

Systemic Management and Organizational Constellations

**Systemic Management Organizational Constellation in
Alternative Dispute Resolution for Divorce: A New
Perspective in Family Law**

Module Leader: Cecilio Fernandez Regojo

Student: Ummusen Iyiol

Date: 16.04.2024

Word Count: 1136

Abstract

Divorce is a complex process that involves various emotional, legal, and financial aspects. Traditional methods of resolving divorce disputes often focus solely on legal proceedings, overlooking the systemic dynamics that influence family relationships. Systemic Management Organizational Constellation (SMOC) offers a unique perspective by integrating systemic thinking into divorce mediation. This article explores the principles of SMOC, its application in the context of divorce mediation, and its potential benefits in facilitating more holistic and sustainable resolutions.

Introduction

Divorce is a significant life transition that affects individuals, families, and communities. In addition to the emotional challenges, divorcing couples often face legal battles over property division, child custody, and financial support. While litigation is a common approach to resolving these disputes, it can be adversarial, expensive, and time-consuming. Alternative Dispute Resolution (ADR) methods, such as mediation, offer a more collaborative and amicable way to address divorce-related issues. However, traditional mediation approaches may overlook the underlying systemic dynamics that contribute to conflict and impede resolution.

Systemic Management Organizational Constellation (SMOC), rooted in systemic thinking and phenomenology, offers a novel approach to understanding and addressing complex relational dynamics. Originally developed by German psychotherapist Bert Hellinger, SMOC has been applied in various contexts, including family therapy, organizational development, and conflict resolution. By exploring the systemic "constellations" within a family or organization, SMOC enables participants to gain insights into hidden dynamics, identify underlying patterns, and explore alternative solutions.

Principles of Systemic Management Organizational Constellation

1. **Holistic Perspective:** SMOC recognizes that individuals are embedded within larger systems, such as families, organizations, and communities. It acknowledges the interconnectedness of various elements within these systems and the influence of past events on present dynamics.
2. **Phenomenological Inquiry:** SMOC emphasizes experiential learning and direct observation of systemic dynamics. Through guided exercises and role-play, participants explore their subjective experiences and gain deeper insights into their relationships and interactions.
3. **Nonlinear Causality:** SMOC challenges linear cause-and-effect thinking and acknowledges the complexity of systemic interactions. It recognizes that small changes in one part of the system can have ripple effects throughout the entire system.

4. **Respect for Autonomy:** SMOC respects the autonomy and agency of individuals within the system. It encourages participants to explore their own perspectives, feelings, and desires while also considering the perspectives of others.
5. **Facilitated Dialogue:** SMOC facilitators create a safe and supportive environment for open dialogue and exploration. They guide participants through structured exercises and interventions designed to illuminate systemic dynamics and facilitate resolution.

Application of SMOC in Divorce Mediation

In the context of divorce mediation, SMOC offers a valuable framework for exploring the systemic dynamics that contribute to conflict and impede resolution. By engaging divorcing couples in systemic constellations, mediators can help them gain insights into underlying patterns, identify sources of tension, and explore alternative pathways forward. SMOC can also be used to address issues related to co-parenting, communication, and post-divorce adjustment, helping couples navigate the transition with greater clarity and understanding.

One of the key principles of SMOC is the acknowledgment of systemic entanglements, which refers to the ways in which individuals are bound together by unconscious loyalties, unresolved conflicts, and hidden dynamics. In the context of divorce, systemic entanglements may manifest as unresolved issues from the past, conflicting loyalties to family members, or unacknowledged emotions such as guilt, shame, or resentment. By bringing these entanglements to light, SMOC allows divorcing couples to explore their underlying dynamics and move towards resolution.

Benefits of SMOC in Divorce Mediation

1. **Deeper Understanding:** SMOC enables divorcing couples to gain a deeper understanding of the systemic dynamics that influence their relationship. By exploring their family constellations, they can uncover hidden patterns, implicit loyalties, and unresolved conflicts that contribute to their current situation.
2. **Empowerment:** SMOC empowers divorcing couples to take ownership of their narrative and explore alternative pathways forward. By engaging in facilitated dialogues and experiential exercises, they can develop greater self-awareness, agency, and resilience in navigating the divorce process.
3. **Improved Communication:** SMOC fosters open dialogue and constructive communication between divorcing couples. By creating a safe and supportive environment for exploration, it allows couples to express their needs, concerns, and aspirations more effectively.
4. **Holistic Resolution:** SMOC supports holistic and sustainable resolutions that address the underlying systemic dynamics. By considering the needs and perspectives of all stakeholders, it promotes solutions that are mutually beneficial and aligned with the long-term well-being of the family.

5. **Post-Divorce Adjustment:** SMOC offers valuable insights and tools for post-divorce adjustment and co-parenting. By exploring their family constellations and systemic entanglements, divorcing couples can develop strategies for co-parenting, communication, and conflict resolution that promote resilience and well-being.

Conclusion

Systemic Management Organizational Constellation (SMOC) offers a powerful framework for understanding and addressing the systemic dynamics that influence divorce mediation. By engaging divorcing couples in systemic constellations, SMOC enables them to gain insights into hidden patterns, unresolved conflicts, and implicit loyalties that contribute to their current situation. Through facilitated dialogue and experiential learning, SMOC empowers divorcing couples to explore alternative pathways forward, improve communication, and achieve holistic resolutions that support their long-term well-being. As divorce mediation continues to evolve, SMOC offers valuable tools and insights for mediators and couples seeking more collaborative and sustainable approaches to conflict resolution.

Bibliography

Fernández Regojo, C. (2020). Systemic Management and Organizational Constellations: New Methodology to Approach Business World Issues. Talent Manager, 1, 28-42.

Özbek, M. S. (2020). Alternative Dispute Resolution. İstanbul: Yetkin Yayınları.

Akkaya, T. (2014). Temporary Protection Measures During Divorce Cases and Compulsory Mediation Within the Scope of the Protection of the Child Through the Intervention of the Judge. Ankara Barosu Dergisi, 16(2), 145-162.

Börü, L. (2019). Contemporary Advancements within Mediation in Family Law. II. Uluslararası Kadın ve Hukuk Sempozyumu Bildiri Kitabı, Türkiye Barolar Birliği.

Carbonneau, T. E. (1986). A Consideration of Alternatives to Divorce Litigation. UPenn.

Coogler, O. (1978). Structured Mediation in Divorce Settlement: A Handbook for Marital Mediator. New York: Random House.

Erdem, M. (2019). Family Law. Ankara: Seçkin Yayıncılık.

Green, M. (1984). Marriage. London: Fontana Paperbacks.

Kekeç, E. K. (2016). Core Stages and Strategies in Dispute Resolution Through Mediation. Ankara: Adalet Yayınevi.

Hellinger, B. (1999). Love's Hidden Symmetry: What Makes Love Work in Relationships. Phoenix, AZ: Zeig, Tucker & Theisen.

Hellinger, B. (2002). Acknowledging What Is: Conversations with Bert Hellinger. Phoenix, AZ: Zeig, Tucker & Theisen.

Hellinger, B., Weber, H., & Beaumont, G. (1998). The Phenomenology of the Family Constellation. Phoenix, AZ: Zeig, Tucker & Theisen.

Gugerell, H., Lauer, M., & Hellinger, B. (2001). Decisions: An Introduction to Bert Hellinger's Family Constellations. Phoenix, AZ: Zeig, Tucker & Theisen.

König, A., & Lauer, M. (2008). Systemic Management and Organizational Constellations: An Introduction to the Principles, Methods and Applications. Heidelberg: Carl-Auer Verlag.