingers at each other in terms of the harassment issue. After discussions with case manager Jay Griffith, we decided to do two things. First, if the victim was agreeable, there would be two separate joint meetings. Secondly, after the joint meetings, if all had gone well, I would offer to mediate the conflict between Sandra and Bob.

I next met with Sarah, the apartment complex manager. Sarah was very eager to meet the two young people and agreed to the VORP process.

Jay led the joint meeting between Bob and Sarah. I facilitated the joint meeting between Sandra and Sarah. Also present at this meeting was Jim, the maintenance manager, Esther, another apartment manager and two media-

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Cooperative resolution provides effective alternative to punishment

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We Frequently Miss the Opportunity to Invite the Parties to Consider Using a Cooperative Process.

A cooperative process is never set in motion until someone suggests the idea and invites the parties to consider the possibility of using a cooperative process to respond to their conflict. Even if a structure is in place to cause the invitation to be offered, there still must be an invitation. It can't be a mandate because by definition, a cooperative process requires parties to voluntarily participate. There could be a mandate to consider the possibility but finally a successful cooperative process requires voluntary participation.

Voluntary participation is difficult to define. It at least means that the person is not refusing. It does not necessarily mean that a person is enthusiastic about the idea. Often, it is a decision made after considering the alternatives and deciding that this is the best. Sometimes one doesn't like any of the alternatives but knows that one will be imposed if they don't voluntarily choose one.

Example: In Roxanne's class (Roxanne is my wife who teaches eighth grade), when a student misbehaves, if it is not a safety situation, she invites the student to consider utilizing a cooperative process to respond to the misbehavior. If they stop the misbehavior and choose the cooperative option, they set an appointment and meet at the appointed time to negotiate an agreement, one that would be good for her and for the student. They write their agreement and later have at least one follow-up meeting to see if the agreement is working. What is essential for this process to begin, is that she must invite the student to consider the possibility that this conflict could be responded to using a cooperative process.

VORP mediators invite offenders and victims to consider using a cooperative process rather than coercion or outside authority to seek a constructive resolution.

We Believe That When Someone Violates a Rule or Law, They Must Be Punished.

Since punishment is usually imposed by someone else, this immediately means we are using coercion and not using a cooperative process. The hope is that fear of punishment will deter that person and others. But research shows that fear of punishment is not the most effective way to influence life change. Most people, when caught violating a law or rule feel both shame (knowing that they have let others down) and guilt (knowing that they have let themselves down).

These negative emotions can motivate life-changing decisions when elicited in a constructive context. Shame and guilt have positive impact if the violations are acknowledged in the presence of people they respect and in a context which invites movement beyond recognition of the violation to repair the damage (as much as possible) and reestablish dignity, respect and trust by making and keeping agreements.

It is not only in the Criminal Justice System or a School Discipline System where punishment prevents a cooperative response option. We also frequently respond to interpersonal conflict

by trying to punish the other. When we believe that what "the offender" needs is punishment, we block the constructive option of responding to the conflict or violation with a cooperative process to deal with the hurt and violation, make things as right as possible, and create a future that is better for everyone.

VORP provides a cooperative and restorative option which benefits victim, offender and community. VORP provides an alternative to punishment. Punishment focuses only on the offender and leaves the victim and community out of the process. Punishment, therefore, prevents the use of cooperation.

Offender learns valuable lessons

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tors from Los Angeles who were here attending a training on how to start a VORP in their area.

Sarah and Sandra agreed to the groundrules like being constructive and to listening to one another. Sandra told her story and admitted to writing on the living room wall. She apologized to Sarah and said that at that time she thought she was "madly in love with Bob" and let her good judgment lapse when she ran away with him. Sarah summarized Sandra's story. She then explained how she felt at discovering that the vacant apartment had been occupied and vandalized. Sandra summarized what Sarah had experienced. We then moved to talking about how to make things as right as possible. In the discussion about restitution, Sarah included the broken fence and cabinets. Sandra assured her that the fence and cabinets had been broken before she and Bob occupied the apartment. Jim, representing maintenance, agreed with that.

Sarah explained that the cost to paint a vandalized wall was more because extra paint was required. She estimated the job would be \$300, but that more discussions between her and Jim would be needed before making a final cost determination. Sandra agreed to pay 50% of the cost. In the previous joint meeting Bob agreed to pay 50% of the total cost.

Sarah was interested in knowing how Sandra would pay for the damage. She didn't want Sandra's mother to be the one to fork over the money. Unfortunately, because of liability concerns, allowing Sandra to work at the apartment complex was not an option. Sandra and her mother assured Sarah that Sandra would pay her mother back by working in the summer, after school was out. There were baby-sitting jobs

and there was a possibility of getting a job with an agency in town that provides teens with part-time summer work. Sandra's mother was more concerned with paying the damage and putting the matter behind them. She was also concerned that Sandra use all her time to do well in school. Once Sarah was assured that Sandra would pay her mother back, she agreed to the contract.

I then asked Sandra to tell Sarah what additional consequences she had experienced as a result of the vandalism. Sandra told Sarah that she was on probation, on a strict routine of homework first, little TV, and a limited social life. She was in counseling and had learned a valuable lesson. She was getting along better with her mother and realized how safe and comfortable her mother had tried to make their lives. She was now more appreciative of her mother. With pride she added that she had received straight A's on her latest report card.

Lastly, I asked Sandra if Sarah had to worry about her doing this again. Sandra assured Sarah that this incident would not be repeated. Sandra assured Sarah that she was a different person, had learned her lesson and would never do anything like this again.

I thanked everyone for coming to the meeting and for being constructive.

It turned out the total damage was only \$90.

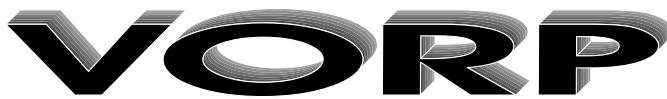
After talking with both Sandra and Bob after the meeting, they decided not to have a further meeting.

I received, at the VORP office, an Easter Basket and very nice card from Sandra's family.

Thanks Laurie.

Blessed are the Peacemakers!

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