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### **The Family – the Cradle of Mediation**

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#### **ABSTRACT**

The family is the single most important unit of any integral society. Mediation should be practiced as a way of life, commencing in the cradle. This practice establishes safe laws for human interaction in the family, building the foundation for a safe, litigious free society.

When mediation is practiced every day, 24x7, between sisters and brothers, mothers and fathers, grandparents and grandchildren, the protocol for safe mediation is created between all people. The practice of mediation as a way of life would immensely reduce the pressure on our law courts and social justice systems permanently.

The aim of this paper is to discuss a forty year research involving children, parents, and grandparents spanning over three generations. These ten families have made it their enduring aim to develop and practice safe mediation laws in their daily life. Using safe mediation as a way of life has solved every issue within this research group and lead to the creation of the Ideal Human Environment (IHE). The IHE is an environment whereby each person can express themselves in a manner that maintains physical and emotional safety.

Our research experience suggests that a mediation formula can be deemed successful when it passes the test with forty family and friends living together over four decades. By using the *primary law* of mediation, “*If you do not hurt me and do not walk away we will work it out*” this research group ultimately were successful in solving every potentially inflammatory issue without emotional or physical injury.

This paper will briefly discuss how a group of families have done just that; mediated in the family- the cradle of mediation, successfully for three generations and achieved the beginnings of the IHE.

**Key words:** Ideal Human Environment, family, mediation, empirical research

#### **INTRODUCTION**

With the constant and earnest efforts of so many peace workers the world over, our judicial system still bears the brunt of a society unable to peacefully mediate their disputes. Humanity knows all too well the cost of unresolved conflict in terms of emotional stress and financial

loss. Sociologists, psychologists, mediators, counsellors, lawyers, judges, religious leaders and lay persons are searching for better techniques to resolve conflict and create peace. This has been society's plight. Peace has eluded our forefathers and it eludes us now. Conflict is pandemic. Why has humanity, with all efforts and intelligence, not been able to solve conflict?

Humanity is in a state of emotional (psychological) and physical conflict. Conflict exists on all human levels between country leaders, heads of state and CEO's. Conflict occurs in our government organisations, our schools and in our families. As soon as one human being is relating to another the potential for conflict is born. The primary most intimate relationships are those found in the family unit; between husbands and wives, brothers and sisters, parents and their children. The earliest form of conflict begins in the family. If conflict begins in the family, then mediation should begin in the family - the cradle of mediation.

Everyone is in a state of conflict with themselves and therefore with everyone else. Our human environment is fraught with uncertainty, emotional stress, financial loss, litigation, divorce, physical and emotional harm and war; all because of unresolved conflict. Therefore, conflict is part of the natural human emotional (psychological) state. This is our society.

However, this is not the Ideal Human Environment. If people had a choice they would choose to live in an environment where they feel safe, their civil liberties are protected and they can live without fear of emotional and/ or physical harm; where all conflicts are resolved equitably.

This was the birth of the Ideal Human Environment (IHE) research forty years ago. The aim of this research was to create a working model IHE; *an environment where all people regardless of race, colour, creed or religion can feel emotionally and physically safe from and with each other*. The IHE would form the model for families to practice and therefore ultimately create world peace.

## **THE IHE RESEARCH METHOD**

Fundamental to the aims of the IHE research was to find laws, when applied to any human environment, would facilitate safe human interaction in any human relationship. These laws needed to be 'human friendly'. They needed to be functional, practical and applicable in daily life by the everyday person.

The IHE research began with a focus on conflict in the family. The research team was composed of a group of approximately ten families (forty individuals). The researchers consisted of lawyers, teachers, doctors, nurses, farmers, politicians, car sales men, butchers, business managers, accountants, fashion models, engineers, students and road builders.

The research method was empirical and experiential, based on what conflicts occurred in real-life, with real families, in natural settings over the period of a 24 hour day. All participants researched, discovered and then practiced laws for safe human interaction as a part of their everyday living, 24x7. It was not enough to research human behaviour only between 9am – 5pm. Not just on a Sunday visit to church or in an air-conditioned office. The research needed to trial and test safe mediation, 24 hours per day, in all of life's physical and emotional vicissitudes.

Research participants were the 'guinea pigs' as well as the researchers. Every individual was under the microscope. They were accountable for all their actions and emotional manifestations

every minute of the day, 24x7. When conflicts arose (and they did), all the research team were involved in mediating a consensual outcome.

The research was conducted like a ‘mini-country’. The aim of the ‘mini-country’ was to maintain peace between its forty constituents using the IHE laws. Everything each person did was analysed within the research. No topic, issue or action was immune. All decisions, actions and reactions were scrutinized to determine if they supported peace (IHE) or sabotaged peace (IHE). This included all areas of living such as: money management, education, relationships, recreation, religion, leadership, policy making, culture and employment.

In the research no complaint was too petty. If a complaint was important to an individual, it had to be resolved. No adult’s issue was left unresolved. No child’s issue was left unresolved. Even a baby’s cry was seen as a cry for help and therefore an issue that needed to be resolved. In the research, nothing was too petty.

Laws were implemented and trialled as they were discovered, to test whether they actually worked in real-life, under real-living conditions to create the IHE and therefore peace. The only laws adopted, were those proven ultimately to result in creating the IHE.

In order to road test the validity of laws discovered, the researchers deliberately placed themselves in challenging and diverse living conditions. Below are a few projects undertaken during the research:

- The team purchased El Questro station, a million acre cattle station in the remote Kimberley ranges and ran it successfully for approximately ten years. Most of the researchers had never lived away from civilisation or mustered wild bulls!
- The research team travelled and lived in places such as India, Vanuatu, Fiji, Korea, Malaysia, & USA in order to test the IHE laws in varying cultures. They also sponsored numerous overseas individuals to live and experience a fully functioning IHE.
- A large component of the research team built one of Australia’s tallest reinforced earth walls at a BHP Billiton coal mine in Blackwater. This wall was built in 45 degree searing heat over a six month duration. Some of the challenges involved inexperienced middle-age housewives driving 40 ton Moxy trucks, Rollers, Compactors and other heavy duty construction machinery.
- The research team purchased a three bedroom farmhouse and for six months approximately thirty individuals lived under the same roof.
- Research team members gained varying employment positions throughout Australia and overseas creating the challenge of distance conflict resolution. Conflicts were mediated using phone, computer technology and satellite phones.
- The research team operated a host of businesses. The challenges included working together, selecting leaders, finding those best suited to specific tasks, managing employees, funding and finance.

Most of these experiences had one thing in common – the researchers lived, worked and played in close proximity in order to create a human crucible. These projects placed people in conditions outside their comfort zones, providing fertile grounds for the numerous conflicts that arose, to be resolved using the IHE laws.

## SIGNIFICANT RESEARCH FINDINGS

Conducting the real-life social experiment meant real-life responses to conflict were personally experienced by all the researchers. One of the first research obstacles was that too often, when conflict arose, it was met with one of two responses. Conflicting parties either walked away prior to resolution, or, someone would get emotionally or physically hurt. To create the IHE, the research team had to solve all conflicts, however, people would not remain in the conflict resolution process long enough to find a satisfactory resolution. Emotions were ‘fired up’ and attitudes were defensive. To practice mediation principles as a way of life people needed to keep mediating until a resolution was reached – no matter what.

Hence the IHE *primary law*, *If you do not hurt me and do not walk away we will work it out*, was introduced.

Whilst practicing the *primary law*, it became clear when people communicate they often unintentionally hurt each other. People of all ages have strong views, even the very young! People like to express their views, however, these expressions were often perceived as an attack. For example, when a person with one religious perspective, told a person with a differing perspective how they could be closer to God, it was likely the latter would think they were being attacked. When a person felt attacked the response was to either counter attack or ‘walk out’.

Therefore, to create the IHE, it became necessary to inject laws to make verbal expressions and interactions safe without quelling, mitigating or compromising human expression. A set of safe mediation laws were developed and called *safe sparring*. *Safe sparring* were attitudes and verbal decorum which maintained emotional and physical homeostasis. When emotional and physical homeostasis was maintained, people did not get hurt or walk away.

*Safe sparring* was not easy for people to automatically employ in conflict situations. Therefore, *safe sparring* needed to be continually practiced and perfected with all human interactions as a way of life. In this way minor altercations were resolved before escalating into full scale ‘emotionally charged’ conflicts.

The practice of *safe sparring* can be likened to martial artists who spar with an opponent to improve their skills without hurting each other. *Safe sparring* created a testing ground for individuals to refine their social skills. Emotional homeostasis was achieved by using attitudes and words which were impersonal, disarming, and non-judgmental. In this way, the ideal emotional environment was created and individuals were able to resolve conflict more harmoniously.

If the IHE was going to be created, *safe sparring* had to become a mandatory foundation for safe human co-existence. Therefore, in the research, it became essential to institute the practice of *safe sparring* in all human interaction- literally and by necessity ‘from the cradle to the grave’.

The IHE research, another major obstacle to the resolution of conflict was revealed; human perception was not only diverse and dissimilar, but also impaired. Perception impairment was not a condition isolated to some or many individuals. All human perception was impaired.

During the research it became apparent that people generally did not want to admit their perception was impaired. It was always the ‘other persons’ perception or reasoning that was impaired. However, people were extremely accurate when evaluating another person’s impaired perception, especially when they themselves were not emotionally involved.

The IHE research revealed that people had an inability to ‘see’ their own impaired perception largely because their perception was ‘personal’. ‘Personal’ perception prevented people from

‘seeing’ of the ‘other persons’ point of view. When a person’s perception was impaired, and they could not ‘see’ another person’s point of view, it was difficult to mediate a consensual resolution.

A prime example of people’s ability to accurately evaluate another person’s impaired perception is at the heart of our Judicial System; the Jury. We entrust the task of deciphering the relevant facts and making the most crucial judgments to a group of ‘common’ people. These ‘common’ people have no formal qualifications in law. The entire legal fraternity, with all its qualified knowledge and expertise, delegate this task of determining guilt or innocence to the ‘common’ and ‘reasonable’ person. It is, in fact, required by law that these jurors have no formal qualifications in law.

In order to create the IHE, it was incumbent upon the research team to accept that impaired human perception was an inherent part of natural human nature (NHN). This was the reality. Accepting this reality was the research team’s greatest challenge; a reality society has yet to face and accept. Laws to create the IHE had to incorporate NHN in order to peacefully assemble human coexistence. If humanity does not accept NHN, it will be its greatest obstacle to creating peace.

It became obvious to the research team that society’s peace efforts were failing because our social system had not accepted the reality that all human perception was impaired and therefore, failed to make necessary adjustments.

The evidence showed unequivocally that humanity was proficient at solving any problem, social or otherwise, if the cause of the problem was accepted.

For example, in our society we have visually impaired people who are not permitted to drive on our roads without wearing glasses. If they do not wear glasses, this impairment renders them a potential danger to themselves and other road users. If humanity did not understand, or did not want to accept, these people had an impairment, we would have dangerous and negligent drivers on the road. If our society did not realize that the cause of many accidents was a visual impairment, accidents would go on unabated. No adjustments would be made. People would get hurt. Our courts would be clogged. Our laws system would punish them. Our society would be in conflict with itself more than it already is.

However, by accepting the scientific facts of visual impairment, society made adjustments to make the roads safe. These adjustments were to enact mandatory laws for safe driving. Those laws insisted visually impaired people wear glasses when they drive.

When society understood that vision impairment was a genuine human incapacity, laws were made to support the incapacity. These laws required a person with impaired vision to wear glasses when driving. This made these individuals safer and our roads relatively safer to drive on. Is it possible, society is punishing people who have a genuine perception impairment?

To create the IHE, the research team accepted perception impairment as a genuine human incapacity. By accepting the fact that our perception was inherently impaired, we became aware, by necessity, we needed to mediate as a way of life. Therefore, it became necessary to institute safe sparring (mediation) laws for everyday interaction with each other on a mandatory basis. These *safe sparring* (mediation) laws needed to be mandatory as a way of life, practiced in all human interaction so people could be safe from and with each other. We could not afford to compromise on the use of *safe sparring*. To compromise meant someone soon was going to be emotionally or physically hurt.

In society, mediation becomes an option only when parties are on the brink of conflict or are already in conflict. Too often mediation is employed as a conflict resolution strategy only when

people are already defensive, emotionally upset and in a state of full scale dispute. Implementing mediation when parties are already in conflict does not make people feel safe. It does not reduce the work load on our legal system nor does it create a harmonious society.

When everyone is engaged in *safe sparring* (mediation) a situation is created where everyone is trying to work things out. When everyone is engaged in *safe sparring* (mediation), as a way of life this results in the IHE.

In the IHE research all conflict outcomes, by necessity, needed to support the laws that created and maintained the IHE (peace). To gain the most equitable decision, all the researchers were involved in finding the best outcome to any dispute. This group of people were called the 'wisdom bank'. It was their task to assist in resolving all disputes in a manner most in harmony with creating and maintaining the IHE- this was the reference point. During the research, it became clear that the 'wisdom bank' were able to impartially achieve an equitable outcome to all disputes, particularly when they themselves were not emotionally involved. This is similar to our jury system which has worked for thousands of years at achieving an equitable consensus.

A phenomenon of the 'wisdom bank' was uncovered in the research. When the 'wisdom bank' (a group of 'ordinary' people) were asked to make a fair evaluation on someone else, they could access an impartial state of mind. Without exception, when people were asked to perform the role of a 'wisdom bank' (ie. Jury) they reached an equitable outcome. When given the IHE (peace) as a reference point, the 'wisdom bank' was consistently and without failure able to determine what attitudes and behaviours would support the IHE (peace).

The family is the most basic 'wisdom bank'. When the family is established as a 'wisdom bank', and mandatory sparring is practiced as a way of life, all conflicts were resolved and the IHE (peace) was created.

## **CONCLUSION**

After refining, trialling and retesting the IHE laws for over forty years, the IHE research team are confident all human conflict can be resolved when the IHE principles are applied.

For anyone who imagines the reality of living with forty people and mediating every conflict, the IHE research has been a truly mammoth undertaking in terms of emotional courage and personal sacrifice. However, those involved affirm their contribution to the peace process has been well worth their efforts. By practicing the IHE laws for safe human interaction they have united their children, their families and can unite anyone who practices these laws 24 x7, as a way of life.

The IHE research is conclusive; peace is only a possibility if humanity as a whole, first and foremost accepts their perception is impaired and then practices 24x7 safe sparring laws, as a way of life. Peace is a far away dream unless mandatory laws for safe sparring (mediation) are injected into the family – from the cradle.