

# Justice and Conflict

Chapter 5 covers the everyday tools, Ostrom's graduated sanctions, restorative circles, for keeping the rules fair and the group functional. This chapter covers two things that chapter deliberately doesn't: what most real disputes actually look like when they're resolved well, and what happens when the problem isn't a rule violation at all, it's real danger.

## Most disputes are ordinary, and mediation is the real first resort

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A neighbor dispute, a disagreement over shared resources, a broken agreement that isn't a safety issue, these are exactly what Ostrom's principle 6 (fast, accessible conflict resolution) and Chapter 5's restorative circles are built for. In practice, the actual tool most communities and even most cities reach for first is mediation: a neutral third party facilitates a conversation rather than deciding the outcome, and it's genuinely cheap, roughly a quarter the cost of formal litigation, and often free. Many cities run their own community mediation programs, trained volunteer mediators, confidential, voluntary, and at no cost to participants, and a group doesn't need to invent this from scratch; check whether a program already exists locally before assuming mediation means hiring someone.

The point of leaning on mediation early isn't just cost. A dispute that gets a real, structured conversation while it's still small rarely needs to reach Chapter 5's graduated sanctions at all.

## When it's not a dispute, it's danger

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Violence, theft, sexual assault, and similarly serious misconduct aren't a bigger version of an ordinary rule violation, they need a different, faster process, and pretending otherwise by trying to stretch Chapter 5's tools to cover them is itself a real failure mode. Real communities that have actually written this down agree on the core shape: for violence or sexual violence specifically, the decision to remove someone is made by consensus of the rest of the group, to the exclusion of the person concerned, not requiring their buy-in the way an ordinary governance decision would.

Short of an immediate-danger situation, a real documented protocol looks like this: a direct, private conversation naming the specific concern with specific examples, stating clearly what change is expected, and setting a defined window, often 30 to 60 days, before reassessing whether it happened. The conversation gets documented as it

happens, date, what was discussed, what was committed to, not reconstructed from memory later if it needs to escalate.

### **Write this down before you need it, not during**

The single most consistent finding in real community practice: groups without a pre-defined protocol improvise one under the worst possible conditions, mid-crisis, emotions high, no agreed process to fall back on, and the improvised version is reliably messier and more damaging than a process-driven one would have been. This is the same principle Chapter 2 already established for the founding agreement itself; a real misconduct-and-removal process belongs in that same written document, agreed to by everyone before it's ever tested by a real situation.

## **Child safeguarding is this same category, with its own specific answer**

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The CDC's own research on child abuse risk factors names social isolation and a lack of external oversight as a documented risk, not a hypothetical, and it's the exact condition an isolated, indefinite-horizon community creates by design unless it deliberately builds in a check against it. This isn't a hypothetical failure mode either: it's the well-documented pattern behind the worst-known collapses of small, closed, isolated groups, and it's exactly why legitimate youth-serving organizations that have operated at real scale for decades converged on the same concrete answer rather than each inventing their own. Two-deep leadership (never one adult alone with a minor who isn't their own child), no one-on-one contact including digital communication, and a criminal background check before anyone takes a caregiving or teaching role are the specific, adopted-elsewhere policies, not exotic ones; they're the same rules the Boy Scouts, Girl Scouts, and most mainline church denominations already run, adapted here to a group that's built its own governance from scratch rather than inherited an institution's existing policy.

### **WARNING**

#### **The reporting channel has to be external, and the obligation doesn't go away**

Mandatory reporting laws requiring a report to law enforcement or a state child-welfare agency the moment abuse is reasonably suspected, not just to a supervisor, exist independent of whether this community is otherwise interacting with outside government. A reporting channel that routes only through the same leadership structure being scrutinized isn't a real safeguard, it's the isolation problem restated in different words. This is exactly why Chapter 10's case for maintaining real bridging ties to the outside world matters here specifically, not just economically: external contact is what makes an outside report possible at all.

## A community decision isn't the same as a legal one

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This is the part that catches founding groups off guard: even a clear, unanimous community decision that someone needs to go doesn't automatically mean it's legally possible to make that happen, and the specific legal structure Chapter 5 led the group to choose determines the real mechanism. A housing cooperative can't evict a member except through actual judicial action; the member is legally entitled to notice and a real opportunity to be heard, and in a contested case can compel the board to disclose who's accusing them and cross-examine those witnesses. Skip or shortcut the "procedural rails" laid out in the cooperative's own governing documents, and a court can throw out the entire removal on that basis alone, regardless of how justified the underlying reason actually was. A community land trust or an HOA each carry their own, different version of the same requirement.

None of this is a reason to avoid ever removing someone who genuinely needs to go. It's a reason to have real legal counsel involved before that process starts, not after a removal is challenged in court, the same "not a DIY decision" caution Chapter 5 already gives for choosing the legal structure in the first place applies just as directly here.

### This assumes the courts are actually there

Judicial eviction, due process, a board's own procedural rails, everything in this section depends on a real, reachable court willing to hear the case. That's the reasonable assumption for a "new beginnings" community founded after a serious but contained disruption, most regions keep functioning courts even through a bad regional disaster. If that's genuinely not true where this community is, actual enforcement, not just consensus, isn't available through the mechanism above, and the honest answer for what backs a removal decision instead is a harder question this chapter doesn't have the sourced material to answer; Chapter 12, explicitly labeled as reasoned extrapolation rather than sourced fact, is where that question actually gets addressed.

## Sources

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- Community mediation cost, structure, and free/low-cost programs: Program on Negotiation, Harvard Law School; National Center for Community Response (NCRRC)
- Real, documented intentional-community expulsion process, including the consensus-excluding-the-accused rule for violence: Federation of Egalitarian Communities; structured pre-expulsion conversation and reassessment protocol: Salt & Prepper
- Housing cooperative eviction, due process, and legal "procedural rails" requirements: CooperatorNews; Holm & O'Hara, LLP
- Social isolation and lack of external oversight as documented child-abuse risk factors: CDC

- Two-deep leadership, no one-on-one contact, and background-check policy from a real, large-scale youth-serving organization: Scouting America
- Mandatory reporting law, standard, and external reporting requirement: Darkness to Light