

Getting to the Heart of Conflict:

Mediation Council of Western Pennsylvania
Collaborative Law Association of Southwestern Pennsylvania
April 26, 2018

Presented By Bernie Mayer
Program on Negotiation and Conflict Resolution
Creighton University
Berniemayer@creighton.edu

Five challenges for getting to heart of conflict

- Moving beyond interests
- Looking past behavior
- Challenging our client's tendencies (and our own) to frame choices in polarized terms
- Dealing with the pervasive role of power inequities in everything we do (a level playing field is not enough)
- Taking on the elements of conflict that are unlikely to be resolved in the foreseeable future

Workshop Agenda

- Introductions, reflections, overview
- Beyond interests: what disputants want , what we offer
- Beyond behavior: the dimensions of conflict
- Beyond competition and cooperation: paradoxes of conflict
- Beyond a level playing field: the use and misuse of power
- Beyond resolution: dealing with conflicts that won't (and maybe shouldn't be) settled
- Reflections and takeaways

Beyond interests what disputants
want, what we offer

When you walk into the room:

As a mediator, collaborative practitioner, or conflict specialist—what is your essential purpose—why are you there?

Three Models Of Conflict

- Resolution
- Transformation
- Engagement

Resolution

- People come to us because they have a conflict that needs to be resolved
- Conflict can be resolved by understanding the issues and interests of all parties and then finding effective ways of addressing these
- The mediators role is to guide parties through a constructive problem solving process

Transformation

- Mediation offers an exceptional opportunity to transform the nature of a conflict, the relationship among disputants, and the disputants themselves
- This can be accomplished through empowerment of the disputants and recognition of what is really important to them
- A focus on outcome undercuts this potential
- The role of the mediator is to help empowerment and recognition to occur

Engagement

- The key challenge disputants face is finding a constructive means for engaging in conflict
- Constructive engagement may lead to sustained interaction, enhanced communication, more constructive power exchanges, and resolution of key issues (but not always)
- The primary obstacles to effective engagement are avoidance, escalation, or premature problem solving
- The interveners role is to help disputants find constructive approaches to engagement

What Disputants Want

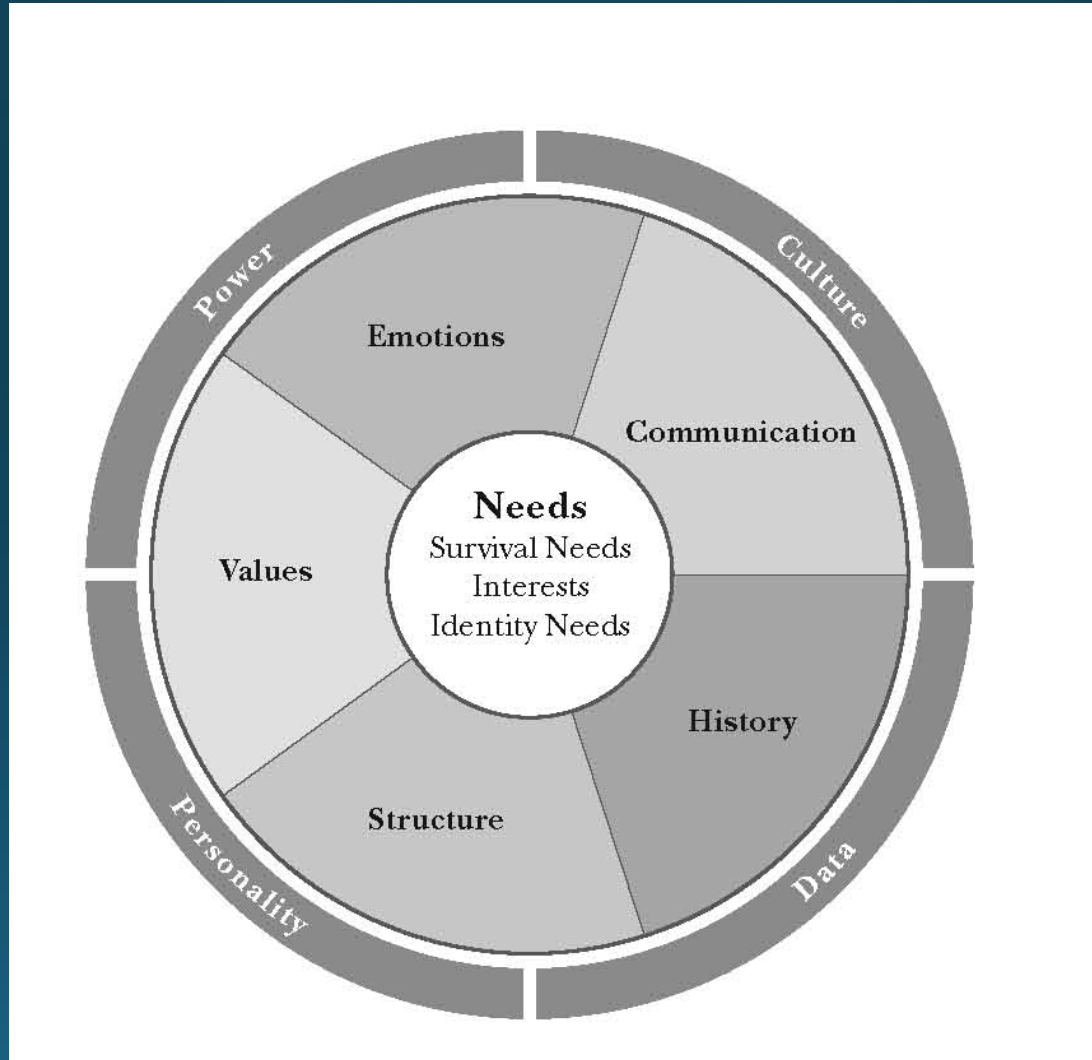
- Voice
- Validation
- Vindication
- Procedural Justice
- Safety
- Impact

Levels of Motivation

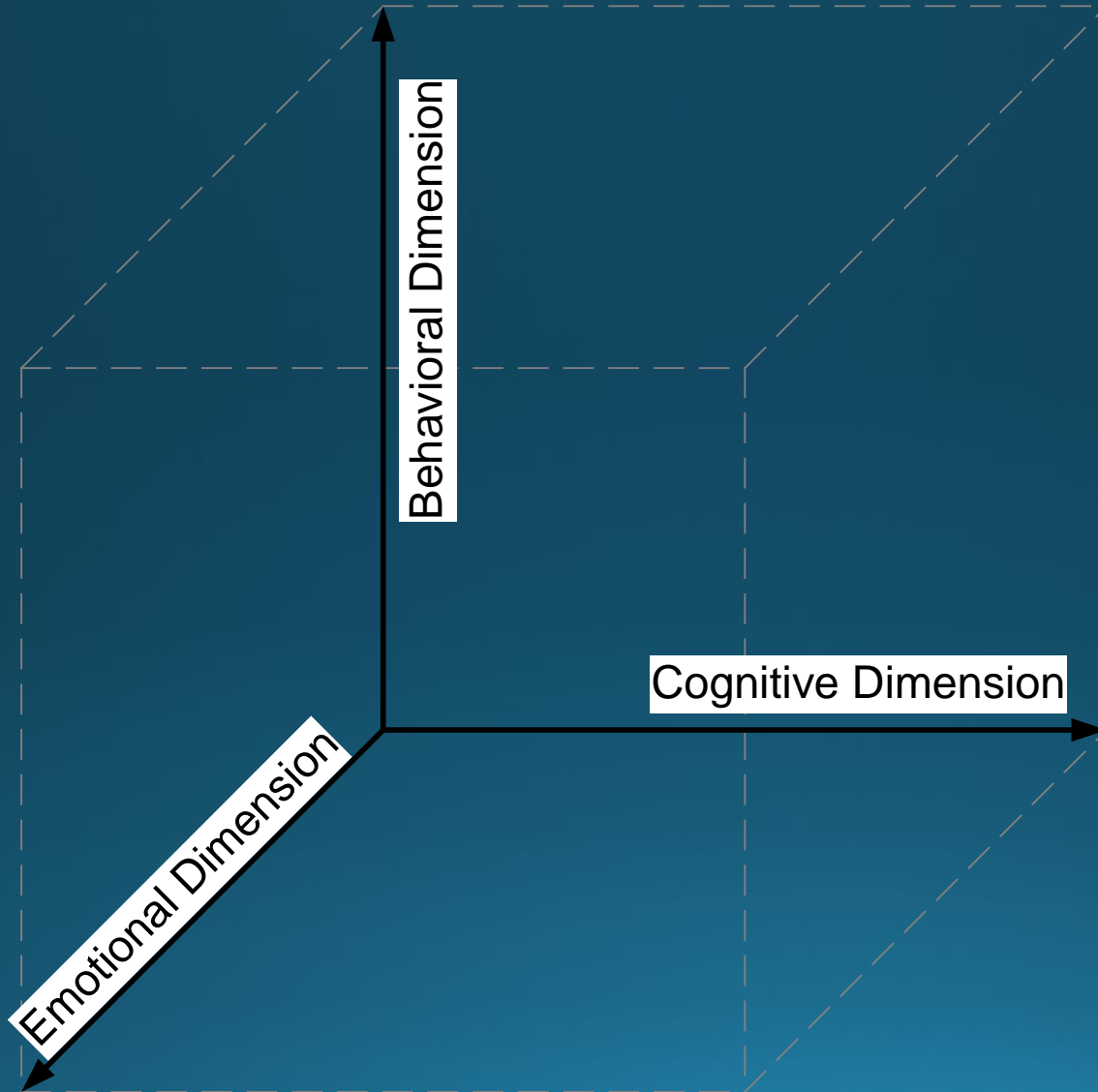
HUMAN NEEDS



Sources of Conflict



Beyond behavior: the dimensions of conflict



Case Application

(in small groups)

- Select a conflict experiences to discuss (if there is time for a second one, go for it)
- Going back to a specific moment, consider
 - What were the most important needs of the parties involved and what made it hard for them to discuss these?
 - What did they want from you (and how did this accord with what you felt you should offer)?

Beyond competition and
cooperation: paradoxes of conflict

“How wonderful that we have met with a paradox. Now we have some hope of making progress.”

-Niels Bohr

“The test of a first-rate intelligence is the ability to hold two opposed ideas in the mind at the same time and still retain the ability to function.”

F. Scott Fitzgerald

MANAGEMENT ARE
FIGHTING OVER THE
BEST WAY TO RESOLVE
CONFLICT IN THE
WORKPLACE...



MA

The Conflict Paradox

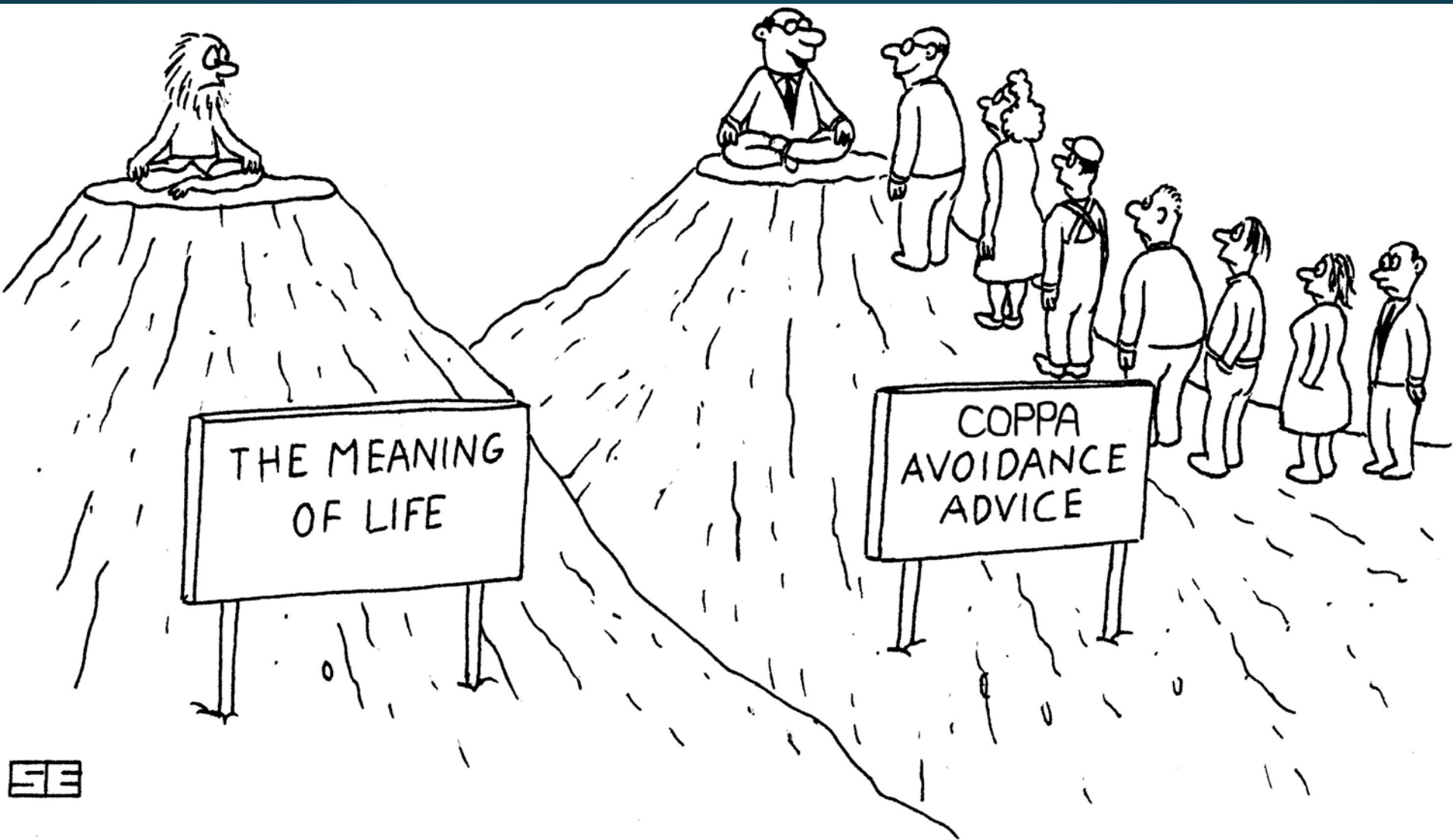
- When we are in conflict we are likely to think in terms of dualities and contradictions
- To deal with conflict productively, we have to move beyond these polarities
- In other words, conflict pulls us to a more simplistic way of viewing the world, to engage constructively we need to develop a more sophisticated view
- The most profound difference we make is when we successfully address this paradox

Seven Polarities (that we can move beyond)

- Cooperation and Competition
- Optimism and Realism
- Avoidance and Engagement
- Principle and Compromise
- Emotions and Logic
- Advocacy and Impartiality
- Autonomy and Community

Avoidance and Engagement





THE MEANING
OF LIFE

COPPA
AVOIDANCE
ADVICE

SE

Three Approaches

- Turn the other cheek: “When angry, count to ten before you speak. If very angry, count to one hundred.” ---
Thomas Jefferson
 - Try every you can to avoid, then it is not your fault
 - Avoiding is morally superior
- Step up to the plate: “Peace is not the absence of conflict; it is the ability to handle conflict by peaceful means”—
Ronald Reagan
 - Constructive engagement is morally superior
 - Conflict is not the problem, how we engage in it is
- Avoid until you have to let them have it: “When angry, count to four; when very angry, swear.”—Mark Twain
 - Avoid until you have to react—then go in with guns ablaze
 - If you first try to avoid, then engaging is morally superior

Issues to Consider

- Personal vulnerability vs. social good
- What is the real issue
- To engage you have to avoid, to avoid you have to engage (how to make family gatherings work)
- Who decides whether to engage/avoid
- Our issue or the disputants' issue
- The consequences of engaging

When have you

- Advocated avoidance
- Advocated engagement
- Advocated escalation ?

Emotions and Logic

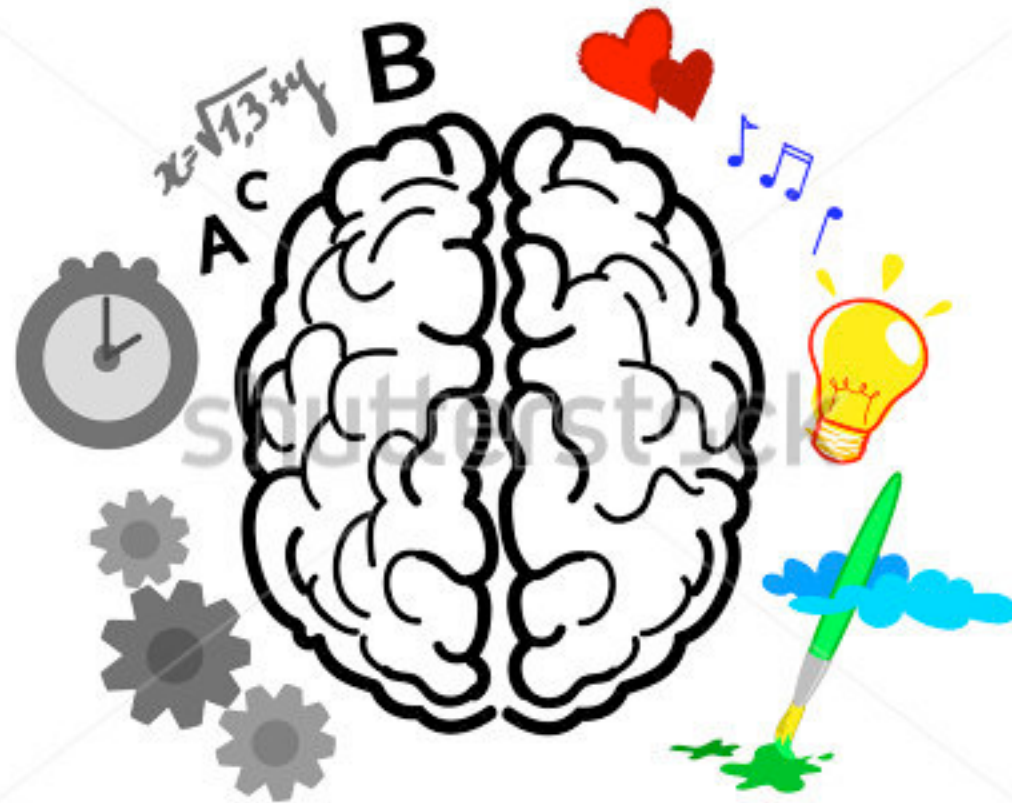


- “One ought to hold on to one's heart; for if one lets it go, one soon loses control of the head too.” — Friedrich Nietzsche (1954)
- “I never wished to set emotion against reason, but rather to see emotion as at the least assisting reason and at best holding a dialogue with it. “ Antonio Damasio (2005)

HEART →

← HEAD





www.shutterstock.com · 68828281

How Conflict Interveners Work with Emotions and Logic

- We invite emotions in
- We use the language of emotions and logic (and behavior)
- We put the tension on the table
- We address people with the language and narrative structure they are comfortable with
- We check into our own gender and cultural specific assumptions about emotions and logic

Beyond a level playing field: the
uses and misuses of power

Using Power Over Time

- Power will be used
- Disputants need to learn to use their power effectively and constructively
 - Asserting power
 - Responding to other's power
 - Constructive escalation
 - Effective de-escalation
 - Changing the power pattern

Balancing Power

- Is a misleading concept
- Does not work
- What about creating a level playing field?
- Other metaphors?
- So what should we do about power

Overall Power Goal

Encouraging a

- Constructive
- Reciprocal
- Sustainable

Pattern of Power

When escalation is necessary

(or is it ever?)









STOP
VICTIM
BLAMING

#MeToo
survivors' march
Nov 12th 10am-3pm
Hollywood & Highland
bit.ly/metoomarch

NOT INTERESTED

Gold's Gym

me too

AWAY
LIBRARY
STOPPING
30

RESPECT #

#MeToo

survivors' march



False Choices

- Confront or compromise
- Stand firm or seek accommodation
- Deliver a clear message or deliver a conciliatory message
- Be tough or be nice
- What about “overreach”

Beyond resolution: dealing with conflicts that won't (and maybe shouldn't be) settled

Long term conflict/short term intervention: the strength and limit of mediation and negotiation

- Most important conflicts don't end—they endure, but they also transform
- We are always choosing which “face” of conflict to work on—but we often don't recognize that we are making this choice
- How we frame our purpose is critical

Faces of Conflict

- Latent
- Low Impact
- Representative
- Transient
- Stubborn
- Enduring

Characteristics of Enduring Conflict

- Deeply rooted
- Identity based
- Value driven
- Embedded in structure
- Systemic and complex

Dilemmas of Enduring Conflict

From Global Warming to Warring Parents

- No comprehensive solution will solve the problem but the problem must be addressed
- Struggle is necessary, cooperation is essential
- Decisions must be made in condition of profound uncertainty
- Need to live with ambiguity but find the energy that derives from clarity

Ask a Different Question

- Instead of asking:
“What can we do to resolve or de-escalate this conflict?”
- Ask:
“How can we help people prepare to engage with this issue over time?”

Six Steps to Staying With Conflict

- Focus on engagement/confront avoidance
- Frame for the long term
- Establish durable patterns of communication
- Use power with a long term focus
- Find agreements where appropriate but keep them in perspective
- Help sustain people through conflict

Department of Shameless Commerce

