

PRACTICE HINTS: THE CONFLICT TERRAIN: ANALYSIS AND MANAGEMENT STRATEGIES

To effectively negotiate or mediate, one must have a realistic understanding and acceptance of conflict.

Conflict is part of the natural terrain and, unless one subscribes to the millennial belief that with the coming of the messiah where “the lion will lay down with the lamb,” it is likely to continue to be so. Too often, however, conflict mediation is confused with peacemaking. Many mediators accept conflict only grudgingly in theory and are even less tolerant of its open expression in practice. Conflict continues to be viewed negatively by many people and professionals.

Conflict is a basic ingredient in our evolutionary biology and psychology; it is part of our human makeup and chemistry. Analogically, conflict is to the body politic what cholesterol is to body physiology. Some cholesterol, the LDL, constricts the arteries, immobilizes the body and can ultimately kill; the other form of cholesterol, HDL, helps the body metabolize and function properly. Likewise, some forms of personal and social conflict are peripheral, unnecessary and destroy relationships, while other conflicts are substantive, that is, necessary and useful, encouraging the growth and development of relationships and society.

In our Western, techno-rational culture, there is a strong tendency to suppress and dismiss emotion in general and conflict in particular. The mind-reason/body-emotion dichotomy, postulated originally by Plato and further articulated by Descartes, reflects the traditional pejorative notion of conflict. The conventional wisdom posits that conflict results from the absence of reason and from being overrun by emotion. Many mediators of the rationalist persuasion use techniques derived from that view. For instance, establishing communication ground rules in mediation are ostensibly calculated to preclude or limit unhelpful emotional outbursts by a party which are thought to impede the calm, rational discussion of substantive issues. The reigning conventional wisdom is that emotion unchecked will likely or even predictably lead to physical aggression. The technique may have the reverse effect: suppressing the expression of emotion may lead to an escalation of the conflict.

A negotiator or mediator must accept the expression of emotion as a natural and necessary part of the conflict, not to be suppressed but constructively managed. Ironically, current studies in neuro-biology suggest that reason and emotion stem from the same area of the brain and it is difficult, if not impossible, to separate the two; reason cannot be accessed without emotion. (D'Amasio, Antonio. *Descartes Error*.) In the same way physical pain or discomfort is symptomatic of an underlying body dysfunction or illness, emotion is the expression of underlying personal or interpersonal stressors. As health care providers are coming to understand, treating the pain without assessing the underlying circumstance makes no sense, nor does managing the illness without addressing the pain. Likewise, quashing the emotion in a dispute may serve to cosmetically cover up the underlying stressors without effectively managing the conflict.

The mediator redirects and uses the energy the conflict generates constructively. Conflict contains within it considerable natural force and energy. To liken some conflicts to a “class 5” river (serious white water), the force of the water flow can easily sweep away the unprepared. In rafting that river, and negotiating the rapids, the pilot understands the necessity of bringing his or her own energy to bear on the river; if he puts the paddle down, he will be swept away. There is no quiet, calm way to face a wild river; the pilot will never control the river and there is no suppressing or containing the river’s energy. The only hope will be to deal with the river on its terms, which means to paddle hard and fast enough to approximate the river’s speed, thereby allowing the pilot to position him or herself to use the river’s energy. The trick is to stay centered, off the rocks and out of the sinkholes. Like a

good pilot reads the river and sometimes must calculate bouncing off of one rock to avoid a more perilous one or a worse situation, a good mediator reads the conflict between the parties and devises a strategy that effectively uses the parties' force and energy to negotiate the conflict. ("Guerilla Mediation: The Use of Warfare Strategies in the Management of Conflict," R. D. Benjamin,

<www.mediate.com/rbenjamin/articles>, 1999)

A significant task in the mediation process will be to understand, analyze, and effectively use the conflict between the parties. That often requires the negotiator/mediator to reflectively assess how he or she views and deals with conflict personally, both emotionally and physiologically:

- A. Scrutinize and evaluate your personal responses to conflict and set a baseline to monitor your response to conflictual circumstances so that you can adjust accordingly. For instance, if you tend to be sensitive and avoid conflict, you may need to be overly wary and hesitating to raise difficult issues because of the potential conflict. Conversely, if you have a high threshold tolerance for conflict, you may tend to discount conflicts that are affecting others.
- B. Consider your beliefs and assumptions about the sources of conflict. Those beliefs very often influence your approach to negotiation. There are at least five possible sources:
 - i) Conflict is the result of scarce resources: This view suggests strategies and techniques that emphasize a rationalistic interest/needs analysis and approach. (economic)
 - ii) Conflict is the result of a failure to communicate or empathize: This view suggests a humanistic approach directed toward altering the communication pattern of the conflicting parties. (humanistic)
 - iii) Conflict is the result of a struggle for power and control: This view suggests an approach that focuses on and evaluates the power balance between the parties. (political)
 - iv) Conflict is a result of evil: This view suggests a moralistic approach. (moralist)
 - v) Conflict is a result of being personally overwhelmed and confused: This view suggests the need for a structured process approach. (psychological)
- C. Help the parties to analyze the conflict and to differentiate between substantive conflict and peripheral or residual conflicts. A substantive conflict is one that must be addressed if the issue is to be effectively managed; a peripheral conflict, while important, may not be directly relevant or susceptible to a negotiated settlement. Scarce resources (time, money, property, psychological security) are substantive conflicts; patterns of communications or relationship issues may likely be peripheral.