

Understanding Conflict Resolution from the Inside Out OR Why 800 Pound Gorillas Aren't Great Mediators

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Article:

When I was a child and later as a nursery school teacher, I had a favorite book featuring Grover from Sesame Street called *The Monster at the End of this Book* (Stone & Smollin, 1971). Apart from being a wonderful metaphor for how humans attempt to use barriers to avoid self-discovery and difficult truths about themselves (Grover's the monster), it's also a nice introduction to this speech since there's a gorilla at the end of this speech. Before we get to the gorilla, I will introduce you to some of the philosophical and theoretical foundations of human conflict, review some of the thinking about mediation in the last 30 years, and introduce my critical incident and intervention approach to working with conflict. Yes and there's a gorilla in there, did I mention that?

HUMAN CONFLICT: FROM THE INSIDE

Conflict, whether negative or positive, appears to be a crucial element of what makes us human, especially since our brains and bodies appear to devote considerable resources to managing it. Psychologists and cognitive neuroscientists have examined human responses to conflict. Several theories provide important insights (Schellenberg, 1996). The child psychologist Jean Piaget called this balancing process "equilibration"; humanistic psychologist Abraham Maslow identified the foundation of human conflict as the struggle to have certain "needs" (real or perceived) fulfilled; and Erik Erikson premised his entire lifecourse development theory on the resolution of certain "conflicts" which were core to each stage of the lifecourse.

Cognitive neuroscientists have examined how executive processes respond to conflict, relate to different areas of the prefrontal cortex, regulate tasks, and effect processes like attention and memory. This research demonstrates the impacts of conflict on our cognitive/problem solving abilities, unconscious physiological responses (think lie detector tests), and changes our emotional/affective interpretations of situations (Botvinick, Braver, Barch, Carter, & Cohen, 2001). Cognitively it impacts our ability to process multiple forms of information, complete tasks unrelated to the specific conflict issue, and has a sort of focusing effect on the brain (Etkin, Egner, Peraza, Kandel, & Hirsch, 2006). Recent research suggests that "anxiety", which is essentially the physiological response to conflict, freezes some people and energizes others. "Anxiety junkies" seem to need that anxious feeling before dealing with a difficult task to help them focus, even if they report that they don't like it (Schwartz, 2011). Emotionally, like stress,

conflict can be interpreted as “eustress” (good stress) or “distress” (bad stress) and depending on your interpretation, conflict may be seen as a negative event or an opportunity for positive change. Most scholars and professionals now agree with theorists like Piaget, Maslow, and Erikson that this apparently genetically hard-wired, multi-layered human response to conflict is really an attempt to bring balance back to the individual and ensure our own survival, maybe even at the expense of others.

HUMAN CONFLICT: ON THE OUTSIDE

Sociologists, economists, and peace studies scholars have examined how social structures (social class, race, gender, religion, family, politics, etc.) significantly impact people’s life courses. Beginning with Hegel’s (and later Marx’s) theory of “dialectical materialism”, conflict takes place on a macro scale following a pattern of “thesis-synthesis-antithesis”. This means that prevailing norms (thesis) are challenged by new ideas (anti-thesis) and ultimately new social structures emerge that are some fusion of the old ideas and new ideas. Volumes of research shows that people who have less power, (e.g. those with lower socio-economic status or cultural groups who are discriminated against in a society) have fewer resources to manage conflicts when they occur and little influence over the social structures that affect them. It is not that individuals or group are helpless, but the social structures in place limit their resources and abilities to impact meaningful change (Galtung, 2000; Schellenberg, 1996). Also at a macro level, mathematicians have used “game theory” to very successfully predict all sorts of otherwise seemingly unpredictable human interactions (Schellenberg, 1996). Game theorists have demonstrated that with a few “known” variables about any two “opponents” that patterns to human behavior on a broad scale are not as random as it seems up close.

My oversimplified summary of both the “inside” and “outside” theory and research on conflict is that it is not as much of a free-for-all as it seems. From the inside, when people become so focused on resolving the one issue most important to them, they pay less attention to what is going on around them, and may not have the ability to consider the perspectives of others. From the outside, the types of issues that may create conflicts for people may have a much broader social origin in structural inequalities and knowing these “variables” can help us be better conflict workers. In other words, despite appearance, people are highly motivated and have the tools, but most need some level of assistance in gaining the necessary perspectives and authority to resolve conflicts.

APPROACHES TO EXPLAINING CONFLICT RESOLUTION PROCESSES

It would seem that conflict professionals have our work cut out for us having to consider so many different issues. Fortunately, over the years practitioner-scholars have provided a range of models that have attempted to explain for practitioners how conflict processes (especially mediation) work: stage models; style or role models; communication models; and hybrid/critical perspective models.

The field began primarily with stage models, which viewed conflict resolution as structured, sequential processes of resolving conflicts issue by issue. It is the role of the 3rd party “neutral” to lead participants through a structured problem solving process that is strongly associated with negotiation theory and research (Fisher, Ury, & Patton, 1991; Haynes, 1994; Irving & Benjamin, 2002). Stage models tend to assume that conflict is not dependent on context or issue.

Another way we've looked at conflict resolution is through style or role models. In these models disputants and 3rd parties have preferred styles or take certain roles in the process and it is the role of the 3rd party to help all the parties understand and/or adapt to the styles and roles. The assumption is that better self-knowledge and other understanding leads to more satisfactory resolution (Riskin L. , 1994, 2005; Kraybill, 2005; Thomas & Kilmann, 1974). While some of these models include issues like culture, gender, and other elements of diversity, they more often assume that the styles apply to a diverse range of people and that there is no "best" style.

Communication models draw on the underlying fundamentals of human and conflict communication to resolve conflicts. The assumption is that individuals are capable of resolving disputes with adequate education in appropriate communication, light control of the process by any 3rd parties, and by this process a more satisfactory outcome will prevent future conflicts (Brown, 1999; Bush & Folger, 2005; Stone, Patton, & Heen, 2010; Winslade & Monk, 2000). These models are also the most likely to consider cultural, gender, and other differences among the disputants and 3rd parties.

A final category of model is best described as the hybrid/critical perspective models and has been strongly influenced by interdisciplinary research and/or a peace studies perspective. This emerging set of models focuses on using the best elements of the different models, but importantly challenges conflict professionals to look deeper into their work and challenge the assumptions and barriers that have been created (Kressel, 2007; Lederach, 2005; Mayer, 2004, 2009; Moore, 2003; Picard, 2007; Ury, 2000).

Because these models are grounded in theory, research, and critical perspectives, they attempt to make few assumptions about diversity and include it as an essential issue in any conflict process. For example, Galtung (2000) showed that conflict has a lifecycle (before, during, and after violence) and a logic (conflict=attitude+behavior+contradiction) and that effective interventions on either a local or global scale required effectively "diagnosing" the type and stage conflict before determining the most appropriate "therapy". Other researchers have attempted to take an explicitly systemic approach, examining the systemic change possible in using mediation (Sinclair & Stuart, 2007). While others have demonstrated that mediation strategies, interventions and techniques are strongly influenced by background characteristics (education, previous experience, etc.) (Picard, 2007; Walker & Hayes, 2006).

Not surprisingly, each of these models has ardent followers and detractors, researchers examining their efficacy and impact, and all of which must work at some level or they would cease to be popular. So now that we've done a short tour of human conflict and the major approaches to conflict resolution let me introduce you to the gorilla at the end of this presentation.

WHY MEDIATORS?: THE 800 POUND GORILLA

Imagine you are a party to mediation and you arrive at your mediation session only to be faced with an 800 pound gorilla, in a suit of course, who will be your mediator so you ask yourself, "Can a gorilla be a mediator?"

Some of the research, theory, and practice in this field would suggest “yes”. The initial (and in some cases the primary) impact that mediators have on the process is simply their presence. People are concerned with the “observer effect” so in the presence of strangers (especially those with authority/power), mediators serve as a deterrent for “bad behavior”, just like seeing police or security at a public event. Additionally, by increasing awareness of what others may think of their behavior, they become more aware of their behavior and engage in more cognitive self-monitoring. This meta-cognitive, higher order process makes people think twice before behaving, become more cognitively focused on the issues, filter out much emotional content or at least consider the consequences of it. Impartial third-parties also allow for cognitive and emotional issues to be separated. When two parties are discussing a difficult subject for both of them, it is difficult to untangle the cognitive and emotional issues. Since a mediator has no history or “side”, it makes it necessary for the individual to discuss these issues separately, thus allowing them to focus on the issues more completely rather than having them confound each other.

So far, the gorilla can handle this. It sits authoritatively and silently, allowing the parties to discuss their issues with no fear of judgment or unnecessary intervention. Also, because gorillas come from a different “culture”, they are unlikely to be influenced by biases, -isms, and want the process to be run free from power imbalances and intimidation. Also, if mediators are passing written offers between rooms that don’t require modification or interpretation, the gorilla can walk them between the rooms. As long as there’s a scribe or paralegal willing to type up the final agreement, so far, so good, for our gorilla mediator.

Unfortunately, for the gorilla, mediators need to have critical thinking, reflection skills, and be fluent in the both the cognitive and emotional language of the disputants. These thinking, reflection, and language skills are what differentiate human conflict from other forms and also define effective mediators. So, if much of our work can potentially be done by larger, less verbose primates, it seems that we need do what is uniquely human even better.

Three elements to effective conflict practice

The breadth of research and theory on conflict points to the combination of physiological, cognitive, emotional, social, and contextual sources and implications. Several researcher-practitioners have developed models from intensive, detailed, case study models using both observation, self-reflection, and peer consultancy (Galtung, 2000; Kressel, 2007; Picard, 2007; Sinclair & Stuart, 2007; Stone, Patton, & Heen, 2010).

Underlying each of these models and approaches are three factors: (1) Sufficient analysis of the conflict, both presenting and underlying. Because destructive conflict is so complex, the likelihood of “underlying” causes being involved is almost certain, this is no longer a question in our field. Therefore, combining a some basic knowledge of conflict, patterns or issues characteristic to particular areas of conflict, a thorough intake process, AND the strategic planning and consideration of issue before, during, and after the conclusion of a session is crucial. This focus on underlying issues does not mean that mediators must try to “solve” these, but it does mean that ignoring them for the sake of expediency or complicating the process does little to help the process or the clients. (2) Taking a flexible, strongly process focused approach to resolving the conflict. To quote Ken Kressel (2007):

“...[this approach requires] a highly active mediator who is clearly the leader of the problem-solving process rather than a nondirective facilitator. One can argue that in any approach to mediation, there is at least covert direction from the mediator, since nobody can approach conflict free of values and personal experiences...Although there is respect for the parties’ autonomy and considerable attention is given to maintaining rapport, the strategic style involves a mediator who has a distinctive point of view about how to address the conflict (p. 274).

Clients respond to the mediator’s authority (remember the gorilla) but more traditional facilitative approaches attempt to minimize this perceived power, seemingly to their own peril in achieving success. (3) Focusing on “critical conflict incidents” during the process and apply the most practical interventions. Research is finally beginning to uncover those moments in human conflict where certain choices are made that either will either escalate or begin to de-escalate conflicts. I call these moments “critical conflict incidents” and have used a vignette approach to begin to understand choices in the work of parenting coordinators (Hayes, 2010). For me and a few other scholar-practitioners out there, those critical incidents are what define conflict and conflict resolution. The interventions conflict professionals choose at those points, while they may or may not ultimately determine the outcome of a session or case, will have an important impact on what happens next, which may lead to a series of decisions determining the success or failure of a session. Those are the “critical interventions”.

Developing your conflict practice model

What are the most effective interventions at these critical incidents? Primarily *summaries* and *reframing*, “Specifically, vague summaries tend to decrease destructive conflict structures, and summaries and reframing of constructive structures reinforce those structures (Sinclair & Stuart, 2007, p. 209)”. Kressel (2007) recommends that some impasses may require surfacing some “latent” (underlying) conflict which the mediator has identified but may not be obvious to the clients. As a practical homework assignment, do some of the following things for yourself and your practice.

- a) Think about the last case you had and reflect on the points at which you could “feel” the case begin to shift, either positively or negatively. List them with as much detail as possible.
- b) Write down what happened just before those points. Consider these points: what were the potential physiological, cognitive, emotional, social, or other causes? Can you point to any evidence (either from earlier in the session or later) that would support your hypotheses?
- c) Write down what you did at those points. Now write down at least two other potential reactions/strategic interventions you could have used in that situation. Consider whether the intervention you used focused too heavily on any one area of the conflict and/or the impact of changing approaches.
- d) Consider asking for some formal or informal feedback from trusted colleagues about your strengths and areas for growth as a mediator.
- e) Have a roundtable get-together with mediation colleagues to discuss/compare notes about your recent cases.

This process is similar to what Kressel and his colleagues use in their dispute resolution clinic in New Jersey and the type of reflective practice work that happens in advanced dispute resolution centers all over the world. I think it is time for not just the results of research to be shared with practitioners but the benefits of the process of creating it. It's time to realize that we are the monsters at the end of this book and embrace it.

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